

Report of Director of City Development

Report to Executive Board

Date: 4th September 2019

Subject: Leeds Core Strategy Selective Review Update

Are specific electoral wards affected? If yes, name(s) of ward(s): ALL	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- 1.1 The adoption of the Core Strategy Selective Review (CSSR) will be a significant achievement for Leeds. With the recently adopted Site Allocation Plan the city now has an up-to-date Local Plan with a new housing requirement and a good supply of housing land for development. Development activity in Leeds is already buoyant with 3,521 housing completions during 2018/19 in excess of the new requirement. However, the CSSR is not only concerned with quantity of development; new policy will expect new development to meet excellent standards of space and amenity; Policy EN1 will continue to expect excellent levels of sustainability by exceeding building regulations by 20% in terms of carbon emissions from new buildings.
- 1.2 This report envisages that Executive Board will be able to recommend to Council that it adopt the CSSR upon receipt of the Inspector's Report. Due to the timing of the estimated receipt of the report and the agenda publication date a supplementary paper will be required which provides an updated version of this report alongside the Inspector's Report, schedule of MMs and the Adoption Version of the CSSR.
- 1.3 The Council has a statutory duty to prepare a Local Plan and review it so that policies are relevant and up to date. The Leeds Core Strategy (CS) was adopted in

November 2014 and forms the key strategic and spatial planning framework for Leeds.

- 1.4 Executive Board resolved to undertake a selective review of the Core Strategy in February 2017. It agreed a targeted scope focussing on: updating the housing requirement for a revised plan period of 2017 and 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. The CSSR also includes a policy on electric vehicle charging.
- 1.5 Following two rounds of public consultation on draft policies, which attracted over 1,000 individual points of representation, the CSSR was submitted for independent examination in August 2018, with the hearing sessions taking place over two weeks in February 2019. Claire Sherratt (DIP URP MRTPI) has been appointed as the planning inspector, who was one of the Site Allocations Plan (SAP) Inspectors. Her report on that separate but complementary Plan was considered by the Council and the Plan was adopted on 10th July. The adopted SAP addresses the fact that the CSSR plans for fewer homes than the original CS.
- 1.6 Following the hearing sessions of the CSSR in February 2019 the Inspector issued a schedule of Main Modifications (MMs) which she considered were necessary to make the plan sound and legally compliant. On 16 May 2019 Executive Board approved that these MMs be subject to public consultation. This took place between May and June 2019. Following consideration of representations received during the consultation period, the Inspector will issue her final Report.
- 1.7 The Council anticipates receipt of the Inspector's Report in advance of the Executive Board meeting. Upon receipt, this report will be supplemented with the Inspector's Report included as an appendix. The Inspector's Report should confirm that the Publication Draft (2017) version of the Plan as amended by the Inspector's recommended MMs is sound. The City Council will then be in a position to formally adopt the Plan.

2. Best Council Plan Implications

- 2.1 The Local Plan for Leeds implements Best Council Plan (BCP) priorities for regeneration, inclusive economic growth, high quality housing, sustainable infrastructure, and environmental enhancement; having a key role to play in shaping the future form, location and overall pattern of development across the entire Metropolitan District. Ensuring that it is kept up to date and reviewed every 5 years in line with national guidance is important in ensuring that the Council can place weight on its policies.
- 2.2 The selective policies being reviewed in the CSSR specifically help to deliver BCP priorities for housing, sustainable infrastructure, a child friendly city and an age friendly city. The greenspace and accessible housing policies in particular help to deliver the Health and Wellbeing Strategy, whilst the housing policies support the Inclusive Growth Strategy by supporting investment in the right places.
- 2.3 Policy EN8 policy on Electric Vehicle Charging Points helps to meet the BCP objective on Sustainable Infrastructure and to deliver the Health and Wellbeing Strategy because it helps to improve air quality for people living in Leeds.

