

## Local Plan Update 1 (Publication Draft)

Date: 6<sup>th</sup> September 2022

Report of: The Chief Planning Officer

Report to: Development Plan Panel

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### Brief summary

The report requests Development Plan Panel's (DPP) endorsement of the Local Plan Update 1 Publication Draft policies and a recommendation from DPP to Executive Board to grant approval to undertake public consultation on the Publication Draft, as well as accompanying consultation documentation. The Plan, (whose objectives were endorsed by DPP and agreed by Executive Board in June 2021 as part of the consultation on the scope of the Plan), seeks to introduce new or revised planning policies to help further address the imperative of the climate emergency, improve health and wellbeing and address the ecological emergency. The paper includes a summary of the proposed draft policies as well as details of previous statutory and non-statutory consultation that has informed them.

### Recommendations

Development Plan Panel is requested to:

- a) Endorse and recommend to Executive Board the proposed Publication Draft policies and supporting paragraphs of the Local Plan Update 1, as set out in **Appendix 1**, and the Sustainability Appraisal, as set out in **Appendix 2**;
- b) Recommend to Executive Board that they approve 8 weeks consultation of the proposed Publication Draft policies and supporting paragraphs as set out in **Appendix 1**, together with supporting technical information (comprising Sustainability Appraisal at **Appendix 2**, Habitat Regulations Assessment at **Appendix 3**, Report of Consultation at **Appendix 4** and Duty to Co-operate Statement at **Appendix 5**) and note that this will be accompanied by additional draft supporting consultation documentation, including the Council's evidence base and background papers;

## What is this report about?

- 1 This report seeks endorsement from Development Plan Panel (DPP) of the proposed Publication Draft policies and supporting paragraphs of the Local Plan Update 1 (LPU1), and a subsequent recommendation from DPP to Executive Board to grant approval to undertake public consultation on the Publication Draft of the Local Plan Update 1, as well as accompanying consultation documentation. This documentation includes legal and technical documents in support of the Policies as follows:
  - Sustainability Appraisal at **Appendix 2**,
  - Habitat Regulations Assessment at **Appendix 3**,
  - Report of Consultation at **Appendix 4** and
  - Duty to Co-operate Statement at **Appendix 5**; as well as the Council's evidence base and background papers.
- 2 The Plan, (whose objectives were endorsed by DPP and agreed by Executive Board in June 2021 as part of the consultation on the scope of the Plan), seeks to introduce new or revised planning policies to help further address the climate emergency.
- 3 At Executive Board on the 23<sup>rd</sup> June 2021 the initial scope of the LPU was agreed as: *“Update and create new policies; make consequential changes, within the Adopted Leeds Core Strategy (amended 2019), the Natural Resources and Waste Local Plan (2013) and Unitary Development Plan (2006), which focus on: carbon reduction, flood risk, green infrastructure, place-making and sustainable infrastructure in order to adapt to and mitigate the impacts of climate change and ensure the delivery of sustainable development within the Leeds Metropolitan District for a period of at least 16 years from Adoption”*. This was subsequently reflected in the consultation material (approved by Executive Board), which sought consultees' views on a scope that focussed on the need to update and improve existing policies and make new ones, to help address climate change and the climate emergency declaration, through the 5 topic areas:
  - Carbon Reduction
  - Flood Risk
  - Green Infrastructure
  - Placemaking
  - Sustainable Infrastructure
- 4 Following public consultation from July to September 2021, this scope has seen minor amendments, supported by Development Plan Panel (DPP) in January 2022, to include “Blue Infrastructure” and biodiversity more explicitly within the scope of the plan (as detailed at paragraph 36 below).
- 5 Following consideration and analysis of all consultation responses (as noted in Appendix 4), policy options were assessed through the Sustainability Appraisal process (Appendix 2) and informal stakeholder engagement was undertaken to enable detailed drafting of policies. The Council already has a broad suite of adopted policies that address many climate emergency related issues. However, these policies pre-date the declaration of the climate emergency and the aspiration of the City Council to be net zero carbon by 2030. As such, the Publication draft policies include amendments to existing Local Plan policy, replacement of existing Local Plan policy or wholly new policies all of which will be incorporated into the existing Core Strategy.
- 6 Members should note that following workshops involving Members of Development Plan Panel a number of revisions have been made to proposed policies including:

- In addition to requirements to achieve net zero carbon developments, Energy Use Intensity and Space Heating Demand targets are proposed to ensure that homes are built as energy efficiently as possible.
- Policy regarding sustainable construction standards has been revisited to propose a focus on Home Quality Mark 4 and BREEAM Outstanding.
- Additional planting policies have been incorporated into new policies on Green space quality and food production, rather than having a separate, bespoke policy.

