



DEVELOPMENT PLAN PANEL

Meeting to be held in Remote on
Tuesday, 3rd November, 2020
at 1.30 pm

MEMBERSHIP

Councillors

B Anderson
C Campbell
A Carter
C Gruen
J McKenna
N Walshaw (Chair)
S Arif
D Collins
R Finnigan
L Mulherin
K Ritchie

Note to observers of the meeting: To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting.

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=450&MId=10190&Ver=4>

Agenda compiled by:
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Governance Services
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A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstance shall be specified in the minutes).</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To agree the minutes of the meetings held 8th September 2020, and 13th October 2020, as a correct record.</p>	7 - 14
7			<p>LOCAL PLAN UPDATE (LPU)</p> <p>To consider the report of the Chief Planning Officer that invites Members consideration on a list of proposed topic areas and possible policy approaches. The topics are brought forward in two stages, with the 3rd November session considering reducing emissions, heat networks, renewable energy generation and storage, place-making, and green infrastructure and biodiversity. On the 19th January 2021 the topics of patterns of growth, infrastructure and flood risk will be considered (the commissioning of a new Strategic Flood Risk Assessment is underway and this will inform options for flood risk moving forward). For that January meeting officers will also present a first consultation draft of the LPU as a whole. This will align with the Regulation 18 consultation stage of plan-making as set out in the Town and Country Planning (Local Planning) Regulations.</p> <p>(Report attached)</p>	15 - 40

Item No	Ward	Item Not Open		Page No
8			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 19th January 2021 at 1.30 pm.</p> <p><u>Third Party Recording</u></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

Third Party Recording

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Use of Recordings by Third Parties– code of practice

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- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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.

Development Plan Panel

Tuesday, 13th October, 2020

PRESENT: Councillor N Walshaw in the Chair

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

18 Appeals Against Refusal of Inspection of Documents

There were no appeals.

19 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

20 Late Items

There were no formal late items.

21 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

22 Apologies for Absence

Apologies for absence were received from Councillor D Collins. Councillor D Cohen acted as a substitute for Councillor D Collins.

23 Planning White Paper

Further to the minutes of the meeting held 8th September 2020, the report of the Chief Planning Officer set out the draft responses to the proposals and consultation questions set by the Government.

A copy of the draft responses to the White Paper had been appended to the submitted report.

The Head of Strategic Planning introduced the report, and explained that the draft final response submitted on behalf of the council included a cross party input, together with comments from Members at Full Council, the Climate Emergency Advisory Committee (CEAC) and Members at the Development Plan Panel sub group. The Panel were informed that a request from a Member of the CEAC had been made for the response to seek clarity on the number of permission granted against Build out Rates.

Additionally it was noted that there had been wide cross council officer consultation, as well as engagement outside the council with the Core Cities Group, West Yorkshire Combined Authority and the Leeds Gypsies and Travellers Exchange. The Gypsies and Travellers Exchange had submitted their concerns that they felt marginalised by the proposals, and the proposed removal of the Duty to Cooperate.

The proposals in the White Paper had been split into three topic areas, referred to as Pillars. A summary of each Pillar had been outlined and in turn, the following key points had been highlighted in responding to the Governments questions:

Pillar 1: Planning for Development

- The LA is of the view that planning requires a broad spatial function as opposed to a regulatory land-use tool;
- Clarity on the differences between growth and renewal areas;
- Clarity on whether a 'zoning approach' would be implemented and how that would apply across the city and urban geographies;
- To address the need for volume housebuilders to deliver quality homes.

Pillar 2: Beautiful and Sustainable Place

- To seek clarity on the definition of what is meant by 'design' against the climate emergency, health and wellbeing and inclusive growth agenda, all of which should be planning considerations.

Pillar 3: Planning for Infrastructure and Connected Places

- To determine whether the reformed levy would be set nationally, locally or a mixture of both to reflect local circumstances;
- Concerns regarding the loss of flexibility of marginal sites;
- The increase of developer contributions would be welcomed in line with strategic viability and growth plans;
- Concerns regarding the LA borrowing against future levy revenues.