- 2.4 Policies, EN2, EN4 and EN8, are directly relevant for the delivery of the Council's commitment under the Climate Emergency.

3. Resource Implications

- 3.1 Preparation of the CSSR, given its targeted nature, has had relatively limited resource implications and has been effectively managed within existing departmental budgets and staffing.

4. Recommendations

- 4.1 It is recommended that Executive Board recommends that Council:

- a) Notes the Inspector's final Report of the Leeds Core Strategy Selective Review and accepts the Main Modifications of the Inspector as detailed in her Report (August 2019) at **Appendix 1** (to follow);
- b) Adopts the Core Strategy Selective Review (version for Adoption) at **Appendix 2** with effect from 11th September 2019, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended)(to follow); and,
- c) Notes the Core Strategy policies that will be superseded by the Plan (as set out in Appendix 1a of the Plan at **Appendix 2**).

1 Purpose of this report

- 1.1 The purpose of this report is to seek Executive Board's recommendation that Council notes the Inspector's final Report on the Core Strategy Selective Review and accepts the Inspector's recommended MMs and adopts the Plan (subject to any further non material additional modifications being made in advance of consideration by Council).

2 Background information

- 2.1 The Council has a statutory duty to prepare a Local Plan and review it so that policies are relevant and up to date. A Local Plan can be one document or in Leeds' case separate documents. The Leeds Core Strategy (CS) was adopted in November 2014 and forms the key strategic and spatial planning framework for Leeds. Central to this approach is the integration of a range of economic, environmental and social policy objectives and the setting of a housing requirement of 70,000 homes (net) between 2012 and 2028 at a rate of 3,600 homes p.a., rising to 4,700 homes p.a. This was based on national guidance at the time and household projections (which were far higher than the final adopted figure in the CS) and was examined by an independent Government Inspector.
- 2.2 Executive Board resolved to undertake a selective review of the Core Strategy in February 2017. It agreed a targeted scope focussing on: updating the housing requirement for a revised plan period of 2017 and 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 and consultees on electric vehicle technologies and introduced a policy on electric vehicle charging points as part of its Publication Draft Policies.

- 2.3 Whilst the CSSR was prepared as quickly as practicable, there were delays to the process caused by changes to national guidance and delays in the release of up to date household projections.

3 Main issues

Preparing the Plan

- 3.1 The Plan has been subject to proportionate and ongoing consultation and engagement, including setting up a reference group for the Strategic Housing Market Assessment (comprising representatives of community groups and the Leeds Older People's Forum) along with specific groups with an interest in accessible housing. City Development has worked across the Council linking in with the Health and Wellbeing Strategy and the accessible homes policy is now being used as a key indicator for Age Friendly Leeds. Development Plan Panel has been involved from the outset with Members attending workshops on the main issues identified and representatives of the Panel on the SHMA reference group. At each stage consultation activity has been reported back to Development Plan Panel. The Plan was considered at a meeting of Scrutiny Board (Infrastructure, Investment and Inclusive Growth) on 20th June 2018.

Sustainability Appraisal

- 3.2 The Sustainability Appraisal is an iterative process and the SA documents and addenda prepared throughout the process are available on the Council's web-site [here](#). The SA process will be set out in an SA Adoption Statement which the Council, in line with the Regulations, is required to prepare once the CSSR is Adopted. This will be placed on the web-site.