7 The proposed policies that make up the Publication Draft Local Plan Update (set out in Appendix 1, which specifies the parts of the Adopted Core Strategy proposed to be amended) are introduced and summarised below:

#### 8 Overall Approach

9 The evidence on climate change mitigation and adaptation warrants a strategic policy in the Core Strategy which works explicitly alongside the other strategic policies to deliver more sustainable development and ensure carbon neutral developments so as to assist in the carbon trajectory of the Council. This policy seeks to provide a strategic underpinning for the LPU1 policies.

- **NEW STRATEGIC POLICY SP0: CLIMATE CHANGE MITIGATION AND ADAPTATION:** The Policy is a statement of ambition that will drive the aspiration to achieve a reduction of carbon emissions to net zero by 2030, whilst tackling the biodiversity emergency and promoting health and well-being. It will aim to reduce climate change and increase adaptability.

#### 10 Carbon Reduction

11 Our current local plan (which includes the Core Strategy, the Site Allocations Plan, the Natural Resources and Waste Plan, and the Aire Valley Leeds Area Action Plan) has many effective policies on carbon reduction and renewable energy generation and they have resulted in real improvements in the way development is built and delivered in Leeds. However, they currently don't go far enough to ensure the zero carbon ambitions are delivered by 2030, consequently the Council needs to go further.

12 The Publication draft policies (outlined below) therefore set ambitious but achievable standards, for new development to reduce carbon emissions as far as possible. They do this by:

- Requiring that most new applications (with stated exceptions) achieve a net zero standard in their operational use, by maximising energy efficiency, reducing energy demand and making use of renewable energy.
- Requiring that all major applications calculate the whole life cycle carbon emissions of their proposals, to understand the impacts of all stages of development, rather than just its occupation and operation.
- Requiring that all major development meet a sustainable construction standard, therefore allowing for high standards of construction.
- Identifying opportunity areas for renewable energy generation and establishing criteria for the successful determination of planning applications for such uses, as well as energy storage facilities.
- Encouraging developments to make use of a range of sustainable energy and heating technologies, where connections to the District Heating Network are not possible.

13 This will be achieved through the following summarised policies:

- **REPLACEMENT POLICY EN1: CARBON REDUCTION:** A new strategic policy that requires a) new development to be net zero for operational carbon and b) that whole life cycle calculations of carbon will be carried out by developers.

- REPLACEMENT POLICY EN2: SUSTAINABLE DESIGN AND CONSTRUCTION: A new strategic policy that requires new development to meet a high-quality sustainable construction standard of Home Quality Mark 4 or BREEAM Outstanding.
- REPLACEMENT POLICY EN3: RENEWABLE ENERGY GENERATION: A new strategic policy that seeks to identify and support opportunities for renewable sources of energy generation and energy storage within the district in the context of national planning policy. The policy identifies opportunity areas for renewable energy on a map and requires that all applications within this area are assessed so that they limit impacts on ecology and landscape.
- AMENDED POLICY EN4: DISTRICT HEATING: The Amendments to this existing policy prioritise low carbon heat solutions for new developments that lie outside of district heating network zones.

#### 14 Flood risk:

15 As part of the Council's aspiration to make Leeds zero carbon by 2030, the Council is committed to ensure that all communities are resilient to the impact of climate change. Flood Risk is one of the most direct impacts of climate change that Leeds faces. It is therefore necessary that up to date evidence, best practice and guidance are used to avoid, reduce and mitigate that risk. New policy seeks to achieve this by:

- Reflecting the latest Strategic Flood Risk Assessment (SFRA) modelling and avoiding development in areas at highest risk of flooding, whilst recognising that these are often brownfield sites with existing buildings which are already developed. The policy goes further than the current policy in resisting new development in vulnerable areas based on our updated flood risk evidence.
- Ensuring that all developments consider flood risk via carrying out a flood risk assessment and to reflect climate change allowances, which are mapped and available for developers to use.
- Ensuring that in circumstances where flood risk to development is unavoidable, the safety of the development and its users is secured.
- Ensuring that where areas of the City are protected by flood defences, developers have regard to residual risks associated with a potential breach and overtopping of the flood alleviation scheme or other defence, whichever is the worst case scenario.
- Requiring that all developments manage water sustainably, through the establishment of a surface water drainage discharge hierarchy.