In responding to concerns raised by Members, the Panel discussed the following:

- The impact on the effect of the new mayoralty – the Planning White Paper does not acknowledge a Spatial Development Strategy. The response provided sought to identify how the proposed changes aligned in the context of the Combined Authority plan making processes.
- Neighbourhood Plans (NPs) – Leeds provided good examples of preparing NPs, and engaged with communities at a bottom up level. Challenges were identified regarding ward capacity, and false perceptions of NPs.
- Review of EN1 and EN2 – it was confirmed that the Local Plan Review would look at the evolution of those policies.
- CIL distribution in terms of Parish and Town Councils – it was noted that details had only been provided regarding the Neighbourhood Fund, and it was expected that a technical consultation would follow on the proposals outlined.
- 20-minute neighbourhoods and the concept around having access to education, health and everyday needs within 20 minutes of homes.

The Panel shared a general consensus that the commitment with Leeds reducing its carbon to net zero by 2030 should remain to be reflected in the response, and that the 2050 goal as set out in the Planning White Paper did not reflect the need to address the climate emergency. Additionally, the Executive Member for Climate Change, Transport and Sustainable Development suggested that in relation to Q16, the response should reflect the council's commitment to the UN sustainability goals locally and to provide best practice examples.

The Head of Strategic Planning informed Members that following publication of the agenda, an additional request had been received to include the need for consideration on a national approach to mineral extraction to support the proposals in the White Paper.

Additionally, the Chief Planning Officer summarised by highlighting that the common theme across the responses sought a need for further clarity, as the proposals were initial at this stage and left a lot of detail to be worked through. In order to support improvements to the planning system, further details in relation to sustainability aspects and the climate emergency was required.

In conclusion, it was agreed that the following matters raised as issues, would be included within the consultation response relating to:

- Build-out rates
- Mineral extraction
- Planning for Gypsies and Travellers
- Council delivery in sustainable goals

RESOLVED –

- a) To note the contents of the report, together with the Panel’s discussions;
- b) To note the draft responses with the inclusion of the matters as outlined above, prior to the response being submitted by the Chief Planning Officer, under his delegation, to the Ministry of Housing, Communities & Local Government as the Council’s response to the White Paper.

24 Government Consultation on Changes to the Planning System

The report of the Chief Planning Officer detailed the consultation “Changes to the Planning System” that set out measures to improve the effectiveness of the current planning system.

Appended to the report included the City Council response.

The Head of Strategic Planning introduced the report, and explained that the consultation period ended on 1 October 2020, of which focused on technical changes. It was noted that the consultation was distinct from the Planning White Paper consultation. The 4 main proposals were as follows:

- Changes to the standard method for assessing local housing need;
- Securing of affordable First Homes through developer contributions;
- Temporary lifting the small sites threshold below which developers do not need to provide affordable housing;
- Extending the current Permission in Principle to major development.

In response to a comment regarding Members’ input on the consultation, officers explained that the proposals as set out in the consultation focused on specific technical issues that were partially considered in the Planning White Paper. Members were informed that any outstanding areas of concern can be picked up in addition to the submitted response.

RESOLVED – To note the contents of the submitted report and the City Council response.

25 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 3rd November 2020 at 1.30 p.m.



Report author: Adam Harvatt, Martin Elliot. Tel: 0113 37 87634

Report of Chief Planning Officer

Report to Development Plan Panel

Date: 3rd November

Subject: Local Plan Update

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): ALL		
Has consultation been carried out?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number: Appendix number:		

Summary

1. This is the latest paper on the Local Plan Update (LPU) following a meeting of Development Plan Panel in July 2020, which discussed the possible scope of the update. This paper seeks to build on that discussion by putting forward a list of proposed topic areas and reasonable policy approaches for consideration by Development Plan Panel.
2. These topics will be brought forward in two stages, with the 3rd November session considering reducing emissions, heat networks, renewable energy generation and storage, place-making, and green infrastructure and biodiversity. On the 19th January 2021 the topics of patterns of growth, infrastructure and flood risk will be considered. For that January meeting officers will also bring together all the previous material to present a first consultation draft of the LPU.

