

## Leeds Local Plan – Review 2023

Date: 31<sup>st</sup> January 2023

Report of: 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

This report is about ensuring that the Leeds Local Plan is kept up to date and relevant to the needs of the District.

The Local Planning Authority has a legal obligation to undertake a review of its Local Plan every five years in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and further set out in paragraph 33 of the National Planning Policy Framework, (NPPF, 2021).

This report relates to the second review that Leeds has undertaken. This review (appendix 1) is a technical process and focuses on the Aire Valley Area Action Plan, as 5 years have passed since its adoption and therefore a review is required. This review also refreshes the 2020 review (of the policies reviewed at that time) to consider subsequent changes made to National Planning Policy.

The use of the word “review” by Government in this context is to consider policies every 5 years and see whether they need to be updated. The review influences what needs to be considered through a Plan update e.g. Local Plan Update: Your Neighbourhood Your City Your Planet and Leeds Local Plan 2040.

### Recommendations

- a) Development Plan Panel is invited to comment on the report and the conclusions and recommendations of the 2023 Review of the Local Plan policies (Appendix 1), and
- b) Agree that the Chief Planning officer approves through delegated powers, and
- c) The 2023 review is published online on the council webpages alongside the Local Development Scheme.

## **What is this report about?**

- 1 The Local Planning Authority has a legal obligation to undertake a review of its Local Plan every five years in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and further set out in paragraph 33 of the National Planning Policy Framework, (NPPF, 2021).
- 2 This report relates to the second review that Leeds has undertaken. The first review under this legislation was reported to DPP on 17<sup>th</sup> March 2020 and published online in July 2020. The use of the word “review” by Government in this context is to consider policies every 5 years and see whether they need to be updated; it is not the process of such an update.
- 3 The Leeds Local Plan is a part of the overall Development Plan for Leeds and is comprised of a number of adopted documents: the saved policies in the Unitary Development Plan (2006); Core Strategy (2014 and amended 2019); the Natural Resources and Waste Development Plan Document (2013 and revised 2015); the Aire Valley Leeds Area Action Plan (2017); the Site Allocations Plan (2019). Each of the documents cover slightly different plan periods. The previous review (in 2020) considered those parts of the Leeds Development Plan that at that time were at least 5 years old. It did not include a review of the Aire Valley Area Action Plan, the Core Strategy Select Review (2019) or the Site Allocations Plan (2019).
- 4 The focus of this Review Report (January 2023 – Appendix 1) is on the policies in the Aire Valley Area Action Plan (AVLAAP) (2017) that due to timeframe (it is five years since it was adopted) has come into scope for review. There have also been changes made since our last Local Plan Review in 2020 to national planning guidance (National Planning Policy Framework (NPPF), 2021). This refresh considers those changes against the policies subject to review at the time of our first Review (i.e. this refresh/review does not include the Core Strategy Selective Review Policies (2019), nor the Site Allocation Plan (2019) policies).
- 5 The review exercise is a technical one, considering the context of national planning guidance, evidence and local priorities. It is also a timely exercise which sits alongside the consideration of the scoping out of the Leeds Local Plan 2040 which DPP have previously discussed (reported on separately).
- 6 Once approved by the Chief Planning Officer this review will be placed on the Council’s web-site.

## **What impact will this proposal have?**

- 7 Within the context of national planning guidance, evidence and local priorities, it is crucial that the local plan is kept up to date and subject to regular review, to ensure it remains fit for purpose in providing certainty for communities and investors.
- 8 The aim of this report is to demonstrate that the review of the Leeds Local Plan has been undertaken in a robust and objective way. The approach taken is to follow the guidance in the MHCLG Guidance on “plan-making” (2019). This provides details on what reviews should address; namely changes in National Policy or local circumstances. Where a Local Planning Authority needs to amend one or more policies, it should update its Local Development Scheme (LDS) to set out the timetable for when these amendments will be consulted upon and

examined. The LDS signalled a Local Plan Update (LPU) to begin in 2020. In undertaking review of the Local Plan it allows us to understand which policies remain up to date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the Plans continue to be effective in addressing the specific local issues that are identified in them. This in turn helps to focus on whether and to what extent, an update of the policies is required.