16 This will be achieved through the following summarised policies:

- REPLACEMENT NATURAL RESOURCES AND WASTE POLICY WATER 3: FUNCTIONAL FLOODPLAIN: A new strategic Core Strategy policy providing an approach to protecting the functional floodplain from unsustainable development.
- AMENDED NATURAL RESOURCES AND WASTE POLICY WATER 6: FLOOD RISK ASSESSMENTS: Amendments require that the latest Government climate change allowances are considered in Flood Risk Assessments that accompany new development
- NEW POLICY WATER 6A: SAFE ACCESS AND EGRESS: A new strategic Core Strategy policy ensuring that safe routes are available for occupiers of development in time of flood
- REPLACEMENT NATURAL RESOURCES AND WASTER POLICY 5: RESIDUAL RISK: A new strategic Core Strategy policy requiring an assessment of residual risk (e.g. of defences failing) for development in defended land
- REPLACEMENT NATURAL RESOURCES AND WASTE POLICY WATER 7: SUSTAINABLE DRAINAGE: A new strategic Core Strategy policy associated with

the design of new developments and managing surface water discharge via a hierarchy of storage, infiltration and attenuation before any discharge into water courses. It also requires Sustainable Drainage that benefits biodiversity.

- NEW WATER POLICY 8: LAND IDENTIFIED IN THE SFRA AS BEING AT INCREASED FLOOD RISK IN THE FUTURE: A new policy setting out processes for development and allocations in areas at increased risk of flooding.
- NEW WATER POLICY 9: POROUS PAVING AND LOSS OF FRONT GARDENS:

## 17 Green and Blue Infrastructure (GBI)

18 The following suite of policies seeks to further protect, enhance and increase provision of green and blue infrastructure by:

- Requiring planning applications to consider GBI at the earliest stage with the aim of protecting, maintaining, enhancing and extending GBI where appropriate.
- Requiring applications to include GBI assessments.
- Enhancing protections for existing trees and hedgerows.
- Requiring ambitious targets for tree replacement and additional planting to ensure that Leeds overall tree canopy is increased.
- Requiring a further consideration of new Green Space provision to ensure it is being directed to the right locations and in the right form.
- Establishing clear criteria for how the quality of Green space should be considered as part of new planning applications.
- Establishing clear policy on how applications should adequately consider the future maintenance of new GBI provision.
- Establishing clearer definitions of green space and how it will be protected through development.
- Requiring local food production and wider encouragement for sustainable food production.
- Establishing further protections for the Leeds Habitat Network and a locally specific clarification of how Biodiversity Net Gain should be addressed in Leeds.

19 This will be achieved through the following summarised policies:

- REPLACEMENT SPATIAL POLICY 13: PROTECTING, MAINTAINING, ENHANCING AND EXTENDING GREEN AND BLUE INFRASTRUCTURE: A new strategic policy that sets an ambition for the protection, maintenance, enhancement, and expansion of green and blue infrastructure (including green space networks).
- REPLACEMENT POLICY G1: PROTECTING, ENHANCING AND EXTENDING GREEN AND BLUE INFRASTRUCTURE: A new strategic policy that requires all new development to carry out a green and blue Infrastructure assessment
- AMENDED POLICY G4: GREEN SPACE IMPROVEMENT AND NEW GREEN SPACE PROVISION: Amended part of policy clarifies the approach to the provision of greenspace, explaining the consideration regarding delivery on-site, off-site or as commuted sums.
- NEW POLICY G4A: A strategic policy associated with the design and quality of new green space.
- NEW POLICY G4B: MAINTENANCE OF GREEN SPACE: A strategic policy establishing clear criteria for the maintenance of green space.
- REPLACEMENT POLICY G6: PROTECTION OF EXISTING GREEN SPACE: A new strategic policy associated with the definition and protection of green space.

- NEW POLICY F1: FOOD RESILIENCE: A strategic policy that supports food resilience and food growing opportunities as part of new developments.
- NEW POLICY G8A: PROTECTION OF IMPORTANT SPECIES AND HABITATS: This new policy specifically looks at protecting the natural environment and includes references to the implications of climate change upon the natural environment.
- NEW POLICY G8B: LEEDS HABITAT NETWORK: This policy clarifies the role of the Leeds Habitat Network and establishes the requirements of new development with regard to the protection, enhancement and expansion of the network.
- NEW POLICY G9: BIODIVERSITY NET GAIN: This policy specifically looks at protecting the natural environment and applying measures within the Environment Act 2021, by clarifying how the application of the 10% biodiversity net gain requirement will apply in Leeds.
- NEW POLICY G2A: PROTECTION OF TREES, WOODLAND AND HEDGEROWS: A strategic policy which seeks to retain all woodlands, trees and hedgerows or ensure that their loss has been considered through development appraisal. Recognises the role of trees in capturing carbon as well as amenity and habitat.
- NEW POLICY G2B ANCIENT WOODLAND, LONG ESTABLISHED WOODLAND, ANCIENT TREES, VETERAN TREES: A strategic policy which seeks to protect ancient woodland, long established woodland, ancient trees and veteran trees and avoid loss of irreplaceable habitats. Recognises the role of trees in capturing carbon as well as amenity and habitat.
- NEW POLICY G2C: TREE REPLACEMENT: A strategic policy which recognises the role of trees in capturing carbon and establishes a methodology for calculating and requiring tree replacement (where necessary), based on carbon sequestration.

