

## Leeds Site Allocations Plan – Further Post Hearing Note to the Council

1. The views we have expressed in the Hearing sessions and in this note on potential Main Modifications and related policies map changes are based on the evidence before us, including the discussion that took place at the hearing sessions. However, our final conclusions on soundness and legal compliance of the submitted plan will be provided in the report which we will produce after consultation on the potential main modifications has been completed. In reaching our conclusions, we will take into account any representations made in response to the consultation. Consequently, the views we expressed during the hearing sessions and in this letter about soundness and the potential Main Modifications which may be necessary to achieve a sound plan could alter following the consultation process of main modifications to the submitted plan.
2. Thank you for the additional work carried out by the Council following the Hearing sessions held in July and August this year (EX75) and in response to the Procedural / Post – Hearing Note to the Council produced by the Inspectors (EX72a) which includes work to clarify and justify which of the Green Belt housing sites should be retained and which should be deleted to provide supply for years 1-11 (up to 2023) of the adopted Core Strategy only. The purpose of this Note is to inform the Council of the Inspectors views on a number of matters related to this work and set out Main Modifications considered to be necessary as a result.
3. Spatial Policy 6 (SP6) of the Leeds Core Strategy sets out the housing requirement and allocation of housing land. It states that guided by the Settlement Hierarchy, the Council will identify 66,000 dwellings. Paragraph 4.6.12 confirms that the 66,000 units that will be identified will be composed of current, undelivered allocations (7,500 units), extant planning permissions (20,000 units) and other sites which are deemed to be appropriate for housing delivery, as per the guidelines in Spatial Policy 6 (Figures as at March 2011).
4. The housing requirement for years 1-11 only (to 2023) is calculated as 43,750. This is reflecting the lower Core Strategy (CS) Policy SP6 target of 3,660 per year to be delivered from 2012/13 to the end of 2016/17. A Main Modification will be required to ensure that both the housing requirement to 2023 is clear and that Table 1 includes expected delivery to 2023 having regard to non-Green Belt and Green Belt sites.

### Policy HG1 - Identified Sites

5. The CS is clear that the role of the SAP is to identify, in addition to current undelivered allocations and extant planning permissions, those “other sites which are deemed to be appropriate for housing delivery”. Paragraph 2.27 of the SAP confirms that the SAP needs to identify land to accommodate 66,000 dwellings, albeit for the purposes of a reduced plan period for housing, this is now 43,750.
6. The submission SAP refers not only to allocations but other ‘identified sites’ as set out in Policy HG1. All identified sites are included on the Policies Map. Identified sites include those with existing planning permission (extant planning permissions), sites previously allocated for housing in the Unitary Development Plan (UDP) (undelivered allocations) and sites where planning permission has recently expired. This latter category is not specifically referred to in the CS and so must be regarded as “other sites which are deemed to be

## Leeds Site Allocations Plan – Further Post Hearing Note to the Council

appropriate for housing delivery” notwithstanding that they are not put forward as, or given the status of, site allocations.

7. The Inspectors do not consider it is correct to refer to this category as sites where planning permission has ‘recently’ expired. Many have expired some years ago and in some cases the date of the planning permission pre-dates the issue of the 2012 National Planning Policy Framework against which this plan is to be assessed. With the exception of sites situated within the Green Belt and those the Council consider should be deleted following the required SA of these sites, the Inspectors accept that the remaining sites would generally be in locations that broadly accord with the settlement hierarchy, as per the guidelines in CS Policy SP6 and so there is a realistic prospect that planning permission may once again be forthcoming. In this sense they may be deemed to be appropriate for housing delivery. However, unlike allocated sites, the number and capacity of sites that may fall within this category will be in a state of constant change and can only represent a snap-shot in time for the purposes of this examination. Consequently, they can only give a broad quantitative indication of the likely level of supply that may be forthcoming from this category, assuming planning permissions would be forthcoming. The deliverability of any specific sites cannot be so rigorously tested in the same way as allocations as the list will quickly be out of date.
8. Based on the evidence available and given that the SAP is now only intended to offer a short term solution to housing provision pending the outcome of the on-going Core Strategy Selective Review, the Inspectors consider this group of sites can be accepted as contributing towards the housing supply to 2023 for the purposes of this plan and for guiding the calculations of residual shortfall to be met by allocations. Close monitoring will be required to assess the ongoing interest in sites included in this category and potential deliverability.
9. A Main Modification is required to delete any references to ‘recently’ expired planning permissions. In addition, to reflect the status of these sites, they should not be individually referenced under Policy HG1 but simply included in an annex of sites contributing to supply (at the date of the submission of the SAP). They should be deleted from the Policies Map as they will not necessarily exist for the duration of the Plan. For the avoidance of doubt, the inclusion of sites where planning permission has expired and that are situated within the Green Belt or, having been subject to SA, were no longer deemed appropriate for housing delivery are not justified and should not be included. The same approach will be required for sites with planning permission which will also be subject to change as permissions expire and should therefore only be included as an annex and deleted from the Policies Map.
10. Those sites included within the UDP need not be included on the Policies Map since they remain allocated sites in the UDP. As discussed at the Hearings, a Main Modification ensuring adequate sign posting to relevant policies relating to these sites in the UDP will be required to ensure Policy HG1 is effective.
11. The same approach will be adopted for Policy EO1 ‘Identified Sites for Office Use’ and EG1 ‘Identified Sites for General Employment Use’.

