

**Report of the Director of City Development**

**Report to Executive Board**

**Date: 14<sup>th</sup> January 2019**

**Subject: Site Allocations Plan Update – Main Modifications Consultation**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. Leeds' Site Allocations Plan (the SAP) was submitted to the Secretary of State for independent examination on the 5<sup>th</sup> May 2017 (as agreed by Full Council 29<sup>th</sup> March 2017). Planning Inspectors Claire Sherratt DIP URP MRTPI and Louise Gibbons BA Hons MRTPI, were appointed to undertake the examination, with the public hearing sessions held at stage 1 during October 2017 and stage 2 hearings between during July and August 2018.
2. The Council formally requested the Inspectors to recommend any modifications (Main Modifications) to the SAP, that they considered are required to satisfy legal compliance and the test of soundness. The Inspectors have now provided a list of potential Main Modifications (MMs) which they consider are potentially required to make the SAP sound and which need to be consulted on.
3. The final conclusions on soundness and legal compliance of the SAP will be provided in a report which the Inspectors' will produce after consultation on the potential MMs has been completed. In reaching their conclusions, they will take into account any representations made in response to the consultation. Consequently the potential MMs which may be necessary to achieve a sound plan could change following the consultation.

4. The summary position is that, subject to some amendment, the Inspectors consider the SAP to be sound. The Inspectors are not seeking to amend the City Council's general approach to planning for housing, employment, retail or green space. Instead making changes, which address the fact that the Council is planning for a reduced housing target in the future and which in turn reduce the number of allocations from the Green Belt. They have accepted the City Council's proposed approach to Plan up to 2023 and ensure that there is sufficient housing land available to meet needs now subject to review of the SAP by 2023. This is positive as it maintains a significant amount of housing land in the SAP (some 59,718 homes) with delivery up to 2023 of 44,561 homes. Of this 3,970 homes are released on Green Belt land (only 6.5% of the total housing in the Plan) recognising the need to provide homes in areas of the District without previously developed land opportunities.
5. The progression of the SAP to this very advanced stage is a significant achievement, for a District the size and complexity of Leeds, especially when many local authorities have yet to progress their Plans, and considering a number of external factors, beyond the City Council's control, which have delayed the process. The preparation of the SAP has been a major undertaking not only for services across the Council and its Members but also external partners, agencies, investors, communities, and the many representors who have participated throughout the process.
6. Set within the wider context of national planning guidance and the Best Council Plan the SAP has a major role to play in facilitating inclusive growth, new jobs, homes (including affordable homes and the needs of older people) the protection and enhancement of the environment (including the general extent of Green Belt, green space and biodiversity) and critically the co-ordination and delivery of infrastructure (including schools). This integrated and spatial approach recognises the importance of place and the varied character and distinctiveness of communities across Leeds and provides a positive and proactive framework to deliver the sustainable development the District needs but not at any cost.
7. Subject to Executive Board's approval, it is proposed to consult on the Inspectors' potential MMs for a 6 week period. The consultation is only about potential MMs set out in the schedule and all representations made upon the MMs will be taken into account by the inspector, following which final conclusions will be made and included in the Inspectors' report. This is not therefore an opportunity to revisit and to comment on matters which are not subject to the MMs and are now settled in principle by the Inspectors in determining the MMs.
8. The receipt of the potential MMs marks a significant milestone in the preparation of the SAP in that it is now considered to be at an advanced stage. Now potential MMs have been recommended by the Inspectors, the Council has a clear indication as to which policies (and sites) are considered sound as those matters which are not subject to MMs are considered to be sound and those matters subject to MMs are considered to be sound, as modified, subject to any representations received pursuant to the consultation. Within this context it can be afforded considerable weight in the determination of planning applications as set out the Secretary of State in paragraph 48 of the NPPF.

## **Recommendation**

9. Executive Board is asked to agree to the Schedule of Inspectors' Modifications attached as **Appendix 2** and the Sustainability Appraisal of the Main Modifications as **Appendix 3** (supplementary to follow) being subject to a 6 week period of public consultation.

