

Local Plan Update – Update Report

Date: 5th July

Report of: Chief Planning Officer

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 report provides members of the Climate Emergency Advisory Committee with an update on progress with the Leeds Local Plan Update ('Your Neighbourhood, Your City, Your Planet'), and gives highlights of responses received to the Publication draft consultation, actions underway in response and an update on next steps.

Recommendations

Members of the Climate Emergency Advisory Committee are requested to note the contents of the report.

What is this report about?

- 1 This report seeks to update members of the Climate Emergency Advisory Committee (CEAC) on the latest work on the Local Plan Update ("Your Neighbourhood, Your City, Your Planet"), following Regulation 19 consultation which closed in December 2022.
- 2 The Plan, (whose objectives were endorsed by Development Plan Panel (DPP) and agreed by Executive Board in June 2021 as part of the consultation on the scope of the Plan, and whose draft policies were endorsed by DPP and agreed for consultation by Executive Board in September 2022), seeks to introduce new or revised planning policies to help further address the climate emergency. The Local Plan is one of the key ways that the Council has to influence development in Leeds and ensure that it is in line with our net zero ambitions. It seeks to do this through mitigating carbon through the way we build and the way we travel and adapting to climate change through improved place-making and attention to green and blue infrastructure, health and well-being and ecology.

The Publication Draft consultation

- 3 The draft plan, including draft policies, evidence base and sustainability appraisal was consulted on for 8 weeks from the 24th October to the 19th December 2022. The consultation was designed to be inclusive and accessible, including a series of drop-in sessions across the City, daytime and evening webinar sessions, as well as summaries and videos to accompany the material.
- 4 550 representations were received as part of this consultation, including over 400 smartsurvey responses, 90 emails and 45 young persons surveys. In accordance with targets adopted through the Council's new Statement of Community Involvement, the consultation received a

comment from every ward in Leeds and gained an 86% approval rating of those who completed the digital survey. Below a summary of some of the main issues raised at consultation have been highlighted. An update has also been provided on what actions are being taken to remedy issues raised, where relevant or appropriate.

General comments on whole Plan

- 5 Overall, the draft Plan has been positively received with 85% of Smartsurvey responders being supportive of the Plan as a whole. Individually, the policies have gained strong support from the public and stakeholders with all receiving over 80% support. However, there are a range of objections to the policies, particularly from the development industry, which are summarised below, per topic area.

Topic: Carbon Reduction

6 Policy EN1 Part A: Embodied Carbon – getting developers to think more about the way they build and the materials they use

- There are some concerns around the additional burdens of carrying out Whole Life Cycle (WLC) assessments and concerns that the Council's consideration and monitoring of WLC assessments is not clear.

- 7 Action: Clarify how the Council will assess and consider WLC assessments by producing further guidance and stress testing that guidance. Update policy justification if necessary.

8 Policy EN1 Part B: Operational energy – making sure that new developments are energy efficient and won't need retrofitting in the future

- Many concerns that the net zero policy is not viable due to costs of implementation and wider industry costs, along with concerns the policy is not feasible due to wider supply chains and lack of a national drive for specific technologies at scale. Some comments have identified that the carbon offset financial contribution is set too high.

- 9 Action: Carry out further evidence base work as well as discussions with stakeholders to further understand concerns. Consider if further flexibility is required in the policy and what this might look like.

10 Policy EN2: Sustainable Construction Standards – getting better build quality consistently across all developments with a focus on sustainability

- Concerns that BREEAM Outstanding is too high a standard to set for all development given relatively few developments have achieved it nationally. Concerns that BRE Home Quality Mark offers no flexibility to developers and there is a lack of BRE assessors.

- 11 Action: Subject to further review to ensure that these standards offer the right requirements for Leeds.

12 Policy EN3: Renewable Energy – promoting renewable generation by identifying places where it can happen

- Natural England are concerned that the opportunity mapping does not sufficiently take account of bird migratory routes.
- Concern that the policy prevents single turbines in appropriate locations that are not in wider opportunity mapping but which may be acceptable
- Concerns raised that the policy will in effect ban solar and wind development outside the identified opportunity areas.

13 Action: Closer working with Natural England to resolve evidence base issues, as well as further review and consideration of whether further flexibility can be introduced in accordance with the National Planning Policy Framework (NPPF).

14 Policy EN4: District Heating – making the most of Leeds Pipes infrastructure and encouraging more uptake of low carbon heat

- Concerns have been raised by the development industry on the lack of skilled installers for renewable heating technologies and the lack of flexibility around heating technologies.
- Concerns that the policy promotes connections to District Heating Networks over technologies that may be more sustainable.

15 Actions: Carry out further evidence base work with reference to experiences of other local authorities, where feasibility has not been seen as a material consideration. Consider whether existing policy already includes sufficient flexibility as to the technologies to be used.

