

Report of Director of City Development

Report to Executive Board

Date: 16th May 2019

Subject: Core Strategy Selective Review - Consultation on Main Modifications

Are specific electoral wards affected? If yes, 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. The Best Council Plan 2019/20 to 2020/21 sets the overarching framework for a range of Best City priorities. These include: housing of the right quality, type, tenure and affordability; supporting growth and investment and helping everyone benefit from the economy; promoting opportunities for older people; improving air quality and improving the resilience of the City's infrastructure and supporting self-care in the community by enabling people with care and support needs to have choice and control. The scope of the Core Strategy Selective Review (CSSR), agreed by Executive Board in February 2017, contains planning policies that will directly support these Best City priorities.
2. The CSSR was submitted for independent examination in August 2018, with the hearing sessions held over two weeks in February 2019, and Claire Sherratt DIP URP MRTPI appointed as the Planning Inspector.
3. At that time the Council formally requested the Inspector to recommend any changes to the CSSR, that are required to satisfy legal compliance and the tests of soundness (known as 'Main Modifications' (MMs)). The Inspector has now provided a list of proposed MMs, which she considers are potentially required to make the CSSR sound. These now need to be subject to a 6 week period of public consultation to continue the process of wider community engagement that has occurred throughout the course of the Plan.
4. The final conclusions on soundness and legal compliance of the CSSR will be provided in a report, which the Inspector will produce, once consultation on the proposed MMs

has been completed. In reaching her conclusions she will take into account any representations made in response to the consultation.

5. Subject to Executive Board's approval, it is proposed to consult on the Inspector's proposed MMs on 17th May for a period of 6 weeks. The consultation is limited to the MMs set out in the schedule and 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 Inspector in determining the MMs.
6. The receipt of the proposed MMs marks a significant milestone in the preparation of the CSSR in that it is now considered to be at an advanced stage. Now proposed MMs have been recommended by the Inspector for consultation, the Council has a clear indication as to which aspects of policy are considered sound as originally drafted and which aspects of policy considered to be sound, as modified by the MMs, subject to any representations received pursuant to the consultation. Within this context the CSSR can be afforded significant weight in the determination of planning applications as set out in paragraph 48 of the NPPF.
7. The summary position is that, subject to some amendment (via MMs), the Inspector considers the CSSR to be sound.

Recommendation

8. Executive Board is asked to agree to the Inspector's Schedule of proposed Main Modifications attached as **Appendix 1** and the Sustainability Appraisal of the Main Modifications attached as **Appendix 2**, being subject of 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 in respect of the Inspector's recommended proposed MMs to the CSSR. This consultation would commence on 17th May 2019 and conclude on 28th June 2019 and responses would be considered directly by the CSSR Inspector via the Programme Officer.

2. Background information

- 2.1 Executive Board resolved to undertake a selective review of the Core Strategy in February 2017 (the Core Strategy Selective Review – CSSR). It agreed a targeted scope of the Review focussing on: updating the housing requirement for a revised plan period of 2017 – 2033, updating affordable housing and green space policies, introducing new policies on housing standards (size and accessibility) and updating the sustainable construction Policies EN1 and EN2 to reflect national advice. In addition to these matters the Council also reflected upon messages from Government on electric vehicle technologies and introduced a policy on electric vehicle charging as part of its Submission Draft Policies. This also supports the Best Council Plan priority on air quality and is a key means of mitigating climate change by reducing carbon emissions.
- 2.2 Advised by Development Plan Panel, Executive Board in February 2018 approved a “Publication” version of the CSSR for public consultation. The Executive Board meeting of June 2018 made recommendations to Full Council regarding the submission of the CSSR for examination.
- 2.3 The CSSR Hearing sessions took place over a two week period, 4th – 8th and 25th – 28th February 2019, with Claire Sherratt appointed as the independent Planning Inspector (one of the SAP Inspectors).
- 2.4 As considered upon submission of the CSSR, the Council resolved to, *“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 proposed MMs have therefore been prepared within this context.
- 2.5 Following close of the hearing sessions the Inspector requested the Council to prepare a draft schedule of proposed MMs in response to points raised by representors during the hearing sessions and further actions set out in the Inspector's post hearing notes. The MMs also include some proposed changes that the Council agreed to in the Submission Draft CSSR (July 2018) which have not yet been subject to public consultation. Although the Inspector's final conclusions on soundness and legal compliance of the CSSR are to be provided in her report, that schedule has now been checked, updated and revised by the Inspector, who has provided a consolidated list of MMs presented at **Appendix 1**.
- 2.6 The MMs are presented as a schedule of tracked changes, which when read alongside the CSSR Publication Draft 2018, are considered necessary, subject