## 20 Placemaking

21 Our existing Core Strategy has strong policies to encourage development in sustainable locations and to support high standards of design. However, these policies pre-date the climate emergency declaration and the wellbeing impacts of Covid-19, as well as the Connecting Leeds Strategy, with its ambitions for reduced private car dependence. Moreover, national guidance has changed since the Core Strategy was adopted to afford more weight to design largely as a result of what is considered to be poor quality design in many housing schemes. The Council considers that now is the right time to refresh our plan to ensure it is suitably ambitious.

22 The following suite of policies seek to address these issues by:

- Establishing a broad consideration of good design to ensure that the highest design standards are being achieved in Leeds.
- Establishing clear principle for high quality placemaking.
- Embedding the 20-minute neighbourhood concept into planning policy by defining its meaning in Leeds and requiring that new development be directed to sustainable locations.
- Ensuring that the wider determinates of health (housing, employment, education, green space, air quality, transport, climate change and social and community networks) are taken into account in development so as to increase life expectancy and narrow health inequalities.

23 This will be achieved through the following summarised policies:

- NEW POLICY SP1B: ACHIEVING WELL-DESIGNED PLACES: A strategic policy associated with the design and layout of new developments and quality of place achieved through appraisal of environmental, economic, and social matters.
- REPLACEMENT POLICY P10: DEVELOPMENT PRINCIPLES FOR HIGH-QUALITY DESIGN & HEALTHY PLACE MAKING: This policy established clear and precise requirements for the design of new developments from a development principles and high quality design perspective, for the purposes of climate change mitigation, adaptation and health and wellbeing, as well as environmental harmony.
- NEW POLICY SP1B: ACHIEVING 20 MINUTE NEIGHBOURHOODS IN LEEDS: This strategic policy relates to supporting the long-term sustainability of communities through encouraging growth in locations that are highly accessible to services including public transport and greenspace i.e. 20 min neighbourhoods. It recognises the role of the provision of key services in serving a key function as well as reducing car use and promoting active travel. The policy complements the current spatial strategy as set out in the Core Strategy 2019.
- AMENDED SPATIAL POLICY 1: LOCATION OF DEVELOPMENT: Amendments that clarify the existing spatial strategy for Leeds by potentially reducing the level of development in smaller settlements outside of the main urban area and major settlements, that do not deliver the principles of 20 minute neighbourhoods.
- NEW POLICY EN9 – DRIVE THRU DEVELOPMENT: A strategic policy which seeks to reduce ‘Drive-thru’ restaurants development, outside of town centres to reduce air pollution and encourage active travel.
- NEW POLICY P10A: THE HEALTH IMPACTS OF DEVELOPMENT: A strategic policy which seeks to reduce the causes of ill health and health inequalities by ensuring healthier environments, lifestyles and impacts that development can deliver including access to services. The policy is concerned with the design and assessment of new developments and requires development proposals for large-scale development to be accompanied by a Health Impact Assessment.

#### 24 Sustainable infrastructure

25 As part of our aspiration to make Leeds zero carbon by 2030, we want to ensure that our communities are resilient to the impact of climate change. This includes policies that aid the delivery of low emissions transport and improved digital connectivity, to help reduce journeys by car. This involves policies to:

- Help plan for significant investment in transport infrastructure in Leeds (including supporting the Combined Authority’s vision for Mass Transit and subsequent business case to Government), which is proposed over the coming years, by facilitating and supporting these works, and in ensuring that they come forward in a manner which maximises their potential benefits and minimises or mitigates any potential adverse impacts.
- Enhance digital capability and allow Leeds to realise its potential in moving forward and develop as a modern and future proofed District, that offers its citizens the best digital connections for work, education, access to services and running of a household.

26 This will be achieved through the following summarised policies:

- NEW POLICY SP11A MASS TRANSIT AND RAIL INFRASTRUCTURE: A strategic policy setting ambition and support for a Yorkshire mass transit system which will deliver improved connectivity by public transport. The policy is supportive of mass transit in principle and sets conditions to ensure that environmental impacts are minimised, but does not identify a preferred route.

- NEW POLICY SP11B LEEDS STATION: A strategic policy which supports growth of the station and sets criteria for it to be developed in a manner which is well designed and fits within its surroundings and historic environment.
- NEW POLICY DC1 DIGITAL CONNECTIVITY: strategic policy which ensures that new development is digitally enabled.