Recommendations

3. Panel Members are asked to:
 - (i) consider and provide comments on the draft policy scope of the Local Plan Update.

1. Purpose of this report

- 1.1 This is the latest paper on the LPU following a meeting of Development Plan Panel in July 2020, which discussed the possible scope of this update, in addition to the statutory review of policies also presented. This paper seeks to build on that discussion by putting forward a list of proposed topic areas and possible policy approaches for consideration by Development Plan Panel. These topics will be brought forward in two stages, with the 3rd November session considering reducing emissions, heat networks, renewable energy generation and storage, place-making, and green infrastructure and biodiversity. On the 19th January 2021 the topics of patterns of growth, infrastructure and flood risk will be considered (the commissioning of a new Strategic Flood Risk Assessment is underway and this will inform options for flood risk moving forward). For that January meeting officers will also present a first consultation draft of the LPU as a whole. This will align with the Regulation 18 consultation stage of plan-making as set out in the Town and Country Planning (Local Planning) Regulations.
- 1.2 The consultation will not fully prescribe what the LPU should conclude on a particular matter as, at this initial formal stage in the plan making process, it will use consultation to clarify the scope, seek support for particular options and continue to develop an evidence base to justify the Council's preferred options in due course. The work that has informed this report therefore does not seek to prejudge consultation on the scope of the LPU, rather it serves to help inform it.
- 1.3 This report is set out in two main parts, the first (paras 3.1 – 3.31) establishes a clear context for the LPU and how the climate emergency informs the work of the Council. As such, this narrative establishes key parts of the evidence base for the scope of the LPU. The second section (paras 3.32 – 3.105) sets out topic areas and initial policy aspirations and options to help inform consultation. This section also poses initial questions for consultees which are indicative of potential questions that could form part of the Regulation 18 draft.

2. Background information

- 2.1 Following the declaration of the Climate Emergency in March 2019, in September 2019 Council approved that: *“To reflect the Council’s declaration of Climate Emergency ... Council commits to including measures to address the Climate Emergency in subsequent Core Strategy Reviews. This should include a strategic plan to deliver more trees in the city, a greater emphasis on how new housing developments are accessed i.e. not solely by the private car and a clear commitment to review Spatial Policy 12 of the Core Strategy relating to growth at Leeds Bradford Airport, as a matter of urgency, and notes that the Council has already committed to bringing a timetable to Development Plan Panel this Autumn”.*
- 2.2 In January 2020 Members of DPP attended a workshop discussion to help inform the range of policy areas associated with the climate emergency, which the Council should consider through its LPU. Members placed great weight on policies for place-making, building standards and accessibility.

- 2.3 It is noted that Leeds Bradford Airport submitted a planning application for consideration to construct a new terminal building and increase the number and frequency of flights in May 2020. This is currently in the process of being considered.
- 2.4 In July 2020 Members of DPP considered two reports. The first, was a consideration of the review of all the policies within the current Local Plan to see if they needed to be updated; this included whether they were supporting the climate emergency and whether they were supportive of planning for implications of the pandemic. At that time Members also considered a report outlining the proposed scope of the LPU. The views expressed by the Panel made clear that the priority for the LPU is to consolidate and move beyond existing local planning policies to address climate change, through the establishment of new policies and guidance within the Leeds Local Plan, which helps address the climate emergency declaration to achieve net zero emissions by 2030. Members are reminded therefore that this LPU is anticipated to be the first of a number of Local Plan updates, with future updates tackling wider topic areas. This approach reflects the requirements of national guidance for Local Plans to be monitored and reviewed every five years.
- 2.5 The first regulatory milestone in the preparation of a Development Plan Document such as the LPU is an initial stage of public consultation ('Regulation 18' consultation) which, as Members were advised in July, is scheduled to start in Spring 2021 (subject to the necessary approvals being in place). The purpose of this stage is to get views on what matters the LPU will need to consider and address i.e. its scope. The relevant regulations specify that, as part of the plan preparation process, we should invite representations on what the local plan ought to contain. Whilst being mindful of the need to not pre-judge the outcome of that consultation, it is considered that it would be helpful to respondents and speed up the process if the Council's general preferred scope of policies (with initial detail of what they are to contain) was used as a means of generating responses to the Plan at that early stage. This would help shorten the timescale for preparation, focus comments and in due course help clarify the tests of soundness that are required by national policy.
- 2.6 As the LPU is a plan-making process it is important to note that issues raised during forthcoming formal consultation stages in addition to the focused input of specialist bodies (for example infrastructure providers and the West Yorkshire Combined Authority - WYCA) will also inform the future direction and content of the LPU. The preparation of the LPU is an iterative process and possible options will narrow and refine in response to emerging information and evidence as work on the plan progresses. This work will also need to take into account new evidence and Government legislation as it emerges.