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to seek Executive Board approval to a 6 week consultation period in respect of Inspectors' recommended potential MMs to the SAP. This consultation would commence on 21<sup>st</sup> January and conclude on 4<sup>th</sup> March 2019 and responses would be returned direct to the Programme Officer to be considered directly by the SAP Inspectors.

## **2 Background Information**

- 2.1 At its meeting on 29<sup>th</sup> March 2017 Full Council resolved the submission of the SAP to the Secretary of State for independent examination.
- 2.2 The SAP was submitted to the Secretary of State on 5<sup>th</sup> May 2017 and was subject to an Examination in Public by Planning Inspectors Claire Sherratt DIP URP MRTPI and Louise Gibbons BA Hons MRTPI. The hearing sessions for the Examination took place in October 2017 and July/August 2018 (16 separate hearing sessions).
- 2.3 Following the hearing sessions on 3<sup>rd</sup> August 2018, the Inspectors published Post Hearing Notes and also requested further technical information from the Council. This further work for the Council has entailed responding to the Inspectors' Actions arising from the hearings (available on the Examination Website<sup>1</sup> (EX75)), comprising inter alia: further Sustainability Appraisal and update of the planning status of identified sites, further justification for the extension of Green Belt in the Outer North East, statements of common ground and an update on HS2. In addition the Council has also completed further information on Sustainability Appraisal, together with a Habitats Regulations Assessment (HRA), Screening and Appropriate Assessment, in response to Inspectors' questions. The City Council's HRA response to the Inspectors has been agreed with Natural England.
- 2.4 The response to the Inspectors' Actions (EX75) also includes reference to where the Inspectors Actions have been addressed through proposed MMs.
- 2.5 For clarity, following the receipt of Post Hearing Notes, the Inspectors have clarified their desire for the MMs to be made to the Plan as originally submitted (May 2017), rather than the 'Revised Submission Plan', as submitted on the 23<sup>rd</sup> March 2018.
- 2.6 Members will be aware that the Council's approach to the Local Plan involves a number of interlinked documents; with the Core Strategy adopted in 2014 providing strategic guidance to other subsidiary plans such as the Aire Valley Leeds Area Action Plan (adopted 2017) and the SAP. Separately, on 11<sup>th</sup> July 2018, the City Council resolved to submit the Core Strategy Selective Review (CSSR) to the Secretary of State for independent examination and hearing sessions will be held in February 2019. One of the SAP Inspectors, Claire Sherratt DIP URP MRTPI, has been appointed to examine that document. Given that the two plans are submitted separately there can be no conflation

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<sup>1</sup> <http://www.hwa.uk.com/projects/leeds-site-allocations-plan-examination/>

of the two plan making processes in law.

- 2.7 However, Development Plan Panel noted at its meeting on 16<sup>th</sup> October 2018 the initial views of the SAP Inspectors, including their endorsement in principle of the Council's desire to reduce the level of Green Belt release (by 34 sites) in light of a downward trajectory of housing needs in the CSSR. This is pragmatic and welcomed although the Inspectors through MMs have proposed two additional sites to make 36 sites in total to be removed from the Green Belt as a result of the lower housing trajectory.
- 2.8 As considered upon submission of the SAP, the Council has previously agreed, "to grant authority to the independent inspector appointed to hold the Public Examination, to make modifications to the Submission Draft Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended." The MMs have therefore been prepared within this context.
- 2.9 At the request of the Inspectors, the Council has previously prepared a draft schedule setting out the proposed MMs it considers necessary in response to points raised by representors and the Inspectors during the hearing sessions and further actions required by the Inspectors in post hearing guidance notes. Although the Inspectors' final conclusions on soundness and legal compliance of the SAP are to be provided in their report, that schedule has now been checked, updated and revised by the Inspectors. The Inspectors have now provided a further post-hearing note to the Council (**Appendix 1**) alongside a consolidated list of MMs presented at **Appendix 2**. These MMs are presented as a schedule of potential Main Modifications, which when read alongside the SAP Submission Draft 2017, are, subject to any consultation responses, required to make the SAP legally compliant and/or sound.
- 2.10 The MMs are being made to the Leeds Submission Draft Site Allocations Plan, May 2017. To view this document please use links **CD1/1a** to **CD1/1l** on page 4 of the Core Documents list below:

