

Development Plan Panel

Tuesday, 8th September, 2020

PRESENT: Councillor N Walshaw in the Chair

Councillors B Anderson, C Campbell,
A Carter, C Gruen, J McKenna, S Arif,
D Collins, R Finnigan, L Mulherin and
K Ritchie

9 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal.

10 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

11 Late Items

There were no formal late items.

12 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

13 Apologies for Absence

There had been no apologies for absence received.

14 Minutes

RESOLVED- That the minutes of the Development Plan Panel meeting held on 29 July 2020 be approved as an accurate record.

15 Legal Challenge on the Site Allocations Plan (SAP) Update

Further to the minutes of the meeting held 29th July 2020, the report of the Chief Planning Officer invited Members to note the position on the Legal Challenge to the Site Allocations Plan (SAP). The report outlined immediate tasks required, along with the next steps in terms of moving forward.

The following had been appended to the submitted report:

- Approved Judgement (Appendix 1)
- The list of sites within the SAP affected by the High Court Judgement (Appendix 2)
- Former Green Belt housing allocations (Appendix 3)
- Table showing Outstanding Housing Capacity Pre Judgement and Post Judgement (Appendix 4)

The Team Leader (Policy and Plans) informed the Panel on the latest position of the Legal Challenge. It was noted that the High Court has now ordered relief. The effect on the relief is that all parts of the SAP which allocates sites for housing before the adoption of the SAP, were in the greenbelt (37 sites), will be remitted back to the Secretary of State and the Planning Inspectorate

for further examination. It was confirmed that during the remittal process, the 37 sites will be considered as not adopted and will return to the Green Belt until re-examined. A number of implications had been identified as a result of the Judgement, and are as follows:

- The Council's Five Year Housing Land Supply, has been reduced from 7.2 years to 6.1 years;
- The sites adopted in the SAP and Aire Valley Leeds Area Action Plan (AVLAAP) reduces the plan supply to 46,530 homes overall. The uneven distribution of outstanding housing capacity is a result of eight HMCA's in deficit of indicative targets and only three in surplus – windfall sites add to the supply, which currently totals 50,100 homes.
- Officers have commenced work on updating housing supply evidence – Strategic Housing Land Availability Assessment (SHLAA) and will identify any further modifications to the Plan;
- Policy HGR1 of the adopted SAP – given the Order to remit it is not possible to submit a review for housing allocations and safeguarded land by 2021. However, as part of the remittal process the Council will be required to review the additional need for housing allocations post 2023. It was confirmed that depending on their nature the proposals to the Secretary of State could include the deletion of Policy HGR1, removing the need for a SAP review. It was confirmed that work updating the SHLAA was estimated to be concluded between 6-8 weeks. Following the conclusion of updating data and evidence, a report would be considered at the Development Plan Panel meeting in December 2020.

In responding to Members comments and questions, the following had been discussed:

- Review of HMCA's and target figures – a review at this stage was not required due to HMCA's being considered as part of the recent CSSR which was Adopted in 2019, and further focus was required on the re-examination of the 37 sites. The target figures are indicative, and there wouldn't be a desire to create new targets through the SAP remittal.
- New Sites with Planning Permission (Windfall sites) (as set out in Appendix 4) – the table provided a factual statement outlining the overall balance of the surplus where the 37 sites had been taken out of the plan and started as of 2017. Additionally, officers confirmed specific information relating to new sites (not in the SAP/AVLAAP) would be provided to ward members.
- Re-allocation/remittal of the 37 greenbelt sites – when coming to a conclusion, the inspector would take into consideration the sustainability appraisal and infrastructure needs that take into account economic, environmental and social factors. "Exceptional Circumstances" are set out by national planning guidance for plan making, and the Council would need to set these out if the 37 sites were proposed to be removed from the Green Belt.
- The NPPF sets out that when dealing with planning applications, development in the Green Belt is inappropriate unless it can demonstrate "Very Special Circumstances" or falls into one of a number of exceptions. The onus lies with the developers to present any such circumstances subject to a planning application coming forth.
- Review of the Strategic Housing Market Assessment (SHMA) – the SHLAA is carried out on a yearly basis and considered the economic recession in

relation to Covid-19. The SHMA had been considered as part of the CSSR, and was deemed sound at the time. There was no requirement to amend the housing requirement targets within the remittal of policies to the Planning Inspector, and the targets would last until the end of the Plan period. It was confirmed that work on the SHLAA would provide further clarity on the impact of the housing market in Leeds.

