

## Report of the Director of City Development

### Report to Executive Board

**Date: 19 April 2017**

### **Subject: Aire Valley Leeds Area Action Plan – Main Modifications consultation**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Burmantofts & Richmond Hill, City & Hunslet, Garforth & Swillington, Middleton Park, Rothwell, Temple Newsam		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. In taking forward City Council and Best Council Plan priorities for regeneration, growth, infrastructure, and environmental enhancement, the Development Plan for Leeds has a key role to play in shaping the future form, location and overall pattern of development. In helping to meet these requirements and in delivering longer term aspirations, it is crucial therefore that Leeds has an up to date Development Plan in place.
2. The Aire Valley Leeds Area Action Plan (AVL AAP) will form part of the Local Plan for Leeds. The scope of the AVL AAP was established by Executive Board in May 2005, to provide the future planning framework to guide the regeneration of an area of the Lower Aire Valley and provide for 7,855 homes of which 5,484 (70%) are on previously developed land. In July 2010 Executive Board agreed to broaden the objectives of the Plan and to extend the boundary to align it with the Urban Eco-Settlement Programme and wider City-Region ambitions.
3. The Aire Valley Leeds area extends from Leeds City Centre south east to the M1 and beyond. This is a key strategic location for Leeds and the City Region as a whole. The area includes the Leeds City Region Enterprise Zone and a range of major development opportunities including the South Bank of the City Centre. The area contains over 400 hectares of development land which can help meet

Leeds' need for housing and provide new jobs. The delivery of the AVL AAP is therefore a significant step in supporting Best Council Plan (2016-17 Update) priorities to support economic growth and access to economic opportunities and providing enough homes of a high standard in all sectors.

4. At the Full Council meeting on 14 September 2016, and subsequent to the recommendation by Executive Board Members on the 27 July 2016, Members agreed to the formal Submission of the AVLAAP (including a "Schedule of Pre-Submission Changes") to the Secretary of State for independent examination. The Plan was submitted to the Secretary of State on 23 September 2016 and a Planning Inspector, Ms Anne Napier BA (Hons) MRTPI MIEMA CEnv, was appointed to examine the Plan for soundness. The hearings for the Examination in Public took place from 24 to 26 January 2017.
5. During the hearing sessions, the Council formally invited the Planning Inspector under section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) to recommend modifications to the Plan to make it sound and legally compliant. The Council also proposed a number of modifications to the AVLAAP that have arisen since consultation on the Publication Draft in September 2015 (i.e. a "Schedule of Pre-Submission Changes") and during the Examination in Public.
6. The schedule of proposed Main Modifications is attached as Appendix 1 to this Report. These Main Modifications have been the subject of sustainability appraisal, the results of which are included as Appendix 2.
7. The proposed Main Modifications to the AVL AAP will be subject to consultation for 6 weeks and will be considered by the Planning Inspector before she draws her final conclusions on the AVL AAP. Representations will be sought solely on the proposed modifications to the AVLAAP. This is because parts of the Plan which are unchanged have already been subject to consultation and discussed at the Examination hearings.

## 8. **Recommendations**

### 8.1 Executive Board is asked to:

- i) agree to the Schedule of Modifications attached as **Appendix 1** and the Sustainability Appraisal of the Main Modifications attached as **Appendix 2** being subject to a 6 week period of public consultation;
- ii) note that the Head of Strategic Planning (City Development) is responsible for the implementation of the decision.

## **1.0 Purpose of this Report**

- 1.1 The purpose of this report is to seek Executive Board approval to a six week consultation period in respect of recommended modifications to the AVLAAP.

## **2.0 Background Information**

- 2.1 At its meeting on 27 July 2016 Executive Board recommended to Full Council the submission of the Aire Valley Leeds Area Action Plan Publication Draft Plan and Schedule of Pre-Submission Changes to the Secretary of State for independent examination.
- 2.2 At this meeting Members also agreed a “Schedule of Pre-Submission Changes”, which were proposed by the Council as necessary to make the Plan sound, and had arisen since Publication of the Plan e.g. addressing the implications of NGT.
- 2.3 The AVLAAP was submitted to the Secretary of State on 23 September 2016 and was the subject of an Examination in Public by Planning Inspector, Ms Anne Napier BA (Hons) MRTPI MIEMA CEnv. The hearing for the Examination in Public took place from 24 to 26 January 2017.
- 2.4 The Inspector has recommended that the “Schedule of Pre-Submission Changes” plus a “Schedule of further Main Modifications” arising from the Examination hearing sessions, will be needed to make the Plan sound. The two schedules of proposed changes have been combined together to form a complete list of Main Modifications that are needed to make the Plan sound and is attached to this report as **Appendix 1**.
- 2.5 **Appendix 2** includes the Sustainability Appraisal of the Main Modifications. This is the sustainability appraisal of the changes that have arisen from the Examination process and also the sustainability appraisal of the Pre-submission changes. The latter was previously provided to Executive Board at their meeting on the 27 July 2016 but has been brought together in one report for completeness. Members are asked to agree that the complete sustainability appraisal of the Main Modifications be subject to public consultation.
- 2.6 The AVLAAP is being taken forward within the strategic context of the Core Strategy (adopted 14 November 2014), which sets out the overall scale and distribution of housing and economic growth. The Core Strategy also reflects the city council’s aspirations as part of the Best Council Plan and Vision for Leeds (Community Strategy).