<https://www.leeds.gov.uk/SiteAllocationMaps/Core%20Document%20List.pdf>

### **3 Main Issues**

- 3.1 The Inspectors' potential MMs are presented at **Appendix 2** and in summary their overall scope is as follows:
- For both housing and employment land identified sites (i.e. those with planning permission or expired permission) to include within an annex of the Plan to illustrate the sites that contribute to supply and guide the calculations of residual shortfall to be met by allocations;
  - Signposting to relevant saved UDP sites;
  - A new policy requiring that the Plan be reviewed before 2023 so as to ensure that there is consideration given by the Council to the new housing requirements of the CSSR in due course;

- Deletion of phasing, so that all sites in the SAP can come forward without delay to meet the housing needs in Leeds, including for affordable housing and the needs of older persons;
- A new policy requiring that the Plan be reviewed before 2024 so as to plan for the needs of Gypsies and Travellers in the latter part of the plan period;
- Deletion of 36 Green Belt releases that are not needed as part of planning for housing until after 2023 against existing housing requirements in the Adopted Core Strategy (totalling 8,500 homes), including two large Green Belt releases: MX2-39 land at Parlington, for 792 homes and HG1-124 land at Stourton Grange, Garforth, for 1,090 homes;
- Deletion of 10 Green Belt safeguarded site releases (amounting to the equivalent of 1,380 homes) proposing that these sites remain as Green Belt;
- Deletion of a standalone policy on an Airport Hub (EG3) and instead allocation of the same site as a general employment allocation (EG2-24);
- Deletion of sites that are no longer considered to be suitable or available;
- Deletion of the proposal to extend the Green Belt into the North East of the District and replace the existing Rural Land designation, which now remains saved in the UDP;
- A range of technical amendments to site requirements following hearing sessions and consultation responses; and
- Changes to site capacities.

3.2 It is noted, for clarity, that the majority of Green Belt site deletions proposed as Main Modifications were those that were considered by the Council as being unnecessary to support housing delivery up to 2023. To that end, these are in line with the 34 sites, which had previously been designated as Broad Locations in the Revised Submission Plan endorsed by Executive Board on 13th December 2017. The Inspectors' have not requested that the Council identify alternative sites to account for the deletion of the two larger sites - MX2-39 land at Parlington and HG2-124 land at Stourton Grange - on the basis that overall there remains a small surplus of around 800 dwellings to 2023 which offers some flexibility. In respect of sites HG2-124 and MX2-39, in their MMs, the Inspectors have made no finding or otherwise as to the acceptability of these sites and the proposed MMs relate solely to the delivery of the housing numbers to 2023.

3.3 The Inspectors confirm that the MMs avoid the release of any unnecessary Green Belt in advance of the CSSR.

3.4 Two further allocated sites are proposed for deletion, as follows:

- Water Lane Railway Triangle, City Centre HMCA (MX2-30) on the basis that it is no longer suitable due to the Flood Alleviation Scheme compromising its access
- Land at Fleet Lane/Esholt Lane, Oulton, Outer South HMCA (HG2-179) on the basis that the most recent construction plans for HS2 would render the site unavailable during the plan period. This site is also within Green Belt.

3.5 The MMs also proposed deletion of 13 identified housing sites (i.e. those

already with planning permission or saved UDP allocations) on the basis that these are, through the passage of time no longer available or suitable sites. These are listed in Appendix 2 and highlighted in Section 3 below.

- 3.6 MMs highlight that only a few minor amendments are required to be made to the suite of allocated green space sites including deletion of a few sites.
- 3.7 MMs highlight no change to the Council’s approach on retail.
- 3.8 Following the receipt of the schedule and further technical information, the Inspectors have now recommended and issued a composite set of potential MMs. These MMs are attached as Appendix 2 in full. These include the modifications outlined in para. 3.1 to 3.6 above. For each Housing Market Characteristic Area (HMCA) the headline modifications are set out below:

### **Aireborough**

- 3.9 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.10 Modifications are proposed which delete the following housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023.