### Green Belt Release

12. The Council has now identified which of the Green Belt housing sites should be retained and which should be deleted to provide supply for years 1-11 (up to 2023) of the adopted Core Strategy. You will recall that this was considered necessary because until such time as the Core Strategy Selective Review examination is concluded, there is a great deal of uncertainty about what the need figure (and requirement) should be and whether the Core Strategy need figure is up to date. Given that national policy attaches great importance to the Green Belt and only envisages altering boundaries in exceptional circumstances, significant releases of land from the Green Belt would not be justified at this stage.
13. From the additional information provided the Inspectors understand that the proposed allocations in addition to the identified sites would provide some 45,060 dwellings pre-2023, a surplus of 1,310 dwellings. A deficit to 2023 of 2,868 dwellings would arise without any Green Belt release (Housing requirement to 2023 of 43,750 minus total non-Green Belt delivery to 2023 of 40,882 = 2,868). Nevertheless, the Council proposes the release of sites with an anticipated delivery of 4178 dwellings on Green Belt sites up to 2023 and delivery of some 1774 units from these sites post 2023.
14. The Inspectors consider that exceptional circumstances would exist for the release of Green Belt sites necessary to meet the housing requirement to 2023. The Procedural / Post Hearing Note made it clear that 'only those sites necessary to make housing provision for years 1-11 of the plan period should be released from the Green Belt and those housing sites or parts of allocated housing/mixed use sites not required to achieve this should be deleted by way of MMs to the submitted SAP'.
15. The Inspectors have considered carefully those Green Belt release sites expected to deliver a significant proportion of the site's estimated capacity post 2023. In doing so, the Inspectors have also had regard to the Spatial Development Strategy policies within the CS. In the case of the following sites, the Inspectors are not satisfied that exceptional circumstances have been demonstrated to justify the release of Green Belt land.

### HG2-124 (Land at Stourton Grange)

16. This site would be providing a significant and disproportionate amount of its residential development beyond 2023 (the Housing plan period); some 690 homes of 1090.
17. Furthermore, the site as proposed for 1,090 homes does not have a permanent boundary at present, and the proposed boundary does not follow any physical features. Paragraph 85 of the 2012 National Planning Policy Framework states that boundaries should be defined clearly, using physical features that are recognisable and likely to be permanent. This is not the case here. Local authorities should also satisfy themselves that the Green Belt boundaries will not need to be altered at the end of the development plan period. As there is no existing boundary it cannot be guaranteed that this would be the case.

## Leeds Site Allocations Plan – Further Post Hearing Note to the Council

18. It is acknowledged that this site would be an urban extension and would provide infrastructure sufficient for the needs of the development. In addition, Outer South East is one of the Housing Market Characteristic Areas (HMCAs) not expected to meet the housing distribution target contained in Table 3 of Core Strategy Spatial Policy 7 (SP7), if calculated pro-rata to 2023. This site would therefore make a significant contribution to that target. However, the percentage figures are intended as a guide rather than rigid targets and the distribution target within Policy SP7 is for the longer period to 2028 in any event.
19. The delivery of 400 dwellings by 2023 would not justify the release of a larger Green Belt site to accommodate some 1090 dwellings overall. The 400 dwellings that are expected to be delivered by 2023 are not strictly required to meet the overall housing requirement to 2023. The Inspectors consider that exceptional circumstances do not exist to release this site from the Green Belt through this SAP.
20. A Main Modification will be necessary to delete this site.