Topic: Flood Risk – using the latest data to ensure that Leeds is resilient to flooding, does not build in inappropriate locations and takes account of future climate driven scenarios

- The Environment Agency have objected to the policies, seeking alterations to policy wording for clarity and consistency, as well as further detailed consideration of the Strategic Flood Risk Assessment evidence base.
- Other comments seek clarity and consistency on the use of terms and definitions across the policies.
- Further concerns were raised that policies repeated elements of national policy and were therefore not necessary.

16 Actions: Further detailed discussions are underway with the Environment Agency to address the concerns raised. Policies are being reviewed and amendments made to ensure clarity and consistency where necessary.

Topic: Green and Blue Infrastructure

17 Spatial Policy 13: Protecting, maintaining, enhancing and extending green and blue infrastructure - creating a clear framework for an improved network across Leeds and requiring developments to support that

- Suggestions that the Green and Blue Infrastructure (GBI) map should be updated and provided as an interactive map. Some concern that policy duplicates G1 and does not allow for the loss of GBI with replacement allowed elsewhere.

18 Actions: mapping has been updated and policy wording is being reviewed to avoid any duplication.

19 Policy G1: Protecting, maintaining, enhancing and extending green and blue infrastructure within and outside areas of GBI – providing detailed guidance on how new development is expected to support GBI

- Concerns that the policy is overly burdensome to new development and is not sufficiently flexible. Suggestions that supplementary guidance is necessary to help implement the policy. Further clarity on reference to Public Rights of Way is required.

20 Actions: Further review of policy is underway.

21 Policy G2A: Protection of trees, woodland and hedgerows – seeking to improve protection and the value placed on trees

- Concern that the policy applies to all trees (including e.g. dying or dangerous) and therefore development will be constrained

- Concerns current site owners will be punished for previous owner's actions (i.e. tree removal) and condition of removed trees will be unclear.
- 22 Actions: further review of the use of available evidence to establish a reliable 'line in the sand' for the timing of past tree removal.
- 23 **Policy G2B: Ancient woodland, long established woodland, ancient trees, veteran trees – specific detail on those trees and woodlands which provide carbon capture and habitat**
- Concerns that the inclusion of "long established woodland" goes beyond irreplaceable habitats in national policy and that the specified buffers are too onerous.
- 24 Actions: Further review of evidence to ensure robustness of data and policy position.
- 25 **Policy G2C: Tree replacement – improving the current 3 for 1 policy by linking it to carbon sequestration value of trees**
- Concerns that the replacement ratios are too onerous, inflexible, undeliverable and unviable
- 26 Actions: Review with viability evidence but consider that at this stage responses do not provide compelling evidence to justify altering the policy.
- 27 **Policies G4A, B, C: Green Space improvement and new green space provision; quality; maintenance – clarifies how greenspace should be multi-functional and of sufficient quality to deliver significant adaptation and health and well-being benefits as well as a focus on children and older people**
- Concerns and some misunderstanding of how the policy deletes existing policy G5 and applies to the City Centre.
 - Questions over the viability of increasing green space provision within the City Centre.
- 28 Actions: Review viability evidence and alter policy wording to clarify how it applies to the City Centre.
- 29 **Policy G8A: Protection of important species and habitats – updates the planning policies to provide a stronger footing for ecology**
- Concerns that the policy does not provide sufficient protection to nationally and internationally designated sites.
 - Concerns that the policy is not consistent with mitigation hierarchy in NPPF
- 30 Actions – further review to ensure that the policy wording provides the necessary protections and is consistent with the NPPF.
- 31 **Policy G8B: Leeds habitat network – updates the Leeds Habitat Network**
- Concerns that extent of the Leeds Habitat Network has not been published
 - Clarity sought on what type of impacts and compensation are expected as part of this policy
- 32 Actions: The Leeds Habitat Network has now been mapped and that mapping is being checked for accuracy.
- 33 **Policy G9: Biodiversity net gain – implements the Environment Act 2021 and clarifies how development finance can be used to improve nature on and off site**
- More clarity on how residual biodiversity units will be delivered – purchasing credits or commuted sums?
- 34 Actions: Further review in conjunction with regional work on Biodiversity Net Gain before its formal introduction in November 2023.
- 35 **New Policy: Swift Bricks**

- Request to mandate 'Swift Bricks' [bricks that encourage Swifts to nest] in all new builds or new build homes.

36 Action: To review and consider whether new policy is necessary or whether existing suite is already sufficient to allow for 'Swift Bricks'.

Topic: Placemaking

37 Spatial Policy 1A - Achieving 20 minute neighbourhoods in Leeds – fostering walkable neighbourhoods by setting a framework for how new housing should seek to integrate with existing services and/or provide new services

- Concerns as to how this applies to employment sites, undermines rural development and rural growth.
- Further issues raised with the robustness and accuracy of the evidence base
- Clarity sought on how it will be used to guide development (decision taking and plan making).