Examination of the Plan

- 3.3 The CSSR was submitted for independent examination in August 2018, with the Hearing sessions taking place over two weeks in February 2019. Claire Sherratt (DIP URP MRTPI) was appointed as the planning inspector, who was one of the Site Allocations Plan (SAP) Inspectors.
- 3.4 Throughout the hearings, the Inspector considered whether the CSSR met the legal requirements (i.e. is legally compliant) and the tests of soundness (i.e. for the Plan to be Positively Prepared, Justified, Effective and Consistent with national policy). She also considered whether evidence had been provided of a continuous process of engagement, collaboration and cooperation with neighbouring authorities and other prescribed bodies (the 'Duty to Cooperate') and an appraisal of the Plan's effects on environmental, social and economic objectives (Sustainability Appraisal (SA/SEA Regulations)) and the Habitats Regulations. The CSSR hearings provided an opportunity to those who wished to raise issues with the Council about the Plan at a round table discussion. The Inspector has also taken account of all written representations made to the Plan.
- 3.5 Following the hearing sessions the Inspector issued a schedule of Main Modifications (MMs) which she considered were necessary to make the plan sound and legally compliant. On 16 May 2019 Executive Board approved that the MMs be subject to public consultation. This took place between 17th May and 28th June 2019.
- 3.6 The next stage in the process is the issuing of Inspector's report. This will have

considered representations received during the consultation period on MMs.

Inspector's Report and Adoption

- 3.7 To be supplemented upon receipt of the Inspector's Report and commentary provided as a supplement to this report.

Alignment with the Site Allocations Plan

- 3.8 The Site Allocations Plan (SAP) contains land allocations for housing, employment, green space and retail and was adopted by Council on 10th July 2019. The SAP and CSSR have been subject to two separate plan-making processes and whilst they have been examined by the same Inspector the examination of the CSSR was outside of the scope of the SAP. However, the Inspectors, through Policy HGR1 of the SAP, and through the deletion of 32 sites which were initially proposed to be released from the Green Belt as part of the SAP process, ensured that the lower housing trajectory of the CSSR was taken into account by the SAP. Moreover, the adopted SAP requires that the Council review the implications of the adopted new housing requirement between 2017 and 2033 contained in the CSSR in the context of allocations in place to deliver it. This will be done through a SAP Review which will start as soon as the CSSR is adopted.

Next Steps

- 3.9 In accordance with the Act, the Plan can only be adopted if it includes all of the MMs recommended by the Inspector. Once adopted, the Plan will form part of the statutory Leeds Local Plan and will be a material consideration when determining planning applications.
- 3.10 Once adopted the Plan will supersede some of the policies in the Core Strategy. Appendix 1a of the Plan sets out those policies.
- 3.11 Following adoption the Council will publish the adoption documents and Adoption Statement, in accordance with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will notify all persons on the Local Plan database and send a copy of the Adoption Statement to the Secretary of State for Communities and Local Government.
- 3.12 Upon Adoption of the CSSR the Council will publish on its web-site a Policies Map, which is a spatial expression of the policies and site boundaries within the Plan.
- 3.13 In addition to the MMs recommended by the Inspector, a number of additional modifications are required, which do not materially affect the policies set out in the Plan and simply serve to correct typographical and factual errors identified in the Publication Draft version of the Plan or other minor updates. The Schedule of Additional Modifications has been published on the Council's web-site. These modifications have not been considered or recommended by the Inspector nor consulted upon as they do not relate to the issues of the soundness of the Plan but rather are to ensure the Plan is factually correct and reads correctly. Some of these additional modifications were previously agreed by Council when the Plan was submitted for examination in August 2018. They have been incorporated into the adoption version of the Plan at Appendix 2.
- 3.14 Leading up to Adoption of the Plan by Council, officers will carry out briefings with

ward members as well as internal officer training sessions on implementation of the Plan.