<b>Reference</b>	<b>Address</b>	<b>Capacity</b>
HG2-3	Shaw Lane, Guiseley and Banksfield Mount, Yeadon	234
HG2-5	Land at Coach Road, Guiseley	83
HG2-10	Gill Lane, Yeadon	155
HG2-12	Woodlands Drive, Rawdon	25
	TOTAL	497

- 3.11 Modifications are proposed which delete the following safeguarded site releases from the Green Belt, which means that there are now no safeguarded land sites within this HMCA.

<b>Reference</b>	<b>Address</b>	<b>Capacity</b>
HG3-1	Ings Lane, Guiseley	114
HG3-2	Land to west of Knott Lane, Guiseley	81
HG3-3	Land at Rawdon	35
HG3-4	Layton Wood, Rawdon	130
	TOTAL	360

- 3.12 Modifications are proposed which delete the Policy EG3 “Leeds Bradford Airport – Employment Hub” and instead allocate the land under General Employment Policy EG2:24 with associated site requirements.

### **City Centre**

- 3.13 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.14 Modifications are proposed which delete the following mixed use housing

allocation and identified site on the basis that they are no longer suitable or available.

Reference	Address	Capacity
MX1-9	30 Sovereign Street	5
MX2-30	Water Lane Railway Triangle	171
	TOTAL	176

### East

- 3.15 Detailed modifications are set out in **Appendix 2**. No sites are proposed for deletion.

### Inner

- 3.16 Detailed modifications are set out in **Appendix 2**, the following are headline changes.

- 3.17 Modifications are proposed which delete the following housing allocation and identified site on the basis that they are no longer suitable or available.

Reference	Address	Capacity
HG1-259	236 Tong Road	9
HG2-201	York Road, Richmond Hill	121
	TOTAL	130

- 3.18 Modifications delete two greenspace sites at (G1076) Phil May Court, which has planning permission for other uses and (G1696) Grafton School because it is currently in another use.

### North

- 3.19 Detailed modifications are set out in **Appendix 2**, the following are headline changes.

- 3.20 Modifications are proposed which delete two HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023. There are also three proposed deletions of HG1 identified sites as these are no longer available for housing.

Reference	Address	Capacity
HG1-68	Silk Mill Drive	20
HG1-99	Low Fold Garage, New Road Side, Horsforth	5
HG1-119	Belmont House, Wood Lane	6
HG2-41	South of A65 from Horsforth and Rawdon roundabout to crematorium	777
HG2-49	Off Weetwood Avenue, Headingley	30
	TOTAL	838

- 3.21 Modifications delete one greenspace site at (G111) Cragg Hill Farm because it has planning permission for another use and designate new green space at Shire View, Headingley as G1718.



## Outer North East

- 3.22 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.23 Modifications are proposed which delete 2 HG2 housing releases and 1 mixed use release from the Green Belt on the basis that these are not needed to meet housing needs up to 2023. There is also a proposed deletion of one HG1 identified site as this is no longer available for housing.

Reference	Address	Capacity
HG1-36	Moor End (7-14), Boston Spa	9
HG2-24	Keswick Lane, Bardsey	10
HG2-25	Farfield House, Bramham	14
MX2-39	Land at Parlington	792
	TOTAL	825

- 3.24 Modifications are proposed which amend the status of two former safeguarded sites as follows so as to reflect their contribution towards housing numbers, following permission being allowed on appeal.

Reference	Address	Original Capacity	Amendment
HG3-8	Leeds Road, Collingham	100	Now listed as HG1-519 under policy HG1, capacity 150
HG3-10	Grove Road, Boston Spa	103	Now listed as HG1-520 under policy HG1, capacity 88

## Outer North West

- 3.25 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.26 Modifications are proposed which delete 2 HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023.

Reference	Address	Capacity
HG2-15	Green Acres and Equestrian Centre, Moor Road, Bramhope	42
HG2-16	Creskeld Lane, Bramhope	23
	TOTAL	65

- 3.27 Modifications are also proposed to reduce the safeguarded site HG3-5, Old Pool Bank, Pool in Wharfedale, from 23.1 ha to 11 ha (indicative capacity from 540 to 260 homes). This is on the basis that there is currently no exceptional circumstances to release Green Belt land to provide for safeguarded land beyond the plan period, given the Council are only proposing to release sites which help deliver housing up to 2023 upon adoption of the SAP.