- 9 Emphasis has been placed in this review on the Aire Valley Area Action Plan (2017) due to the time period hitting 5 years post adoption. There have also been changes made to national planning guidance since our first review in 2020. Aligning and refreshing the review of policies considered in 2020 is also a timely exercise in the consideration of the scoping out of the Leeds Local Plan 2040 (reported on separately). There are a total of **140** policies across the Aire Valley Leeds Area Action Plan (2017), UDP Saved Policies (2006), Core Strategy (2014) and Natural Resources and Waste Plan (2017) that now fall into scope for update.
- 10 The review process also helps identify those policies that have been brought into the scope of Local Plan update through the drafting of Local Plan Update (1) (Regulation 19 Preferred Draft) new or amended and/or superseded policies. An additional column has been added to the end of the table in **Annex 1** of the accompanying report to help identify these policies. There are **3** policies in the AVLAAP that because of the proposed Regulation 19 draft policies in Local Plan Update (1) have subsequently been brought into scope of update. These 3 policies will need reflecting in the 'Schedule of Leeds Local Plan policies to be superseded by Local Plan Update policies'.
- 11 There are a remaining **40** policies that are considered do not require updating. Alongside the Core Strategy Select Review and Site Allocation Plan policies these will come into scope for review in 2024 (5 years after adoption). In line with the NPPF, if there are changes in national policy and local circumstances before the next review then an earlier review will be undertaken, if necessary.

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

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 12 The Local Plan Review in 2020 recognised that a number of years had passed since the Core Strategy (CS) was adopted in 2014. Whilst the Core Strategy was subject to an update in 2019 this was selective and focussed largely on housing, leaving much of the remainder untouched. Similarly, the Natural Resources and Waste Plan was adopted in 2013 and since then, despite it ensuring good progress regarding the management of the natural environment, alongside the time period from adoption, the declaration of a Climate Emergency in Leeds (zero Carbon) (health and Wellbeing) was seen as a local driver to review these policies. The work on the Local Plan Update (1) (Your Neighbourhood, Your City, Your Planet) progresses a focused update of some of the Local Plan Policies assessed in 2020 as "in need of review" and this is found in a separate report.
- 13 Alongside the Local Plan Update (1) the Council are also progressing scoping of a further update of the Local Plan Policies (Leeds Local Plan 2040) which will reflect on the three pillars.

### What consultation and engagement has taken place?

Wards affected: ALL

Have ward members been consulted?       Yes       No

14 The review of Local Plan policies is a technical exercise with judgements made in the opinion of the planning authority. Key services who make decisions in line with the Local Plan have been consulted. The review will be made available on the Council's web-site and help steer the scope and content of future plan-making. The review is not the process of update which will be subject to its own focused consultation.

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

15 There are no specific implications to this report. However, any future Local Plan Update and accompanying evidence base will be a resource intensive endeavour. In general costs will be met from within existing budgets.

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

16 The risk of not undertaking a review of policies in accordance with the provisions of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and further set out in paragraph 33 of the National Planning Policy Framework, (NPPF, 2021), is that there is an increasing likelihood that policies contained within the Local Plan will be considered to be out of date. Under existing policy within the NPPF, should the most important policies for determining planning applications be found to be out of date, the presumption in favour of sustainable development dictates that decision-making will be in accordance with the NPPF, rather than the Local Plan. This review helps ensure that relevant policies for the determination of planning applications continue to have weight.

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

17 There are no legal implications for the contents of this report.

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

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

18 This is a technical exercise undertaken as part of the legal requirement to undertake a five-year review of the local plan post adoption of policies. Due to the timeframe, only the Aire Valley Area Action Plan came into scope of review due to the 5 years post adoption period being triggered. The changes to the NPPF 2021 have also been reflected against only those policies that were considered as part of the 2020 review. The Core Strategy Select Review (2019) and Site Allocation Plan (2019) will come into scope for review in 2024 (5 years after adoption). In line with the NPPF, if there are changes in national policy and local circumstances before the next review then an earlier review will be undertaken.

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

19 Success will be measured by the adoption of a sound Local Plan Update 1 and Local Plan 2040 to ensure that that relevant policies for the determination of planning applications continue to be appropriate, up to date and fit for purpose in providing certainty for communities and investors.

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

20 The next steps are to publish this review online.

21 Alongside this Local Plan review work, officers have been setting out the proposed scope of the Leeds Local Plan 2040 and this identifies the policy areas which are in potential need of update, the detail of which is covered in a separate report.

**Appendices**

- Local Plan Review Report, January 2023 and Annex 1: Policy Review Table

**Background papers**

- None