38 Actions: Amend the policy for clarity and re-examine the evidence base.

39 Spatial Policy 1: Location of development – seeks to limit development in smaller settlements

- Concern over tighter controls of development in smaller settlements and "lack of necessary growth" in rural areas.

40 Actions: Consideration to be given to whether issues surrounding the location of development are best addressed through Leeds Local Plan 2040.

41 Policy EN9 – New drive thru' development – seeks to restrict this type of development out of centre

- Concerns that policy conflicts with national policy retail tests and ignores how drive thru's are part of linked trips.

42 Actions: Consider implications of any conflict with NPPF and justification for the proposed approach.

43 Spatial Policy 1B: Achieving well-designed sustainable places & P10: Development principles for high-quality design and healthy place making – sets clear approach to better design and place making

- Concerns that the policy is additionally burdensome.
- Concern that policy is confusing and that it overlaps with other policies seeking quality e.g. greenspace

44 Actions: Further consideration of the clarity of the policy, including signposting.

45 Policy P10A: The health impacts of developments

- Concerns that it is overly onerous for developers to assess health impacts of development and that only if a significant adverse impact on health and wellbeing is identified should a Health Impact Assessment (HIA) be required and some stating that development only has a modest impact on health.
- Concerns also expressed on threshold proposed to residential & non- residential development

46 Actions: Consider comments and update if needed.

Topic: Sustainable Infrastructure

47 Spatial Policy 11a – Mass Transit – sets framework for Mass Transit at the strategic level

- Policy omits the ‘Wakefield and Five Towns’ route and some concern around impacts of parking if stations are attractive for Park & Ride

48 Action: revise policy to address omission.

49 Policy DC1: Digital Connectivity – encourages new development to be digitally connected

- Policy will be superseded by changes to Building Regulations.

50 Action: New Building Regulations have come into force after the consultation which largely superseded the policy, so it is noted that this policy will need to be re-considered.

Current and Next Steps

51 Officers within Strategic Planning are currently working to prepare an updated draft of the Local Plan Update which takes account of the necessary changes proposed through the consultation. For some topic areas this includes an update of evidence base, and where significant changes are proposed this will also result in changes being made to the sustainability appraisal. It is anticipated that an updated draft of the Plan will be available for pre-submission consultation in the Autumn and be submitted to the Secretary of State before the end of the year.

What impact will this proposal have?

52 This report does not seek a decision on a proposal and is instead a progress update on the Local Plan Update. There are no impacts of this update at this stage. Any implications will be reflected in further reports as the updated Local Plan Update proceeds through approval mechanisms through Development Plan Panel and Executive Board.

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

- Health and Wellbeing Inclusive Growth Zero Carbon

53 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:

54 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;

55 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.

56 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

57 The Local Plan Update (‘Your Neighbourhood, Your City, Your Planet’) has had two formal rounds of consultation. With the first (Scoping draft - Regulation 18) consultation commencing

on 19th July 2021 for 8 weeks until 13th September 2021, and the second (Publication Draft – Regulation 19) taking place from 24th October to 19th December 2022. The consultation material for both consultations was informed through detailed discussion at Development Plan Panel and ultimately endorsed and approved for consultation by Executive Board. Scrutiny Board have also been consulted at both rounds of consultation.

58 As detailed in the preceding sections, support for the proposed plan and its focus on the climate emergency has been positive, however, significant objections have been received from the development industry and key stakeholders.

59 Following the most recent consultation members of Development Plan Panel took part in an informal workshop (April 2023) to discuss consultation comments and consider next steps.

What are the resource implications?

60 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?

61 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.

62 The policies have been viability assessed by Avison Young as part of the Strategic Viability Assessment required of Development Plan Documents. The outputs 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 – however this is a known anomaly within the viability evidence which can be further contextualised. Finally, smaller residential schemes (less than 15 units) in the north of the District will also see some viability pressures (owing largely to the high proportion of affordable housing such schemes may already have to deliver).

63 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, viability will be a matter of 'soundness' that will be tested at any future Local Plan Examination.

What are the legal implications?

64 The preparation of the Local Plan Update 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).

Options, timescales and measuring success

What other options were considered?

65 This report does not seek a decision on the matters contained within and therefore does not raise 'options' at this stage.

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

66 The expectation is that consultation on pre-submission changes will begin in the Autumn, in advance of submission to the Secretary of State thereafter. Should a pre-submission draft be approved for consultation by Executive Board that consultation and any further work will be implemented by the Chief Planner in consultation with the Executive Member for Sustainable Development and Infrastructure.

Appendices

- None

Background papers

Local Plan Update "Draft Policies and Text" - [LPU1 Policies and text draft changes.pdf](https://leeds.gov.uk/LPU1_Policies_and_text_draft_changes.pdf)
(leeds.gov.uk)