

# Local Plan Update 1 (Pre-Submission Changes Consultation)

Date: 18<sup>th</sup> October 2023

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## Brief summary

The Local Plan Update makes focussed changes to the Leeds Local Plan, which guides development decisions in the District. It proposes ambitious planning policies to tackle net zero, climate adaptation, improve health and well-being and protect and manage the environment. The Update has been through two rounds of public consultation where, in general, support for these policies has been received from a wide range of participants. Before the Update is submitted to the Secretary of State for independent examination, it is necessary to carry out one final round of consultation; because a number of changes have been made to address objections around net zero buildings, flood risk and ecology and to take on board suggestions for improvements. Executive Board (who approved the objectives of the Plan in June 2021 and the draft policies in September 2022) are being asked to approve changes to the Local Plan Update and further consultation for six weeks. The report includes a summary of the proposed amended draft policies as well as details of previous statutory and non-statutory consultation that has informed them.

## Recommendations

Executive Board is requested to:

- a) Endorse the proposed Pre-Submission Draft changes and supporting paragraphs of the Local Plan Update 1, as set out in **Appendix 1**, and as a schedule of changes in **Appendix 2** and the Sustainability Appraisal, as set out in **Appendix 3**;
- b) Approve 6 weeks consultation of the proposed Pre-Submission Draft changes and supporting paragraphs as set out in **Appendix 1** and **Appendix 2**, together with supporting technical information (comprising Sustainability Appraisal at **Appendix 3**, Habitat Regulations Assessment at **Appendix 4**, Report of Consultation at **Appendix 5** and Duty to Co-operate Statement at **Appendix 6**) and note that this will be accompanied by additional draft supporting consultation documentation, including the Council's evidence base and background papers alongside accessible summary material for consultation purposes;

- c) Delegate authority to the Chief Planning Officer, in consultation with the Executive Member for Sustainable Development and Infrastructure, to approve any detailed technical or drafting amendments to the consultation material in advance of public consultation;
- d) Note that the Chief Planning Officer is responsible for the implementation of these recommendations.

## What is this report about?

- 1 Following detailed consideration of consultation responses to the Publication draft policies of the Local Plan Update (which took place between October and December 2022), a range of changes are proposed to the draft policies before the Plan is submitted to the Secretary of State. These changes are in the interests of ensuring that the Local Plan Update is a robust document that meets the tests of soundness for a Development Plan Document as set out by the Government in the National Planning Policy Framework.
- 2 This report requests endorsement of the revised Local Plan Update 1 Draft policies and approval to undertake public consultation on this pre-submission draft as well as accompanying consultation documentation. This documentation includes legal technical documents in support of the Policies as follows:
  - Sustainability Appraisal at **Appendix 3**,
  - Habitat Regulations Assessment at **Appendix 4**,
  - Report of Consultation at **Appendix 5** and
  - Duty to Co-operate Statement at **Appendix 6**; as well as the Council's evidence base and background papers.
- 3 The Plan, whose objectives were agreed by Executive Board in June 2021 as part of the consultation on the scope of the Plan, and whose detailed policies were endorsed by Executive Board in September 2022, seeks to introduce new or revised planning policies to help further address the climate emergency, improve health and wellbeing and address the ecological emergency.
- 4 The Local Plan Update has been through two statutory rounds of consultation, with scope of the Plan being consulted on in 2021 and detailed policies being consulted on from October to December 2022. The scope of the Plan has been agreed by Executive Board 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 and blue 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"*.
- 5 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. Following the scoping consultation draft policies were created alongside a Sustainability Appraisal process and endorsed for consultation by Executive Board in September 2022. As such, the Publication draft policies included amendments to existing Local Plan policy, replacement of existing Local Plan policy or new policies all of which will be incorporated into the existing Core Strategy. These were then consulted on for 8 weeks through a range of consultation events and publications.

