

Leeds Local Plan Update – Public Consultation on Draft Policies

Date: 24th October 2022

Report of: Director of City Development

Report to: Climate Emergency Advisory Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The statutory Development Plan for Leeds is being updated to help address the climate emergency, improve health and well-being and promote inclusive growth in the District. This includes amending existing and introducing new policies on carbon reduction, flood risk, green and blue infrastructure, place-making and sustainable infrastructure. Consultation on draft policies will begin the week commencing 24th October up to mid-December. This period provides an opportunity to hear the specific views of a wide variety of stakeholders with key roles to play in planning for the climate emergency.

Recommendations

- a) That Members of CEAC note the suite of draft policies as set out in the Report to Executive Board of 21st September and comment on the policies as part of the consultation period.

What is this report about?

- 1 The Local Plan for Leeds, including the Core Strategy, is being selectively updated to help address the climate emergency, improve health and well-being and promote inclusive growth in the District. This includes amending existing and introducing new policies on carbon reduction, flood risk, green and blue infrastructure, place-making and sustainable infrastructure.
- 2 The Local Plan Update is now at Draft Policies stage and will be subject to a final consultation period before being submitted to the Secretary of State for independent examination.
- 3 This period provides an opportunity to hear the specific views of a wide variety of stakeholders with key roles to play in planning for the climate emergency. For example: from people young and older about the types of homes and places they want to live, play and move about in, the ways that places can help deliver health benefits and more accessibility to green space; from groups keen to help protect biodiversity, manage water and trees; from developers who will be required to build to improved standards and layout places that are attractive and resilient and investors who can capitalise on innovative and attractive places to live and work.
- 4 Members of CEAC are invited to comment on the proposed policies.

What impact will this proposal have?

- 5 The Local Plan Update will, through the introduction of new and amended policies to the Development Plan for Leeds, have significant impact on the role that growth and new development has for the District's climate targets to mitigate carbon emissions, adaptation to climate change, health and well-being and inclusive growth as follows:
- 6 Overall Approach
 - a) 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.
- 7 Carbon Reduction
 - a) The current Development 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. The Publication draft policies 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.
- b) 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.

8 Flood risk:

- a) 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.
- b) 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 POLICY WATER 4: LAND AT INCREASED RISK OF FLOODING: A revised policy amended to incorporate a requirement to consider the impact of climate change on future levels of flood risk.
- 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 WASTE 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: POROUS PAVING AND LOSS OF FRONT GARDENS

9 Green and Blue Infrastructure (GBI)

- a) 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.
- b) 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.

10 Placemaking

- a) The 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.
- b) 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.

- c) 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 SP1A: 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.

11 Sustainable infrastructure

- a) 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 with 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.
- b) 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.

12 At the meeting Members will receive a presentation on the policies for the The full suite of policy wording is available as part of the 21st September Executive Board papers which are included as Background Papers to this report below.

13 It is noted that as part of the development of the above suite of policies a detailed evidence base and assessments (such as Sustainability Appraisal) has been carried out. As part of that, high level assurance has been provided independently 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 growth targets of the plan.

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

Health and Wellbeing

Inclusive Growth

Zero Carbon

14 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. The LPU contributes positively to the Council's key strategies, as follows:

- Climate Emergency – 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
- Health and Well-being Strategy – through policies including the design of places, quality of housing and accessibility to green infrastructure and services
- Inclusive Growth Strategy – through policies including the links between homes and jobs, the location of development, green infrastructure and connectivity

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

15 This is the second main period of consultation for the LPU. The initial proposed scope of the LPU has been shaped with reference to the Council's Climate Conversation and engagement with cross Council services to ensure alignment with strategies such as the Leeds Transport Strategy. It was subject to consultation in September 2021, which fed into the detailed policies.

16 Development Plan Panel and CEAC have closely steered the production of the LPU and it has been discussed at a number of CEAC working group meetings.

17 The consultation on the scope of the Local Plan Update will be subject to an 8-week consultation in line with the recently revised Statement of Community Involvement (SCI). A consultation strategy for the LPU consultation has been prepared and agreed by the Chief Planning Officer in consultation with the Executive Member for Infrastructure and Climate. This places an emphasis on inclusion, to ensure that measures are taken to gain the views of all people, including young people, the elderly, minority groups and local community groups. In

addition, a communications strategy has been created through the Council's Communications and Creative Services teams maximising the reach of social media and carrying out local in-person events within the scope of the Strategic Planning Service's resources.

What are the resource implications?

18 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 are met from within existing budgets.

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

- 19 It is recognised that there are risks to pursuing a Local Plan Update focussed on the climate agenda. Changes to the planning system are currently being explored by Government and could signal a change to national guidance which may limit the flexibility that local authorities have on this agenda. In addition, proposed changes to the building regulations may result in local authorities having no scope to prescribe carbon emission rates from new development.
- 20 As outlined in para 12 above, the policies have been subject to a Strategic Viability Assessment required of Development Plan Documents. The outputs indicate that those policies which have an impact on strategic viability are viable at a strategic level. The evidence does, however, suggest a small number of scenarios where viability may be challenging and these will need to be considered as part of the continuing process.

What are the legal implications?

- 21 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).
- 22 As a Development Plan Document, the making of a Development Plan Document (Local Plan Update) falls within the Council's Budget and Policy Framework and will be referred to Scrutiny Board for Infrastructure, Investment and Inclusive Growth with an invitation for them to make representations.

Options, timescales and measuring success

What other options were considered?

23 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.

How will success be measured?

24 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?

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

26 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

- None

Background papers

- Executive Board Report 21st September 2022
<https://democracy.leeds.gov.uk/ielIssueDetails.aspx?IId=122694&PlanId=0&Opt=3#A189808>