- The unbalance of housing allocations across the city and in particular the concerns in relation to city centre and urban area locations having a bigger surplus.
- Member engagement - ward member briefings would be undertaken subject to the scope of the SAP and it was reiterated that the officers would be working at a faster pace due to the priorities of the council in relation to outstanding matters in the SAP.
- The legal position and risks associated with developers who had taken out options of land to be developed, prior to the remittal of the 37 sites – the legal advisor to the Panel confirmed risks associated with the Local Plan prior to being adopted, still remained until the appeal period has expired and that no challenge has been forthcoming. It was confirmed that the appeal period had expired, and there had been no appeals 21 days following the relief decision.

RESOLVED –

- a) To note the contents of the report and comments made during discussion of this item;
- b) To note the intention to receive a further report at the Development Plan Panel meeting in December 2020, once evidence required for further examination has been updated.

16 Planning White Paper

The Planning Strategy Team Leader (Policy & Plans) presented a report which provided Members with an overview of proposals in the Government's White Paper on reform of the Planning System, noting that the consultation would end 29 October 2020.

A copy of the consultation questions as part of the Planning White Paper consultation had been appended to the report and can be found at Appendix 1.

The report outlined the potential implications for planning in Leeds and provided an understanding of the proposals in the White Paper that had been split into three topic areas. The following key headlines and matters for consideration in terms of the consultation responses had been highlighted:

Planning for Development

- Designations of land for Growth, Renewal or Protection. Complexities included area needs in relation to the variety of communities and urban areas in Leeds;
- Proposed set of Development Management policies established at a national scale. To avoid repeating policies as set out in local plan, instead concentrating on site or area specific requirements;
- Review of the Standard Method for calculation housing requirements;
- Faster decision making in relation to planning applications to be streamlined.

Beautiful and Sustainable Places

- The important role for Local Design Codes in terms of planning applications;
- Considerations around proposals for improvements in the energy efficiency standards for buildings to deliver a commitment to net-zero by 2050 and conserving and enhancing historic buildings.

Infrastructure and Connected Places

- The replacement of S106 and the Community Infrastructure Levy (CIL) system with a single levy.

It was acknowledged that the proposals of the Planning White Paper would result in significant changes in how planning matters are dealt with in Leeds, and required input from Local Authorities in moving forward.

The Panel noted the responses submitted, and further comments had been discussed:

- The White Paper's commitment to net-zero by 2050 was not ambitious enough compared with Leeds' commitment to zero carbon by 2030.
- Concerns that the White Paper does not address housebuilder land banking issues.
- Concerns regarding infill sites in terms of urban areas, and the implementation of green infrastructure across communities.
- The proposal to replace statutory site notices with digital options would not cater for the variety of communities across Leeds.
- Considerations around how the White Paper reforms would affect wider community understanding and involvement in the planning system.

It was agreed that a unified approach was required in responding to the consultation in a coherent way, and a suggestion was made for working groups to be arranged to provide cross political party consensus on planning matters at a local level. Officers confirmed that additional sessions would be arranged through working group sessions prior to the next formal meeting in October.

RESOLVED –

- a) To note the contents of the report along with the Panel's discussions;
- b) To request that a series of working groups be arranged in conjunction with the Chair, Development Plan Panel Members and officers to allow Members to comment on the proposals prior to a draft response being finalised;
- c) To note that a draft response to the consultation would be brought to the Development Plan Panel in October 2020 for endorsement.

17 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as 13 October 2020 at 1.30 p.m.

The meeting ended at 15:25.