- 6 Following consideration and analysis of all consultation responses (summarised as main issues in the report of Consultation at Appendix 5)), it is considered that some of the issues raised relate directly to the soundness of the Plan and therefore some amendments to the detailed policies are required. Government guidance makes clear that Local Planning Authorities should only submit Plans for Examination that they consider to be sound. Whilst it is possible that changes to the Plan can be made as part of the Examination process, the Council has been advised by the Planning Inspectorate that if the Council is aware that changes to the Plan are required, these should be the subject to an additional round of consultation before the Plan is submitted for Examination. This represents good practice, supports transparency and, in addition, these further revisions to policies enables the Council to ensure that they will be as effective as possible in meeting desired outcomes, and as such the suggested changes are proposed in the interests of adopting a robust Plan that will stand the test of time.
- 7 As such a range of amendments have been made to the draft Plan which are identified by tracked changes at Appendix 1 and separately within a detailed schedule of changes at Appendix 2. The changes include the introduction of a transition period for applications to achieve net zero status from 2028 onwards, in recognition of the challenges that are present in the short-term shift to net zero buildings, such as adequate training and fully-resourced supply chains within the building industry. It is noted that these changes remain in line with the scope of the Plan which has have been endorsed by members of DPP and Executive Board.
- 8 An introduction to the policies, their purpose, and the proposed further changes are summarised below:

#### 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.
  - **Change:** Inserted a clear reference to the circular economy as an important element of carbon reduction

#### Carbon Reduction

- 10 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 from 2028 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.

11 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 from 2028 and b) that whole life cycle calculations of carbon will be carried out by developers.  
**Change:** Changes to EN1 Part B: 'Operational Energy' include a transition period to manage the shift towards net zero developments, noting the challenges the development industry has highlighted in delivering net zero developments from adoption. The policy is therefore amended to be a 2-stage one, with developments applying for planning permission after 2027 being required to meet ambitious energy efficiency standards and being net-zero for operational carbon, either through renewable energy generation on-site or through carbon offsetting contributions to the Council. Development before 2027 will be required to meet a lower standard of energy efficiency (but still significantly more ambitious than current policies and existing building regulations), and a requirement to maximise renewable energy generation on site, rather than achieve net zero. Further changes to EN1 Part B have been made as the publication draft version was not considered an effective way of requiring the re-use of buildings and materials, given likely development scenarios.
- **NEW 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 Excellent.  
**Change:** Policy has altered the previous draft requirement for BREEAM Outstanding standard to now revert back to a minimum of Excellent, as Outstanding was considered unobtainable for all non-residential buildings, given that BREEAM guidance that such buildings should represent the top 1% of all new buildings. However, the policy retains an encouragement and support for Outstanding standards.
- **NEW 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.  
**Change:** Solar Opportunity Areas have been altered to accommodate a larger 7.5km buffer zones to Special Protection Areas at the South Pennine Moors for important bird species, in response to representations from Natural England. Policy also amended to better reflect existing wording within the NPPF. Greater flexibility introduced for new solar development where a proposal is located partially within an Opportunity Area.

- **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.  
**Change:** Policy wording amended in response to Natural England representations to ensure that heat network applications assess impacts on nationally and internationally designed nature conservation sites.

Flood risk:

12 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.

13 This will be achieved through the following summarised policies:

- **AMENDED WATER 1 AND WATER 2:** A re-packaging of existing Natural Resources and Waste policies to be incorporated into the Core Strategy, covering water efficiency and the protection of water quality.  
**Change:** Minor terminology changes to Water 1 for clarity and the insertion of a requirement to undertake a Water Framework Assessment into Water 2 to address comments made by the Environment Agency.
- **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.  
**Change:** Alterations to reflect the new definition of functional floodplain in National Planning Practice Guidance.
- **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.  
**Change:** Providing greater clarity by requiring that proposals consider the layout of a site and the relative flood risks across it.

- 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.  
**Change:** Clarity on what developer contributions may be required to fund, and revisions to terminology in response to representation from the Environment Agency.
- 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  
**Change:** Revisions to terminology in response to representation from the Environment Agency.
- 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  
**Change:** *Clarity that all sources of flooding should be considered.*
- 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.  
**Change:** Providing greater clarity on how the discharge and storage of rainwater should be considered, in response to representation from the Environment Agency.
- NEW WATER POLICY 8: POROUS PAVING AND LOSS OF FRONT GARDENS  
**Change:** Further clarity and revised structure of the policy.

#### Green and Blue Infrastructure (GBI)

14 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.