## 27 Viability Assessment

28 The Economic Viability Study (EVS) provides baseline evidence for the LPU1. This has been prepared in accordance with industry and planning guidance and provides an independent assessment of whole plan viability. The report has also been prepared in accordance with the RICS Guidance Note – ‘Financial Viability in Planning’ and ‘Viability Testing- Local Plans’ Harman Report. The most important function of the EVS is to bring together and consider the cumulative impact of the proposed changes to the Core Strategy policies in accordance with paragraph 58 of the NPPF. However, it should be recognised that this assessment will not provide a precise answer to the viability of every single development likely to take place during the plan period. Instead it will provide high level assurance that the proposed changes to policies within the Core Strategy are set out in a way that will not undermine the viability of the development needed to deliver the plan. In assessing the cumulative impact on viability of the policies, individual policies were firstly tested and then these were tested in combination to assess appropriate policy levels at a cumulative level i.e. in combination. The policies which are viability tested are those which have an impact on cost and therefore viability, such as zero carbon development, greenspace delivery, and other sustainability policies. These are tested within the context of existing policies in the adopted Core Strategy which also have an impact on viability and the Community Infrastructure Levy (CIL). The EVS also factored in any changes in the development market in Leeds since the last EVS was undertaken (2018), CIL rate increase as a result of indexation which is applied on an annual basis and changes to affordable housing benchmarks. The EVS concludes that the policies set out in Appendix 1 can all be achieved.

## 29 Sustainability Appraisal

- 30 The aim of the Sustainability Appraisal (SA) is to assess the potential environmental, economic and social impact of the revised policies of the LPU1. The appraisal should ensure that the LPU1, contributes towards achieving sustainable development and highlight any mitigation which is necessary to ensure that policies are sustainable. The Council uses an SA framework for its Local Plan documents, which is updated at the individual plan-making stage to take account of shifts in baseline information, relevant plans, programmes and policies and monitoring information.
- 31 At the initial stage of plan preparation which involved public consultation from July to September 2021, a SA Scoping Report for the LPU1 was prepared and sent to the three statutory consultees – Environment Agency, Natural England and Historic England for comment. The suggestions of the consultees have been incorporated into the SA process and report.
- 32 At the time of writing, a small number of elements of the SA Report at Appendix 2 require final amendments. This will be detailed at the formal meeting of DPP. With the exception of these elements, all the policy proposals in Appendix 1 have been appraised, along with reasonable policy alternatives (which includes a “do nothing” option or responds to suggestions by consultees). The results of the sustainability appraisal are set out in the SA Report, Appendix 2. A non-technical summary of this report is included at Appendix 2 to this report and includes a summary of the framework alongside details of the appraisals undertaken and associated commentary.



## What impact will this proposal have?

33 Endorsement of the Publication draft and approval to consult will allow the Council to progress with a 8 week consultation on the Local Plan Update 1 and seek the views of all stakeholders in accordance with the Council's Statement of Community Involvement and Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Publishing the material will make a clear statement about the Council's climate change and planning ambitions in advance of submission to the Secretary of State (which will be subject to its own approval process). The Publication of the material will also enable the residents of Leeds to make comment on the proposals before the material is submitted to the Secretary of State for examination.

## How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

34 There is a clear cross cutting role for planning in delivering against all of the Council's pillars as established through the Best City Ambition. The draft policies within the Publication draft of the Local Plan Update will contribute positively to the Council's Best City Ambitions, as follows:

35 Zero Carbon – by managing the transition to zero carbon via policies including: increasing the energy efficiency of buildings, the design of places, the location of development, accessibility to public transport, renewable energy supply and storage;

36 Health and Wellbeing – through people-centred policies including the design of places (including integration of the 20 Minute Neighbourhood concept into planning policies), the quality of housing and accessibility to green and blue infrastructure and services; requirements for Health Impact Assessments as part of large-scale development.

37 Inclusive Growth Strategy – through policies including the links between homes and jobs, the location of development, green and infrastructure and connectivity.

## What consultation and engagement has taken place?

Wards affected: ALL

Have ward members been consulted?

Yes

No

38 The Local Plan Update consultation, 'Your Neighbourhood, Your City, Your Planet' commenced on 19th July 2021 for 8 weeks until 13th September 2021. The Report of Consultation for this consultation is contained at Appendix 4 and will be included as part of the suite of consultation documents for the Publication draft consultation.

39 That consultation was a 'scoping' consultation and was in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This required that the Local Planning Authority notify residents, businesses and consultation bodies on the preparation of a local plan, specifically the subject of the local plan, inviting representations about what a local plan with that subject ought to contain. This represented the first key stage in the process of preparing a Development Plan Document.