## Outer South

- 3.28 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.29 Modifications are proposed which delete 4 HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023 and 1 HG2 site (HG2-179) on the basis that it is not available as a result of HS2 construction works. There is also a proposed deletion of one HG1 identified site as this is no longer available for housing.

Reference	Address	Capacity
HG1-404	Marsh Street, Rothwell	6
HG2-173	Haighside, Rothwell	578
HG2-179	Fleet Lane, Eshald Lane, Oulton	40
HG2-181	Land at Leadwell Lane, Robin Hood	60
HG2-184	Westgate Lane, Lofthouse	50
HG2-185	Church Farm, Lofthouse	188
	TOTAL	922

- 3.30 Modifications are also proposed to delete 2 safeguarded sites on the basis that there is currently no exceptional circumstances to release Green Belt land to provide for safeguarded land beyond the plan period, given the Council are only proposing to release sites which help deliver housing up to 2023 upon adoption of the SAP.

Reference	Address	Capacity
HG3-27	Church Lane, Mickletown	55
HG3-28	Pinfold Lane, Mickletown	50
	TOTAL	105

- 3.31 Modifications delete one greenspace site at (G870) Rothwell Pastures, Part II because it has planning permission for another use.

## Outer South East

- 3.32 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.33 Modifications are proposed which delete 4 HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023. There is also a proposed deletion of one HG1 identified site as this is no longer available for housing.

Reference	Address	Capacity
HG1-317	2 Brigshaw Lane, Allerton Bywater	8
HG2-124	Land at Stourton Grange, Garforth	1,090
HG2-127	Newtown Farm, Micklefield	42
HG2-128	Selby Road, Leeds Road, Kippax	40
HG2-131	Whitehouse Lane, Great Preston	40
HG2-132	Brigshaw Lane, Kippax	76

	TOTAL	1,296
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- 3.34 Modifications are proposed which amend the status of a former safeguarded site as follows so as to reflect its contribution towards housing numbers, following being allowed on appeal:

Reference	Address	Original Capacity	Amendment
HG3-19	Moorgate, Kippax	166	Now listed as HG1-521 under policy HG1, capacity 156

### Outer South West

- 3.35 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.36 Modifications are proposed which delete 5 HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023. There is also a proposed deletion of two HG1 identified sites as these are no longer available for housing.

Reference	Address	Capacity
HG1-327	Barkly Road	25
HG1-344	Albert Road, Morley	40
HG2-144	Westfield Farm, Drighlington	17
HG2-145	Bradford Road, Wakefield Road, Gildersome	393
HG2-147	Highfield Drive, Harthill Lane, Gildersome	76
HG2-148	Gelderd Road, Gildersome	203
HG2-170	Land off Haigh Moor Road	41
	TOTAL	795

- 3.37 Modifications are also proposed to delete 1 safeguarded site on the basis that there is currently no exceptional circumstances to release Green Belt land to provide for safeguarded land beyond the plan period, given the Council are only proposing to release sites which help deliver housing up to 2023 upon adoption of the SAP.

Reference	Address	Capacity
HG3-21	Gelderd Road, Wortley	315

- 3.38 Modifications are proposed which amend the status of a former safeguarded site as follows so as to reflect its contribution towards housing numbers, following permission being allowed on appeal.

Reference	Address	Original Capacity	Amendment
HG3-24	Bradford Road, East Ardsley	218	Now listed as HG1-522 under policy HG1, capacity 299

- 3.39 Modifications are also proposed to reduce the site HG2-167 Old Thorpe Lane (land at) from 619 homes to 207 homes as a result of the initial larger site not being needed to meet housing needs up to 2023. The site at HG2-171 Westerton Road is also reduced in scale from 195 to 35 homes.
- 3.40 Modifications are also proposed to reduce the size of EG1-48 (Opp Ravell Works Gelderd Road, Wortley) from 5.02ha to 3.19ha and to delete an employment site on the basis that it is not now available as follows.