### **MX2-39 (Parlington Estate, Aberford).**

21. This site is advanced as a new sustainable settlement for 792 dwellings and 5 ha of general employment land including provision of a school and new centre. This site would be providing a significant and disproportionate amount of the housing development beyond 2023 (the Housing Plan period); some 692 homes of the 792 expected to be accommodated on this site.
22. The Inspectors are mindful that the loss of 100 dwellings to 2023 (792 to 2028) in the Outer North East HMCA would result in a deficit in the housing distribution target contained in Table 3 of Policy SP7, when calculated pro-rata to 2023. However, the percentage figures are intended as a guide rather than rigid targets and the distribution target relates to the full plan period to 2028 in any event. The latest work carried out by the Council shows that contributions to general employment land from identified sites has reduced by some 13 ha resulting in a deficit of 12.55 ha against the Core Strategy requirement of 493 ha. The further reduction of 5 ha of general employment land to 2028 will add to this deficit.
23. Notwithstanding these considerations, the site is unrelated to the Main Urban Area, Major Settlements and Smaller Settlements. It is in a location which, in accordance with Core Strategy Policy SP10 (Green Belt), will only exceptionally be considered in certain circumstances.
24. The delivery of 100 homes by 2023 would not justify the release of this Green Belt site, in this location. The 100 dwellings that are expected to be delivered by 2023 are not strictly required to meet the overall housing requirement to 2023. The reduction of 5ha in the context of the overall general employment land requirement to 2028 is marginal. The Inspectors consider that exceptional circumstances do not exist to release this site from the Green Belt through this SAP.
25. A Main Modification will be necessary to delete this site.

## Leeds Site Allocations Plan – Further Post Hearing Note to the Council

### Other Green Belt Release Sites

26. The Inspectors will inform the Council separately if they have any other concerns about the site selection process for determining which other sites included in the submission SAP should or should not be released from the Green Belt to make provision to 2023 and whether any further Main Modifications will be necessary as a result.

### Rural Land / Green Belt Review

27. The SAP designates the majority of the UDP area of Rural Land as Green Belt, as part of the Review process (paragraphs 2.34-2.35). Consistent with National Policy Green Belt boundaries should only be altered in exceptional circumstances. The Inspectors asked the Council to carry out further work to justify this designation and the consequential changes to the Green Belt boundary; in short to demonstrate that there are exceptional circumstances to justify the inclusion of additional land in the Green Belt through the SAP.
28. The Council set out in CD1/31 that new Green Belt land is primarily justified by the scale of development required, following an assessment of Rural Land within the Outer North East HMCA. The change in circumstances (bullet ii) of para 82 of the 2012 NPPF outlined by the Council to support the designation, is stated as being the production of the SAP allocating land for 66,000 homes and 493ha of land. However, this was already known when the Core Strategy was being produced. This is not therefore a major change in circumstance since the time of the preparation of the Core Strategy when the need for a Green Belt review was being considered. In addition, the SAP will now only allocate housing land up to 2023, thus reducing the particular pressures on Outer North East HMCA due to the resulting lower housing figure.
29. The Inspectors are not satisfied that the Council has demonstrated that the Rural Land planning policies contained within the Core Strategy would not be adequate in the context of meeting housing provision in years 1-11. This is a soundness consideration, and it is considered that exceptional circumstances do not exist for the designation of the majority of the UDP Rural Land as Green Belt through the SAP.
30. A Main Modification will be necessary to delete the proposed designation of Rural Land to Green Belt.

### Conclusion

31. To conclude, with the necessary Main Modifications set out in this note, the Inspectors consider the SAP would ensure the provision of adequate dwellings to meet the housing requirement to 2023 whilst ensuring any potential unnecessary Green Belt release is avoided pending the outcome of the Core Strategy Selective Review. A small surplus of around 800 dwellings (1310 - 500 (as a result of these Main Modifications) = 810) to 2023 would remain offering some flexibility. In addition, delivery on non-Green Belt sites beyond the housing plan period (between 2023 to 2028), is still expected to be in the region of 14,766 dwellings, in addition to the on-going delivery of around 292 dwellings still remaining

## **Leeds Site Allocations Plan – Further Post Hearing Note to the Council**

from the capacity of the selected Green Belt release sites (and 100 dwellings on HG2-26 which will remain in the Green Belt).

32. For the avoidance of doubt, these Main Modifications are required in addition to those previously discussed at the Hearings or set out in the Procedural / Post Hearing Note.

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Inspectors appointed to examine the Leeds Site Allocations Plan.

20 December 2018