## **3.0 Main Issues**

### Progression of the Aire Valley Leeds Area Action Plan to Adoption

- 3.1 In October 2016, following submission of the Plan to the Secretary of State and the appointment of the Inspector, Council officers provided answers to technical questions raised by the Inspector as part of her Examination in Public of the AVLAAP. The Inspector then identified main matters regarding the soundness of the Plan, together with a series of related issues and detailed questions. The

Inspector set the agenda for hearing sessions which posed questions of the Council that went to matters of soundness or which concerned representations that had been made. These matters have regard to the definition of soundness at paragraph 182 of the National Planning Policy Framework (NPPF) and the principles for Local Plans set out in paragraph 157.

3.2 The hearing sessions took place in public from 24 to 26 January 2017 in Leeds Town Hall. The Pre-submission Changes to the Plan, approved by Executive in July 2016, were considered and also other changes were suggested to make the Plan sound. As previously reported to Executive Board, a number of these changes have arisen from representations received, for example, Historic England asked for the inclusion of site requirements to protect the views of historic assets where relevant and the Coal Authority asked for a section to be included to cross refer to other development plan policy requirements regarding safety and stability in former coal mining areas.

3.3 Since the submission of the Plan, a number of further changes have arisen from factual updates; continued discussions with statutory consultees to resolve their representations; and to make cross references to the requirements of the Local Plan, such as the Core Strategy. These include:

- confirmation from the NHS Yorkshire Ambulance Service that the Ambulance Station at Saxton Lane, Richmond Hill is likely to remain operational during the plan period and is not now available for development, resulting in a proposed modification to delete site AV20 as a housing allocation under Policy AVL7.
- the Environment Agency produced a new Flood Map in November 2016 which has resulted in a small number of modifications to flood risk site requirements for some sites. The new Flood Map has been used to update the scoring in the sustainability appraisal under SA objective 14 on flood risk.
- the Government's announcement on NGT has led to the need for modifications to the Plan, as has the publication of the HS2 Safeguarding Direction.
- changes proposed in response to representation from Highways England about the impact of growth on the strategic highways network.
- additional cross references to requirements of relevant Core Strategy, Natural Resources & Waste Local Plan and saved UDP Policies.

#### Changes to the Background and Technical Material

3.4 An addendum to the Sustainability Appraisal (SA) has been prepared to assess the likely significant effects of the proposed Main Modifications to the Plan. This SA Report Addendum is available for Executive Board's consideration as Appendix 2. One of the main changes to the SA has been to reflect the refusal

of the NGT scheme, which has an impact on the Plan area. The updated SA notes the importance of an alternative public transport solution so as to mitigate impacts identified from future growth.

- 3.5 In November 2016 the Environment Agency released an update to the Flood Map which is used as the basis for planning judgements on the allocation of sites for particular uses. As a result Council officers provided an update to the Flood Risk Background Paper to revise the flood risk sequential and exception tests according to the new flood zone information. This was a technical exercise, carried out at the request of the Environment Agency and to ensure that the AVLAAP was based on the most up-to-date and credible evidence. The Environment Agency has confirmed that they are happy with the approach taken and the Inspector has not raised any further questions regarding flood risk issues.

### Next Steps

- 3.6 Should Executive Board agree to public consultation of the Main Modifications, and sustainability appraisal, a 6 week consultation will commence in accordance with the Local Plan Regulations and the Council's Statement of Community Involvement.
- 3.7 Any representations arising from the consultation will be sent to and considered by the Inspector before she produces her final report into the soundness of the Plan. The Inspector must recommend that the Plan is legally compliant and sound (with or without modifications) before it can be considered for adoption by the Council. The modifications recommended by the Inspector as part of her final report will be brought to Executive Board prior to adoption by Full Council.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 A comprehensive Report of Consultation accompanied the submission of the Plan and forms part of the robust evidence base that supports it. It provides a compilation and narrative on the consultation and engagement activity undertaken.