to any consultation responses, to make the CSSR legally compliant and/or sound. The [CSSR Publication Draft](#)¹, February 2018 is referenced as **CD2/1** in the Core Documents list² - this is a list of relevant evidence base documents for the plan.

3. Main issues

3.1 The Inspector's proposed MMs are presented at **Appendix 1**; in summary their overall effect is to refine and strengthen the clarity and effectiveness of the CSSR, rather than fundamentally changing Policy intentions.

3.2 Proposed Policy EN1 is an exception to that, as subsequent to the Council submitting the Plan for examination, national planning policy changed significantly. This meant that the proposed policy would no longer accurately reflect national policy. To that end, the Council has sought and the Inspector has proposed a MM to delete CSSR Policy EN1, the effect of which will be that Core Strategy Policy EN1 remains (see para 3.10 below).

Explanatory Update to the Core Strategy

3.3 When the CSSR is adopted, it will amend the existing Core Strategy as the new and/or amended policies will be incorporated into the existing Core Strategy document rather than the CSSR being published separately. For example, one of the modifications is to insert an explanatory update to the beginning of the Core Strategy listing the changes and explaining the plan periods for policies SP6 and SP7.

The Housing Requirement Policy SP6

3.4 The Council's proposed housing requirement of 3,247 dwellings p.a. (51,952 over the plan period) is not changed by the proposed MMs. The MMs concern factual corrections and clarifications to the way Policy SP6 is applied.

Housing Distribution – Policy SP7

3.5 The examination considered the plan period for which CSSR policies would apply. The Inspector has proposed main modifications to clarify that the plan period for Policy SP7 is 2012 – 2033 and that regard will be given to past delivery within HMCA's, when allocating any further housing land that may be needed in a Review of the Site Allocations Plan.

Affordable Housing – Policy H5

3.6 No modifications are proposed to the percentage targets nor the definition of affordable housing. For clarity, the Inspector has proposed MMs to clarify how the Council's definitions of affordable housing sit in relation to new definitions in the glossary of NPPF 2019 and to confirm that affordable build-to-rent dwellings can be administered by build-to-rent management companies at the Council's affordable benchmark rents. The Inspector has also proposed a MM to clarify

¹<https://www.leeds.gov.uk/Local%20Plans/Publication%20Draft%20Plan%20Supporting%20Documents/3.Core%20Strategy%20Selective%20Review%2C%20Publication%20Draft%2C%20Proposed%20policy%20and%20paragraph%20changes.pdf>

²<https://www.leeds.gov.uk/Local%20Plans/Core%20Strategy%20Review/Core%20Document%20List.pdf>

that individual viability assessments may be submitted in accordance with national planning policy. The definition of which developments qualify to provide affordable housing was agreed by the Council for the submission version of the plan, so that definition is included as a proposed MM.

Housing Standards (i) Nationally Described Space Standards – Policy H9

- 3.7 The Inspector proposes a main modification to strengthen the requirement for compliance with this policy. Similar to affordable housing, a MM is proposed to acknowledge that individual viability assessments may be submitted, in accordance with national planning policy.