40 As a scoping consultation, a balance was struck between seeking views on the general issues of interest and concern to local people (and other stakeholders) and the clear direction provided by the Council given the critical and urgent nature of the climate emergency, declared in 2019. As such the consultation material made clear that "*The priority for the Local Plan Update is to update and improve existing policies and make new ones to address climate change, and the climate emergency declaration to achieve net zero emissions by 2030*". This was further

expressed within the consultation material through five central themes that were highlighted as key areas of focus to consider following initial research and evidence-gathering. These five themes were:

- Carbon Reduction
- Flood Risk
- Green Infrastructure
- Placemaking
- Sustainable Infrastructure

- 41 Within these topics specific ideas regarding potential policy areas were provided, in order to give some focus for discussions and comments. However, it was made clear that these were initial ideas and the consultation provided the opportunity for respondents to agree/disagree any part of the material and include their own ideas, suggestions and evidence.
- 42 In total, 760 consultation submissions were made. Of these, 655 submissions were made via Smart Survey links from content on the website. 65 responses were received via email, with the remaining 40 captured on-street by 'Our Future Leeds', as part of their drive to get people in Leeds engaged in the Local Plan Update.
- 43 Overall, there was very strong support for the proposed scope of the plan. The vast majority (circa 87%) of consultee representations have made it clear that they supported the Plan focussing on the climate emergency, with respondents being encouraged by the proposed direction the Plan will take. Respondents also clearly stated that addressing the climate emergency is the most pressing issue faced by the Council and society at large.
- 44 However, a minority of responses did suggest that the scope of the proposed Plan should be altered. These included a range of suggestions, that are detailed within the Report of Consultation (Appendix 4). In particular, suggestions were made to broaden the scope to include updating the District's housing and employment land requirements. As these topics fell considerably outside of the scope of the LPU1 as agreed by Executive Board in 2021, and because the inclusion of these matters would result in significant delay in adopting new policies to help address the climate emergency, the Development Plan Panel supported the non-inclusion of such matters within the scope of the Plan. However, in recognising the importance of these issues, matters relating to housing and employment (as well as many other topics), are able to form the subject of a further Local Plan Update 2 which will be consulted on in 2023, subject to endorsement and agreement by DPP, Executive Board and the Executive Member for Infrastructure and Climate Change.
- 45 On the 22nd July 2021 Infrastructure, Investment and Inclusive Growth Scrutiny Board considered the LPU1 scoping material and raised comments related to the need to demonstrate that zero carbon development was viable and that the policies could be achieved. Concerns were also raised of the limits of planning policy to influence individual choice.
- 46 Following consideration of the matters raised above DPP endorsed a revised scope in January 2022, as follows:
- 47 *"Having regard to the objective of the Local Plan Update to update and improve existing policies and make new ones to address climate change, and the climate emergency declaration to achieve net zero emissions by 2030, the scope of the Plan will update and create new policies; making consequential changes, within the Adopted Leeds Core Strategy (amended 2019), the Natural Resources and Waste Local Plan (2013) and Unitary Development Plan (2006) which focus on: carbon reduction, flood risk, green and blue infrastructure (including biodiversity and nature conservation), place-making and sustainable infrastructure in order to adapt to and*

*mitigate the impacts of climate change and ensure the delivery of sustainable development within the Leeds Metropolitan District for a period of at least 15 years from Adoption”.*

- 48 Following the close of the consultation, officers within the Spatial Planning Service have worked closely with Members of DPP, as well as colleagues within the health, asset management and regeneration, housing, parks and countryside, transport, and sustainable energy and air quality services, to ensure that proposed policies align with Council strategies, such as the Connecting Leeds Strategy and the Energy Strategy. In addition, the service has also worked closely with external agencies, partners and sectors in facilitating an open dialogue and ideas sharing about potential solutions, to ensure that as far as possible the policy approaches advocated have been co-produced.
- 49 In recognition of the need for significant change within the development industry to implement these policies, frequent engagement has also been undertaken with the development industry through a series of meetings and workshops across 2021 and 2022. Such engagement has highlighted a mixed response from the industry, with broad support for the overall aims of the Local Plan Update but concerns surrounding the viability and feasibility of detailed policies. In particular, concerns have been highlighted relating to increased building costs at the current time and currently a lack of effective supply chains for zero carbon technologies. These concerns are both understood and appreciated and through the preparation of this Plan, the service will continue to work positively with the sector to find practical solutions to these issues. Longer term it needs to be recognised that given the challenges and implications of climate change, whilst some good progress is being made, there will be significant costs to development (and associated industries) in not responding at further pace to this agenda. Furthermore, in engaging positively with a solution orientated approach to the climate emergency, Leeds is demonstrating leadership, commitment and foresight in helping to deliver resilience and competitive advantage in achieving inclusive growth.
- 50 As set out within the Conservation of Habitats & Species Regulations 2017 (as amended), the Council is required to carry out a Habitats Regulations Assessment (HRA) Screening to determine if the policies of the Publication Draft give rise to any Likely Significant Effects (LSEs), on the integrity of European Sites. These include: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites. Any effects are assessed both in isolation or in combination with other plans and projects, and the screening advises on whether further assessment in the form of an appropriate assessment is required. This has been carried out and is set out at Appendix 3. It concludes that the policies in the LPU1 will have no likely significant effect on the integrity of European sites. The Council will need to receive an endorsement from Natural England as part of the consultation process before it submits the Plan to the Secretary of State.
- 51 Public Consultation Strategy for the Publication Draft
- 52 It is proposed that, subject to Executive Board approval, the period of consultation commences in mid-October 2022. The proposed consultation activities in line with the adopted Statement of Community Involvement, will comprise of the following:
- Website with all documents available
  - E-mail notifications to the same list of people and organisations used for the Regulation 18 consultation plus any additional respondents.
  - Press release
  - Statutory Notice in the local newspaper
  - Social media campaign
  - Drop-in sessions