### **4.2. Equality and Diversity / Cohesion and Integration**

- 4.2.1 In the preparation of the AVLAAP, due regard has been given to Equality, Diversity, Cohesion and Integration issues. The Plan has been screened for equality impacts at every stage. The Main Modifications which are the subject of this report have also had an EIA Screening, attached at Appendix 3 which concludes that there are no significant impacts on equality, diversity, cohesion or integration arising from the proposed main modifications. The sustainability appraisal process also provides an opportunity to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives.

### **4.3. Council Policies and Best Council Plan**

- 4.3.1 The AVLAAP plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be the 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, the Plan seeks to implement key City Council priorities as set out within the 'Best Council Plan 2016-17 Update' relating to supporting communities and raising aspirations, economic growth and access to economic opportunities, providing enough homes of a high standard in all sectors and enhancing the quality of our public realm and green spaces, improving air quality and helping to deliver a well-connected transport system

Of particular note is the allocation of 7,855 homes in the Aire Valley Plan of which 5,484 (70%) are on previously developed land demonstrating a Council commitment to prioritise the use of brownfield land.

### **4.4 Resources and value for money**

- 4.4.1 The preparation of statutory Development Plan Documents (Local Plan) is a necessary, but resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). In addition, the Government is pressing local authorities to have up to date Local Plans in place by 2017. Consequently, there are considerable demands for officers, members and the community in progressing the council's Local Plan.
- 4.4.2 For the Local Development Framework ('Local Plan') to be as up to date as possible, the Council needs to adopt the AVLAAP as quickly as practicable. This will provide value for money in that the Council, through the Plan, will influence and direct where development occurs and to help influence and co-ordinate investment decisions. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development in conformity with national policy will be acceptable, regardless of any previous positions of the authority, which could have implications in terms of resources and value for money.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The AVLAAP will follow the statutory Development Plan process in accordance with the as amended Town and Planning County Planning Act 1990, Planning and Compulsory Purchase Act 2004, The Environmental Assessment of Plans and Programmes Regulations 2004, Town and Country Planning (Local Plans) Regulations 2012.
- 4.5.2 There is a legal requirement that the AVLAAP must be subject to a process of Sustainability Appraisal and Strategic Environment Assessment (SEA). The

Sustainability Appraisal (SA) report and the further addendum SA has therefore been prepared alongside the AVLAAP to fulfil the SA and SEA requirements.

- 4.5.3 The decision made in respect of this report is not eligible for call in, in line with the Executive and Decision Making Procedure Rule 5.1.2 as the power to call-in decisions does not extend to those being made in accordance with the Budget and Policy Framework Procedure Rules. The Plan was considered by Scrutiny Board (City Development) on 17 May 2016 in accordance with the Budget and Policy Framework Procedure Rules and approved for submission to the Secretary of State by full Council on 19 September 2016. The subsequent scrutiny by the Independent Inspector has given rise to the need for the decision set out in this report which is a formality of the statutory procedure and an intermediate decision made within the Budget and Policy Framework.

## **4.6 Risk Management**

- 4.6.1 Without up-to-date allocation plans, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy policies and proposals (including district wide requirements for housing and general employment land) or the requirements of national planning guidance. Early delivery is essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. Without an up to date plan, the 'presumption in favour of sustainable development' by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority.

## **5 Conclusion**

- 5.1 As a result of the hearing session and matters raised by the Inspector a number of modifications are proposed to the Plan in order to make it 'sound'. The schedule of modifications is attached as **Appendix 1** to this Report. The Main Modifications have been the subject of sustainability appraisal, the results of which are included as **Appendix 2**.

## **6 Recommendations**

- 6.1 Executive Board is asked to:
- i) agree to the Schedule of Main Modifications attached as **Appendix 1** and the Sustainability Appraisal of the Main Modifications attached as **Appendix 2** being subject to a 6 week period of public consultation.
  - ii) note that the Head of Strategic Planning (City Development) is responsible for the implementation of the decision.

## **7.0 Background Papers<sup>1</sup>**

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not

- 7.1 AVLAAP – Flood Risk Sequential and Exception Test: Update based on revised Environment Agency Flood Maps (November 2016), December 2016.

## **8.0 Appendices**

- 8.1 Appendix 1: AVLAAP: Proposed Schedule of Main Modifications.
- 8.2 Appendix 2: AVLAAP: Sustainability Appraisal – Addendum 2: SA of Main Modifications and non-technical summary.
- 8.3 Appendix3: Equality Impact Assessment Screening.