Accessible Housing – Policy H10

- 3.8 A number of MMs strengthening the clarity of how the policy is applied are proposed. Of particular note, the Inspector has proposed a MM, regarding when wheelchair *accessible* as opposed to wheelchair *adaptable* dwellings are required and to clarify when and what local evidence of need may be demonstrated to justify departure from a pro-rata mix of sizes, types and tenures of accessible dwellings. Consistent with affordable housing, a MM is proposed to acknowledge that individual viability assessments may be submitted in accordance with national planning policy.

Green Space – Policy G4, G5 and G6

- 3.9 The Inspector has proposed MMs to strengthen the requirement for compliance with the policy and to clarify how the criteria for determining on-site provision will apply.

Climate Change Reduction - Policies EN1, EN2

- 3.10 National policy on the design of buildings to address climate change and sustainability issues changed after the CSSR was approved for submission. The revised NPPF 2019 no longer constrains local authorities from setting requirements above those of building regulations as the Written Ministerial Statement of March 2015 had done. Therefore, the proposed policy changes included in the CSSR are now considered unnecessary. The Inspector has therefore proposed a MM for Policy EN1 to be deleted (and for the original 2014 Adopted Core Strategy Policy EN1 to remain).

Electric Vehicle Charging Infrastructure – Policy EN8

- 3.11 The Inspector is supportive of the requirement for charging points per parking space rather than per dwelling and has proposed MMs for clarification only.

Sustainability Appraisal

- 3.12 The proposed MMs have been subject to further Sustainability Appraisal, which concludes that the MMs do not result in a substantive change to the SA effects arising from the Submission draft CSSR. All of the MMs have been subject to a screening process to identify if any require further SA assessment. In the majority of cases, it is not necessary to further assess the MMs where changes relating to updated factual information and clarification do not amend the policy intention. Policy changes of substance have been assessed and the results recorded in the SA Addendum at **Appendix 2**. The screening revealed that only

two proposed modifications had significant enough effects to warrant SA appraisal:

Modification 3 Additional sentence to Para 4.6.3 to say that regard will be given to past housing delivery before the revised plan period.

Modification 23 Delete proposed amendments to Policy EN1 and supporting text. Effectively, the policy reverts to what was originally adopted in the Core Strategy 2014.

- 3.13 The SA scoring of Modification 3 revealed a reduction in negative effects around efficient use of land (including the extent of Green Belt land required), climate change adaption and flood risk. All other scores remained the same.
- 3.14 The SA scoring of Modification 23 revealed increased positive effects for housing (SA6), Social Inclusion and Community Cohesion (SA7), Climate Change mitigation (SA11) and Energy and Resource efficiency (SA23). All other scores remained the same.

Next Steps / Timetable

- 3.15 Subject to Executive Board's approval, it is proposed to undertake a 6 week period of public consultation on the MMs and addendum to the Sustainability Appraisal, in accordance with the Local Plan Regulations and the Council's Statement of Community Involvement.
- 3.16 Any representations arising from the consultation will be sent to and considered by the Inspector before she produces her 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 Inspector must conclude that all of the above matters are satisfied (with or without modifications) before it can be adopted by the Council. Whilst there is no statutory requirement for the LPA to adopt a plan, if the LPA proceeds to adoption, the MMs recommended by the Inspector in her report would need to be made to meet the statutory requirements.
- 3.17 The MMs recommended by the Inspector as part of her final report will be brought to Executive Board seeking a recommendation to Full Council for the adoption of the CSSR (anticipated September 2019).

4. Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 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. The report provides a narrative on the extensive consultation and engagement activity previously undertaken.

4.1.2 As noted in paragraph 5 of the summary to this report, 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.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality has been an integral part of the preparation of the CSSR. Due regard has been given to the equality characteristics and an equality screening has been prepared. Equality diversity, cohesion and integration has been an important part of the formulation of policies of the Core Strategy Selective Review. Equality Impact Assessment screenings have been undertaken at key stages of the process to ensure that policies are embedded in equality considerations and a screening has been carried out at this stage.