Reference	Address	Capacity
EG2-20	Fall Lane, East Ardsley	0.59ha

- 3.41 Modifications delete one greenspace site at (G655) Main Street (site of old PH) because it has planning permission for another use and add a green space site G1890 Healey Croft, Tingley.

### Outer West

- 3.42 Detailed modifications are set out in **Appendix 2**, the following are headline changes.
- 3.43 Modifications are proposed which delete six HG2 housing releases from the Green Belt on the basis that these are not needed to meet housing needs up to 2023. There is also a proposed deletion of three HG1 identified sites as these are no longer available for housing.

Reference	Address	Capacity
HG1-155	Elder Road, Swinnow Road	25
HG1-157	Elder Road	22
HG1-163	Vernon Place	8
HG2-54	Upper Carr Lane, Calverley	18
HG2-55	Calverley Lane, Calverley	18
HG2-56	Rodley Lane, Calverley Lane, Calverley	53
HG2-59	Land at Rodley Lane	17
HG2-76	Hough Side Road, Pudsey	200
HG2-80	Acres Hall Avenue, Pudsey	62
	TOTAL	

- 3.44 Modifications are also proposed to delete two safeguarded sites on the basis that there is currently no exceptional circumstances to release Green Belt land to provide for safeguarded land beyond the plan period, given the Council are only proposing to release sites which help deliver housing up to 2023 upon adoption of the SAP.

Reference	Address	Capacity
HG3-16	Land off Gamble Lane	120
HG3-29	Land off Gamble Lane	200
	TOTAL	

- 3.45 Modifications are proposed which amend the status of a former safeguarded site as follows so as to reflect its contribution towards housing numbers,

following being approved following Secretary of State's views on the status of such sites prior to submission of the SAP:

Reference	Address	Original Capacity	Amendment
HG3-17	Low Moor Side, New Farnley	130	Now listed as HG1-523 under policy HG1, capacity 130

- 3.46 Modifications delete one greenspace site at (G1430) Chaucer Avenue because it has planning permission for another use.

### **Sustainability Appraisal**

- 3.47 The MMs have been subject to Sustainability Appraisal which is contained at **Appendix 3** (supplementary to follow) and reveals that the Modifications do not result in a substantive change to the SA effects arising from the Submission draft SAP. All of the Modifications have been subject to a screening process to identify which require further SA assessment. It is not considered necessary to assess the majority of the modifications where changes relating to updated factual information and clarification do not amend the principle of the site allocation and therefore have no need for further SA. However all new and revised policies, and sites subject to boundary changes have been assessed and the results recorded in the SA Addendum at **Appendix 3** (supplementary to follow). The principal findings relate to the reduced number of housing allocations and resultant reduction in the overall quantum of development accommodated by the SAP, which is assessed to have positive effects on SA objectives relating to making best use of previously developed land, biodiversity, geological and landscape interests.

## **4 Next steps**

- 4.1 Subject to Executive Board's approval, it is proposed to undertake a 6 week period of public consultation on the MMs and Sustainability Appraisal, in accordance with the Local Plan Regulations and the Council's Statement of Community Involvement.
- 4.2 Any representations arising from the consultation will be sent to and considered by the Inspectors before they produce their final conclusions as to whether the Plan is considered legally compliant, is sound and whether the local planning authority complied with its Duty to Cooperate in relation to its preparation. The Inspectors must conclude that all of the above matters are satisfied (with or without modifications) before it can be adopted by the Council. There is no statutory requirement for the LPA to adopt a plan however, if the LPA proceeds to adoption, the MMs would need to be made to meet the statutory requirements.
- 4.3 The modifications recommended by the Inspectors as part of their final report will be brought to Executive Board seeking a recommendation to Full Council for the adoption of the SAP.

## **5 Corporate Considerations**

### **5.1 Consultation and Engagement**

5.1.1 Further main modifications recommended by the Inspector to make the Plan sound will be advertised for a 6 week period for further comment. 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 extensive consultation and engagement activity previously undertaken.