- 3.15 The SAP Policy HGR1 requires that once the CSSR is adopted the Council will undertake a review and look again at whether there is a need for additional land allocations after 2023. This matter is programmed for discussion at a meeting of the Council's Development Plan Panel in October 2019.
- 3.16 Leeds, like many other local authorities across the Country, suffered from having put a plan in place based on higher official household projections, only to see these reduce in subsequent years. This put Leeds in an invidious position in terms of demonstrating a 5 year housing land supply and led to the loss of 11 planning appeals (for 1,500 homes). Whilst some of these sites were identified in the SAP for housing in any case, their release came early and outside of that Plan making process. Nonetheless during this period the Council has focussed on stimulating housing delivery in the most sustainable parts of the District such as the 1,000 home scheme in East Leeds involving a partnership between the Council, Keepmoat and Strata Homes and over 15 city centre schemes which are now under construction.
- 3.17 Adoption of the CSSR is a major step in having an up to date Local Plan in place, which accords with Government requirements for local planning authorities to regularly review and update plans in whole or in part. It also helps to prevent speculative developments (through a plan-led approach which clarifies the latest demographic evidence around household growth) and provides clarity for investors and local people about the quantity of housing needed in Leeds for the long term as well as the quality and reducing the carbon footprint of housing development within local communities. The CSSR will also contribute to improvement in air quality through adoption of the electric charging point policy EN8.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The preparation of a CSSR has had two stages of public consultation in accordance with the Council adopted Statement of Community Involvement (2007). Over 1000 comments were received from over 200 interested parties. The Inspector was made aware of each of the responses and in addition, objectors had the opportunity to publically state their case at the hearing sessions of the examination.

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 have been important considerations in 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 equality considerations are embedded in policies and a screening has been carried out at this stage which is attached at appendix 3.

4.3 Council policies and the 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 (which reflects proportionate economic ambitions) 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. 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.

Climate Emergency

- 4.3.3 A Climate Emergency was declared by the City Council on 27th March 2019. It is therefore critical that the statutory plan-making process contributes to the future proofing of the District to mitigate and adapt to the consequences of climate change (including the need for carbon reduction to meet agreed targets).
- 4.3.4 Policy EN2 requires residential development to be built to use less water than the regular 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. It should also be noted that the Inspector modified the CSSR to delete proposed changes to Policy EN1 so that the CS retains the existing policy of requiring that new homes achieve 20% better than building regulations in standards of design and use of materials to reduce carbon emissions. This situation arose as a result of inconsistencies at a national level between a written ministerial statement and planning guidance, which have now been clarified.
- 4.3.5 An overarching point is that all of the policies have been subject to Sustainability Appraisal. This assessed impact on 23 sustainability objectives including sustainability objective SA11 "Climate Change Mitigation (Greenhouse gas emissions)".

4.4 Resources, procurement and value for money

- 4.4.1 The cost of preparation of the CSSR has been met from existing budgets.

4.5 Legal implications, access to information, and call-in

- 4.5.1 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). As a development plan document the CSSR falls within the Council's budget and policy framework and this report is not therefor subject to call-in.

4.6 Risk management

- 4.6.1 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.
- 4.6.2 Adoption of the Plan by the Council will trigger a six week challenge period within which any person aggrieved by the decision to adopt the Plan may make an application to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that either (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with. The adoption of the Plan can only be challenged on legal grounds and not simply because a person disagrees with the Inspector's recommendations.

5 Conclusions

- 5.1 The adoption of the CSSR will be a significant step in supporting our ambition to strengthen the economy in a compassionate way as set out in the Best Council Plan through inclusive economic growth, improving housing growth and standards, the provision of green spaces for health and well-being and mitigating of and adaptation to the consequences of climate change.

6 Recommendations

- 6.1 It is recommended that Executive Board recommends that Council:
- a) Notes the Inspector's final Report of the Leeds Core Strategy Selective Review and accepts the Main Modifications of the Inspector as detailed in her Report (August 2019) at Appendix 1 (to follow);
 - b) Adopts the Core Strategy Selective Review (version for Adoption) at Appendix 2 with effect from 11th September 2019, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended) (to follow); and,
 - c) Notes the Core Strategy policies that will be superseded by the Plan (as set out in Appendix 1a of the Plan at Appendix 2).

7 Appendices

Appendix 1: Inspector's Report and Main Modifications to the Publication Draft CSSR (to follow)

Appendix 2: Adoption Version Core Strategy Selective Review (to follow)

Appendix 3: Equalities Impact Assessment (to follow)

8 Background documents¹

- 8.1 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.