4.3 Council Policies and Best Council Plan

4.3.1 The Best Council Plan (2019/20 – 2020/21) is relevant to the CSSR in terms of its priorities for Housing, Inclusive Growth, Health & Wellbeing, Sustainable Infrastructure, Child-friendly Leeds, Age-friendly Leeds, and Safe & Strong Communities.

4.3.2 The quantity of homes that Leeds plans for will have ramifications for inclusive economic growth by ensuring that Leeds is supported by the right number of new homes of the right type to meet the needs of a growing population. The CSSR will also provide the ability to improve the range and quality of dwellings delivered to ensure the needs of particular groups such as the elderly are met, and that health and wellbeing of residents is improved. Proposed Policy H10 (Accessible Housing Standards) should be of particular benefit to households with mobility issues including the elderly and support self-care, choice and control. In terms of public health and wellbeing, there are important linkages between the CSSR policies. Improved Space and Access Standards, the provision of Affordable Housing (in meeting housing needs), together with the protection and provision of green space make an important contribution to local amenity and quality of life across the District.

4.4 Climate Change Emergency

4.4.1 A climate emergency was declared at Council meeting 27th March 2019. It is therefore important to understand the effects of proposed changes to planning policy on climate change.

4.4.2 A number of the main modifications proposed by the Inspector have a strong emphasis on climate change, which are complementary to the Council's strategic direction on this issue. Key points to note are the modification to Policy EN1 which expects new buildings to meet standards of design and use materials that reduce carbon emissions. Significantly the proposed modification means that the Council can require major housing development to be built to energy efficiency standards which are 20% better than the building regulations

standard. In addition Policy EN8 concerning electric vehicle charging points in new development has been enhanced by the Inspector's modification to anticipate future infrastructure expansion

- 4.4.3 Overarching to the specific points addressed above, all of the policies have already been subject to Sustainability Appraisal. This assessed impact on 23 sustainability objectives including sustainability objective SA11 "Climate Change Mitigation (Greenhouse gas emissions)". This took place in 2018 before the CSSR was submitted for examination.
- 4.4.4 The subject of this report is the inspector's proposed modifications to the CSSR policies and supporting text considered necessary to make the plan "sound". Most of the modifications are adjustments that provide greater clarity of intention or adjustments to create improved consistency with national planning policy.
- 4.4.5 In summary the CSSR has been under preparation for the last 2 years and whilst the Council is constrained by national policy and planning regulations, the Inspector's modifications are considered to positive contribute towards tackling climate change.

4.5 Resources and Value for Money

- 4.5.1 The cost of preparation of the CSSR will be met from existing budgets.

4.6 Legal Implications, Access to Information, and Call-In

- 4.6.1 The preparation of the CSSR as a development plan document is in compliance with the provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
- 4.6.2 As a development plan document the CSSR falls within the Council's budget and policy framework and therefore the recommendations within this report are not subject to call-in.

4.7 Risk Management

- 4.7.1 The Risk to the Council of not having up to date Plans in place, exposes the District to speculative, potentially unsustainable development and a lack of certainty for investors. This is detrimental to communities and to the provision of co-ordinated and well planned infrastructure. In addition, with the Local Plan in place, the Council is better able to establish and defend a five year housing land supply position and to take a plan led approach to growth and investment, consistent with the requirements of national planning guidance.

5. Conclusions

- 5.1 As a result of the public examination process (including the hearing sessions) and matters raised by the Inspectors, a schedule of proposed MMs to the Plan are recommended by the Inspector in order to make it 'sound'. The schedule of Inspector's potential MMs is attached as **Appendix 1** to this report. The

MMs have been subject of an updated Sustainability Appraisal, the results of which are included as **Appendix 2**.

6. Recommendation

- 6.1 Executive Board is asked to agree to the Inspector's Schedule of proposed Main Modifications attached as **Appendix 1** and the Sustainability Appraisal of the Main Modifications attached as **Appendix 2**, being subject of a 6 week period of public consultation.

7. Background Documents¹

- 7.1 None

¹ 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 include published works.