- Webinars (where appropriate)

53 In addition to the Appendices of this report, as part of the consultation, supplementary information in the form of background papers will be provided, however comments will not be invited on these documents as their purpose is to provide contextual information and background only.

#### 54 Duty to Cooperate

55 The preparation of development plan documents is subject to the statutory duty to cooperate in order to assess impacts of proposed plan policies on neighbouring local authorities and other prescribed bodies such as Highways England.

56 The Council services a regular meeting of the Leeds City Region Strategic Planning Duty to Cooperate (LCRSPDtC) Group which forms part of the framework of groups under the Combined Authority Portfolio Holders board. At the LCRSPDtC meeting of 7<sup>th</sup> September 2022, Leeds City Council will report the proposals for the LPU1, including a presentation of the DtC Table of Issues and Impacts. This is summarised in Appendix 5.

#### **What are the resource implications?**

57 The preparation of the Local Plan Update and accompanying evidence base is a resource intensive endeavour which incurs additional cost, in terms of evidence base preparation and consultation, at a time of increased budget pressure. In general, costs will be met from within existing budgets.

#### **What are the key risks and how are they being managed?**

58 It is recognised that there are risks to pursuing a Local Plan Update focussed on the climate agenda. Changes to the planning system as proposed within the Government's Levelling Up and Regeneration Bill may result in national Development Management policies (as expressed through a revised NPPF) not giving local authorities flexibility to set their own policies on the matters proposed to be in scope for the Local Plan Update. In addition, proposed changes to the building regulations may result in local authorities having no scope to prescribe carbon emission rates from new development. It is also possible that the Government will change how Local Plans are consulted on and the stages of consultation and preparation required. Should this happen, it is likely that the plan may progress under transitional arrangements. However, it may require the Council to revise documentation and return to earlier stages of consultation, depending on when the changes are introduced. At present however, LPAs are being encouraged to continue progressing with their Local Plans.

59 As outlined in para 26 above, the policies have been viability assessed by Avison Young as part of the Strategic Viability Assessment required of Development Plan Documents. The outputs (which are currently in draft) indicate that the overall suite of policies is viable across a range of locations and development types and scenarios. The evidence does, however, suggest 3 build scenarios that may not be viable. Firstly, Build to Rent schemes outside of the City Centre core are unlikely to be viable with the suite of policies as currently drafted. This would include locations such as the South Bank. Secondly, development in Middleton will be under significant viability pressures, across all residential build types. Finally, smaller residential schemes (less than 15 units) in the north of the District will also see viability pressures (owing largely to the high proportion of affordable housing such schemes may already have to deliver).

60 In terms of strategic viability, this represents a small proportion of development, so the Council can have a degree of confidence that, as a whole, the plan is viable. However, it may be necessary to re-draft particular policies should further evidence be provided on viability as part of the Publication draft consultation. (once the Strategic Viability Assessment is finalised) to provide reduced requirements for the forms of development which are affected negatively by viability issues, such as a focus on the energy efficiency of new residential dwellings, rather than a requirement for full net zero carbon. The primary aim of such a revised approach would be to ensure that viability issues are not raised routinely at the planning applications stage for these areas/forms of development.