5.1.2 As noted in paragraph 7 above, the focus of this public consultation is to invite representations specifically on the MMs (and the updated Sustainability Appraisal). This is not therefore an opportunity to comment further on matters which are not subject to MMs, which have been settled by the Inspector via the examination process.

### **5.2 Equality and Diversity / Cohesion and Integration**

5.2.1 In the preparation of the SAP, due regard has been given throughout the process to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screenings of the SAP at relevant stages.

5.2.2 In addition, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the objectives of the Sustainability Appraisal, which has also been considered throughout the process. The SAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues.

### **5.3 Council Policies and City Priorities**

5.3.1 The Site Allocations Plan 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 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. These include the Best Council Plan (2018/19 – 2020/21) (in particular priorities relating to Health and Wellbeing, Inclusive Growth, Safe Strong Communities, Culture, Child Friendly City, Housing (of the right quality, type, tenure and affordability in the right places) and 21<sup>st</sup> century infrastructure) and Leeds Inclusive Growth Strategy 2018 – 2023 (concerning all people to benefit from the economy to their full potential). Once adopted, the Plan will form part of the Local Plan for Leeds, alongside the Core Strategy, the UDP, the Aire Valley Leeds Area Action Plan and the Natural Resources and Waste Plan and any made neighbourhood plans.

### **5.4 Resources and value for money**

5.4.1 Whilst the costs of the SAP have been met within existing budgets the preparation of the statutory Local Plan is a necessary but a very 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 currently 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). There are considerable demands for officers, members and the community in taking the Development Plan process forward.

## 5.5 Legal Implications, Access to Information and Call In

5.5.1 The preparation of the SAP is in compliance with the statutory Local 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.

5.5.2 The SAP, upon receipt of the Inspectors' MMs, is now at a very advanced stage in its progression to final adoption. Within this context it can be afforded significant weight in the determination of planning applications. This position reflects the Secretary of State's view on the weight to be afforded to Plans at this stage as part of a plan-led system in the NPPF. Those matters which are not subject to MMs are considered therefore to be sound and those matters subject to MMs are considered to be sound, as modified, subject to representations received during the consultation.

5.5.3 There is a legal requirement that the SAP must be subject to a process of Sustainability Appraisal and Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA). The Sustainability Appraisal (SA) report and further SA addendums as well as the HRA have therefore been prepared alongside the SAP to fulfil the SA, SEA and HRA requirements.

5.5.4 In accordance with the Council's budget and policy framework, decisions relating to the SAP are reserved to Full Council. As such, the recommendation is not a key decision and is not subject to call in as the Plan is a matter that will ultimately be determined by Full Council.

## 5.6 Risk Management

5.6.1 Without current allocations Plans for Leeds District in place, 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 therefore essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. In addition, the Government is intervening in authorities without Plans in place. The more the work progresses, the more material weight can be given to it. This current stage is a critical point in the process as it gives the SAP as amended by the potential MMs significant weight in resisting speculative applications for developments not in line with the Council's Plan.

## **6 Conclusion**

- 6.1 As a result of the public examination process (including the hearing sessions) and matters raised by the Inspectors, a schedule of potential MMs to the Plan are recommended by the Inspectors in order to make it 'sound'. The Inspector's further post hearing note is attached as **Appendix 1**. The schedule of Inspector's potential MMs is attached as **Appendix 2** to this report. The MMs have been subject of an updated Sustainability Appraisal, the results of which are included as **Appendix 3** (supplementary to follow).
- 6.2 The receipt of Inspectors' MMs is a significant milestone of what has been a lengthy and complex process, especially for a District the size and distinctiveness of Leeds. This is a major achievement in taking forward the Best Council Plan priorities, in facilitating inclusive growth, new jobs, homes (including affordable houses and meeting the needs of older persons), the protection and enhancement of the environment and the coordination and delivery of infrastructure (including schools).

## **7 Recommendation**

- 7.1 Executive Board is asked to agree to the Schedule of Main Modifications attached as **Appendix 2** and the Sustainability Appraisal of the Main Modifications attached as **Appendix 3** (supplementary to follow) being subject to a 6 week period of public consultation.

## **8 Background Papers**

- 8.1 None