15 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).  
**Change:** Removed wording that was repeated separately in Policy G1.
- **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.  
**Change:** Minor wording changes to strengthen requirements and clarify that Public Rights of Way should be including as part of the GBI assessment.
- **AMENDED POLICY G4A: 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, which will now cover the City Centre.  
**Change:** No significant change.
- **NEW POLICY G4B: QUALITY OF NEW GREEN AND BLUE SPACE:** A strategic policy associated with the design and quality of new green space.  
**Change:** Additional wording to highlight the importance of creating spaces that are child-friendly and safe for women and girls. Additional revisions have been made to ensure consistency with the NPPF and ensure that the policy is a key delivery tool of play sufficiency
- **NEW POLICY G4C: MAINTENANCE OF GREEN SPACE:** A strategic policy establishing clear criteria for the maintenance of green space.  
**Change:** No significant change.
- **REPLACEMENT POLICY G6: PROTECTION OF EXISTING GREEN SPACE:** A new strategic policy associated with the definition and protection of green space.  
**Change:** No significant change
- **NEW POLICY F1: FOOD SYSTEM RESILIENCE:** A strategic policy that supports food resilience and food growing opportunities as part of new developments.  
**Change:** Policy has been changed to include the word 'system' in the title of the Policy.
- **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.  
**Change:** Amendments to ensure consistency with the NPPF and to address representations raised by Natural England that the policy must be better aligned to the Conservation and Species Regulations 2017 and to explicitly refer to international sites.

- **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.  
**Change:** No significant change.
- **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.  
**Change:** Significant changes, including greater clarity provided through the text to set out what documentation will be expected as part of planning applications and detail on what such documentation should cover.
- **Change:** **NEW POLICY G10: BIODIVERSITY ENHANCEMENTS FOR SPECIES.** In response to numerous representations requesting requirements for new bird and bat-friendly features to be integrated into new development, this policy now sets out a requirement for development to incorporate such features.
- **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.  
**Change:** Provide clarity on the category of trees to be retained (i.e. the policy will not apply to dead or diseased trees).
- **NEW POLICY G2B ANCIENT WOODLAND, ANCIENT TREES, AND 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.  
**Change:** The policy has been amended to remove Long Established Woodland, which is now proposed to be covered separately through new policy G2C. Further detail has also been provided within G2B to explain the size of buffers to the features protected through the policy and how development should be designed to respond to these buffers.
- **Change:** **NEW POLICY G2C: LONG ESTABLISHED WOODLAND.** This new policy provides protection to long established woodland and provides detailed guidance on how buffers to this typology of woodland should operate.
- **NEW POLICY G2D: 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.  
**Change:** Minor amendments, including to apply a more reasonable limit for contributions to maintenance and management (30 years; previously 'in perpetuity'), and to clarify that trees should be appropriate for their location, rather than exclusively native. The numbering/lettering of the policies has been changed to now reflect that this is part D, rather than part C, as it was in the original Publication draft.



## Placemaking

- 16 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.
- 17 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.
  - Reflecting 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.
- 18 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.  
**Change:** Additional wording has been inserted to strengthen requirements for development to be accessible and inclusive for all users. Drafting changes to avoid duplication of certain policy requirements also set out in Policy P10, and clarification that the policy will apply to all development.
  - **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.  
**Change:** Additional wording has been inserted to clarify that new buildings and public realm should be accessible for all users. Some minor changes for clarification, and, as above, elements of this policy have been re-organised to sit within SP1B instead. Changes have been made to recognise the role of design in play sufficiency.
  - **NEW POLICY SP1A: COMPLETE, COMPACT AND CONNECTED PLACES:** 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. 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.

**Change:** references to the 20-minute neighbourhood have been deleted to better focus on the aim of creating sustainable places and clarification of the importance of social infrastructure added to the background text.

- **Change:** AMENDED SPATIAL POLICY 1: LOCATION OF DEVELOPMENT: Amendments to this existing policy are proposed to be deleted and re-considered as part of Leeds Local Plan 2040.
- 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.  
**Change:** No significant changes.
- 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.  
**Change:** No significant changes.

### Sustainable Infrastructure

19 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, as well as helping plan for the outcome of the Government’s study on how HS2 trains will arrive at Leeds from the East Midlands as outlined in the Integrated Rail Plan), 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.

20 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 and rail infrastructure improvement schemes 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.  
**Change:** Factual correction relating to locations Mass Transit is likely to connect.
- 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.  
**Change:** No change.

- **Change:** NEW POLICY DC1: DIGITAL CONNECTIVITY: Draft policy proposed to be deleted as recent changes to Building Regulations now include similar requirements as those set out in the original draft policy.

### Viability Assessment

- 21 The Economic Viability Study (EVS) was provided to Executive Board as part of approval of the Publication draft of the LPU1 for consultation in September 2022. This demonstrated that those policies which have an impact on strategic viability have been tested in terms of strategic viability and are viable at a strategic level. The proposed amendments to the policies have been reviewed by Avison Young (who undertook the original assessment in 2022), and they have confirmed that the policies remain viable at a strategic level.