### **What are the legal implications?**

- 61 The preparation of the LPU1 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).
- 62 As a Development Plan Document, the making of a Development Plan Document (Local Plan Update) falls within the Council's Budget and Policy Framework. As such, this report is not subject to call-in. However, the consultation documents will be referred to Scrutiny Board for Infrastructure, Investment and Inclusive Growth with an invitation for them to make representations.
- 63 Consultation will be undertaken in accordance with Regulation 19 and 20 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes making a copy of each of the proposed Publication draft available for public inspection together with a statement of the representations procedure. Representations received shall be considered prior to the submission of the LPU under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 64 The Council is required to undertake a Sustainability Appraisal of a DPD under section 39 of the Planning and Compulsory Purchase Act 2004, which incorporates the requirements of The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (SA Regulations). This is provided at Appendix 2 and includes scoring of policies and their reasonable alternatives.
- 65 As set out within the Conservation of Habitats & Species Regulations 2017 (as amended), the Council is required to carry out a Habitats Regulations Assessment (HRA) Screening to determine if the policies of the Publication Draft give rise to any Likely Significant Effects (LSEs), on the integrity of European Sites. These include: Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites. Any effects are assessed both in isolation or in combination with other plans and projects, and the screening advises on whether further assessment in the form of an appropriate assessment is required. This has been carried out and is set out at Appendix 3. It concludes that the policies in the LPU1 will have no likely significant effect on the integrity of European sites. The Council will need to receive an endorsement from Natural England as part of the consultation process before it submits the Plan to the Secretary of State.
- 66 Pursuant to s.33 Planning and Compulsory Purchase Act 2002, the Council has worked constructively and continuously with its neighbouring authorities and key agencies via the Duty to Cooperate arrangements, that are well established for the Leeds City Region. At this stage, there are considered to be no outstanding issues that arise from the Local Plan Update and an assessment of this has been carried out at Appendix 5. The Council will need to continue to engage with neighbouring authorities and prescribed bodies throughout the process.

### **Options, timescales and measuring success**

## **What other options were considered?**

- 67 As required by law, all policies have been subject to a rigorous options process as part of the Sustainability Appraisal (Appendix 2). As part of this, the Council must consider and assess reasonable alternatives to all policies. For many policy areas, reasonable alternatives include relying upon existing national guidance or retaining our existing Local Plan policy, however, in the main, the assessment process demonstrates that to do so would not maximise the Council's opportunities to adopt policies that help address the climate emergency which is the objective of the Plan. It is considered that the proposed policies are fully in line with the Government's Net Zero Strategy.
- 68 The Sustainability Appraisal shows that draft policies and reasonable alternatives have been assessed for their sustainability and provides clear justification for the options selected. Overall, it is shown through the Sustainability Appraisal that the draft policies will have a positive sustainability impact on the District. In the small number of cases where negative effects are recognised as a result of the draft policies, mitigation is identified through the Sustainability Appraisal, and has been incorporated within the draft policies.
- 69 It is important to note that The Regulation 18 scope for the LPU1 noted that a revised policy for the Leeds Bradford Airport would be considered and that it should "focus on the future of the Airport post-completion of the development" as part of the planning application granted in 2020. Whilst the Council has previously set out and consulted on a commitment to review Policy SP12 a range of external forces affect the appropriateness of this being progressed by the LPU:
- a continued gap in national policy
  - the efficacy of existing Policy SP12, which carries full weight, and all other relevant material considerations to consider any further planning applications
  - withdrawal of the 2020 planning application
  - extant planning permissions and discharge of conditions associated with the extant planning permissions for the airport
- 70 It is therefore considered that the policy for Leeds Bradford Airport no longer form a part of the scope of LPU1 and be considered in future plan-making processes subject to anticipated changes to national guidance, such a policy is not therefore included within the Publication draft.
- 71 In addition, as reflected in paragraph 44, another potential option was a wholesale plan review, rather than a focussed partial review and addition of new policies to address the climate emergency. A wholesale review is not supported by DPP and would be contrary to the approval of the scope of the LPU by Executive Board in June 2021, which recognised that addressing the climate emergency is the priority for the Local Plan Update 1. However, it is important to note that matters relating to housing and employment (as well as many other topics), are likely to form the subject of a further Local Plan Update (number 2), the scope of which will be subject to consultation in 2023, subject to endorsement by DPP, and agreement of Executive Board.

## **How will success be measured?**

- 72 Success will be measured by the adoption of a sound Local Plan Update 1 which includes ambitious but realistic policies to help address the climate emergency. The Publication draft consultation is the final regulatory stage of consultation prior to submitting the Plan to the Secretary of State for examination.

## **What is the timetable and who will be responsible for implementation?**

- 73 The expectation is that consultation will begin in mid-October 2022. The Chief Planner will be responsible for implementation.

74 Following consideration of representations arising from the Publication draft consultations it remains the intention to submit the Plan to the Secretary of State in Spring 2023. Subject to further consideration by DPP, Executive Board and approval by Council. This would then enable, subject to the availability of the Inspectorate, an Examination before the end of the 2023 and adoption in early 2024.

### **Appendices**

- Appendix 1 Proposed Publication Draft Development Plan Document (draft policies)
- Appendix 2 Sustainability Appraisal Report
- Appendix 3 Habitats Regulation Assessment
- Appendix 4 Report of Consultation
- Appendix 5 Duty to Cooperate Statement

### **Background papers**