### Sustainability Appraisal

- 22 The Sustainability Appraisal that accompanied the Executive Board report of the Publication draft Plan for consultation, has been updated to take account of the proposed changes as part of the Pre-submission changes.
- 23 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.
- 24 The results of the sustainability appraisal are set out in the SA Report, Appendix 3. A non-technical summary of this report is available at Appendix 3 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?**

- 25 Endorsement of the Pre-submission draft and approval to consult will allow the Council to progress with a 6 week consultation on the Local Plan Update 1 and seek the views of all stakeholders on the further amendments to the draft Plan, 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. The consultation material will clearly show the changes that have been made to the Plan as a result of earlier public consultation. The resulting Plan makes 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 this pre-submission 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.
- 26 An Equality, Diversity, Cohesion and Integration screening has been undertaken (Appendix 7). The assessment shows that LPU1 is likely to have a positive impact on those with protected characteristics, as a result of improvements to the protection and provision of Green and Blue Infrastructure, high quality placemaking and further detailed consideration of issues of safe access and egress for developments at risk of flooding.
- 27 These changes result in a Plan update which significantly increases the Local Plan's impacts upon place making, carbon reduction and resilience to climate change, flood risk, biodiversity

and green and blue infrastructure. These changes will lead to development proposals that deliver more sustainable development and in some cases, as justified by local evidence, go beyond the benchmark that is set by national guidance and building regulations. These ambitions are aligned fully with the Council's three pillars.

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

Health and Wellbeing       Inclusive Growth       Zero Carbon

- 28 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 Pre-submission draft of the Local Plan Update will contribute positively to the Council's Best City Ambitions, as follows:
- 29 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;
- 30 Health and Wellbeing – through people-centred policies including the design of places, the quality of housing and accessibility to green and blue infrastructure and services; requirements for Health Impact Assessments as part of large-scale development.
- 31 Inclusive Growth Strategy – through policies including green and blue infrastructure and connectivity.

### What consultation and engagement has taken place?

Wards affected: ALL

Have ward members been consulted?       Yes       No

- 32 The *scope* of the Local Plan Update, 'Your Neighbourhood, Your City, Your Planet' was consulted on 19th July 2021 for 8 weeks until 13th September 2021. Overall, there was strong support for the proposed scope of the Plan and its focus on the climate emergency.
- 33 On the 6th September 2022, Development Plan Panel endorsed the Publication draft consultation material, including the draft policies and supporting paragraphs of the Local Plan Update, to be recommended to Executive Board for approval. Executive Board subsequently endorsed the Publication draft material and approved it for public consultation.
- 34 The draft plan, including draft policies, evidence base and Sustainability Appraisal was consulted on for 8 weeks from the 24<sup>th</sup> October to the 19<sup>th</sup> 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.
- 35 550 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.

- 36 Overall, the Publication draft Plan was 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, as well as requests for detailed changes from statutory consultees such as Natural England and the Environment Agency.
- 37 The Report of Consultation for both of these consultation periods is contained at Appendix 5 and will be included as part of the suite of consultation documents for the Pre-submission draft consultation. The report of consultation details the main issues that have been received as part of the consultation and the resulting action taken by the Council. This is categorised by proposed changes that have been 1. Fully accepted, 2. Partially accepted, and 3. Rejected, and the justifications for those decisions.
- 38 Development Plans Panel endorsed the suite of Pre-submission changes on the 26<sup>th</sup> September 2023, and recommended to Executive Board that they endorsed those changes and approve them and the accompanying documentation for Pre-submission consultation subject to the following amendments, which have been updated in the material before Executive Board:
- Policy EN1B – change the transition period end date from 31<sup>st</sup> December 2027 to 31<sup>st</sup> December 2026 so as to ensure that (because some planning permissions may take up to 3 years to implement) all new development will be built to net zero standards from 1<sup>st</sup> January 2030 in line with the Net Zero Ambition of the Council
  - Policy EN1B – change the transitional energy use intensity targets and space heating requirement wording from “*applications will be expected to meet*” to “*applications will meet*” to ensure that during the transition developers understand fully their obligations
  - Policy EN2 – amend to read “Non-domestic buildings are expected to deliver at least an **Excellent** rating *and those with an **Outstanding** rating will be encouraged and supported*” so as to promote ambition
  - Policy G4 – amend to add explicit reference to “play sufficiency” in line with the Council’s emerging or subsequent local play sufficiency assessments
  - Policy P10 – amend to add explicit reference to “play sufficiency” in line with the Council’s emerging or subsequent local play sufficiency assessments
  - Policy SP1A – amend justification to insert “social infrastructure and community facilities including community halls” into the list of amenities
  - Policy SP1A – amend justification to add explanation of the policy to clarify the expectations of the policy as follows: “Achieving complete, compact and connected places is an aspiration of the Council, because it brings together a wide range of policies for sustainable development that align with its Best City Ambition. The policy sets out all of the aspects of a complete, compact and connected place, which will help to guide new development allocations in the District. However, it is recognised that not all existing places will be able to meet all of these characteristics because of the existing patterns of development and levels of services.”

### **Public Consultation Strategy for the pre submission changes Publication Draft**

- 39 It is proposed that, subject to Executive Board approval, the period of consultation commences in mid/late-October 2023. This is a technical consultation focussed on detailed wording changes. 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 and 19 consultations plus any additional respondents.
- Press release
- Statutory Notice in the local newspaper
- Social media campaign

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

### Duty to Cooperate

- 41 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.
- 42 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 reported the proposals for the LPU1, including presentation of the DtC Table of Issues and Impacts. No significant concerns about impacts on other local authorities were raised. The proposed amendments to the policies as part of the Pre-submission changes consultation do not give rise to any strategic, cross-border considerations. This is summarised in **Appendix 6**.

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

- 43 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. Costs will be met from within existing budgets.

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

- 44 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.
- 45 As outlined in paragraph 27 above, 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 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. These may include, Build to Rent schemes outside of the City Centre core; residential development in Middleton; and some residential schemes in the north of the District.

- 46 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.

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

- 47 The preparation of the LPU1 as a development plan document is in compliance with the provisions of the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
- 48 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.
- 49 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 the proposed Pre-submission 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 to the Secretary of State under s.20 PCPA and regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 50 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 3 and includes scoring of all policies and their reasonable alternatives.
- 51 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/Pre-submission 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 was carried out at initial Regulation 19 stage and comments were received from Natural England on the impacts solar farms could have on the European Sites outlined above, further work has been undertaken on important bird species and 'functionally linked land' that relates to them. This work has informed an amendment to Policy EN3: Renewable Energy in the form of locations within 7.5km of the protected sites being excluded from the opportunity areas. A revised screening document (Appendix 4) reflecting these amended policies has been prepared, and concludes that the policies in the LPU1 will have no likely significant effect on the integrity of European sites.
- 52 Pursuant to s.33A Planning and Compulsory Purchase Act 2004, 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. 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 6 for the purposes of continued detailed consultation with neighbouring authorities. The Council will need to continue to engage with neighbouring authorities and prescribed bodies throughout the process and provide a final summary of this process as part of the Submission material.

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

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

- 53 As required by law, all policies have been subject to a rigorous options process as part of the Sustainability Appraisal (Appendix 3). 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.
- 54 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.
- 55 Suggestions made through the Publication draft consultation have been analysed and reviewed. Where it is agreed that proposed changes would make the Plan sound or would improve its effectiveness, these have been incorporated, and where it is considered that changes have are not required for soundness reasons or would not approve the effectiveness of the Plan, these changes have not been incorporated.

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

- 56 Success will be measured by the adoption of a sound Local Plan Update 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. The success of individual policies will be measured in a monitoring framework for the update which will be reported on through the Authority Monitoring Report.

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

- 57 The expectation is that consultation will begin in mid/late-October 2023. The Chief Planning Officer will be responsible for implementation.
- 58 Following consideration of representations arising from the Pre-submission draft consultation it is the intention to submit the Plan to the Secretary of State in Spring 2024, 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 by summer 2024 and adoption in late 2024.

## **Appendices**

- Appendix 1 Proposed Publication Draft (Pre-Submission) Development Plan Document with tracked changes (draft policies)



- Appendix 1a Mapping Schedule
- Appendix 2 Schedule of Publication Draft (Pre-Submission) Changes (the key consultation document)
- Appendix 2a Mapping Schedule
- Appendix 3 Sustainability Appraisal Report (including Non-Technical Summary)
- Appendix 4 Habitats Regulation Assessment Screening
- Appendix 5 Report of Consultation
- Appendix 6 Duty to Cooperate Statement
- Appendix 7 Equality Impact Assessment

### **Background papers**

None.