3. Main issues

- 3.1 It is anticipated that the Regulation 18 consultation document will be drafted in full for consideration at the January 2021 DPP meeting. This report sets out an initial vision, narrative, topic areas and wider policy links which will be included in some form in that document and are set out here as context.

Local Plan Update Vision

- 3.2 Below are some draft visions for broad topic areas that will be used as part of consultation material.
- 3.3 **Climate Change:** For new development, Leeds will have minimised energy demand and met all demands for heat and power without increasing carbon emissions, to allow Leeds to meet its climate emergency commitment of zero carbon by 2030.
- 3.4 **Place-making:** Leeds will have worked in the public interest, prioritising the safety and well-being of people within a framework of long-term sustainable development by allowing development that promotes safe, healthy and resilient places, reflects the issues associated with inclusive growth and an environment which leaves a positive legacy for all people.
- 3.5 **Green Infrastructure:** Leeds will create new Green Infrastructure (GI) (including Green Space and Natural Environment) through the planning process, and identify, improve, protect and extend existing GI to address the challenges of climate change and create a healthy city.
- 3.6 Introduction to the Local Plan Update
- 3.7 Leeds City Council has declared a climate emergency and has set an ambition for Leeds to work towards carbon neutrality by 2030. This is a massive task, needing a sustained effort from not just the Council, who aim to lead by example, but for other agencies, businesses and residents of Leeds to take this huge step.
- 3.8 To achieve our ambitions by 2030 and beyond, a rapid period of transition is necessary, along with big step changes. The Council aspires to achieve these because the evidence shows that they are needed now.
- the United Nations Intergovernmental Panel on Climate Change warned that the window to limit world temperatures to under 1.5 °C and avoid the worst climate change impacts will close in the next decade;
 - the UK government updated the Climate Change Act, committing to, by law, reduce greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050, in response to the Committee on Climate Change (CCC);
 - to reach this target the government has set legally-binding 'carbon budgets' in five-year periods i.e. the amount of greenhouse gases the UK is permitted to emit for each five-year period;
 - the CCC has found that the government's policies and plans are insufficient to meet its carbon budgets and that the policy gap has widened
 - Yorkshire and Humber's share of the 'carbon budget' to 2050 on a per capita basis is estimated at circa 250 mega-tonnes. If we continue business as usual the budget will have been used up within the next five years;
 - climate-related events are continuing to occur in frequency and severity both globally and locally e.g. frequency of storms, such as Storm Eva and the floods caused over Christmas 2015;

- If no action is taken to address the climate emergency, there are parts of the wider region at risk of increasingly frequent and intense flooding that will threaten populations, industry and infrastructure. This is a particular risk around the Humber, especially Hull, Selby and Goole but flooding has already impacted wider parts of the region in recent years, including in Leeds.

3.9 Most local authorities across Yorkshire and Humber and the Combined Authority have now declared climate emergencies with a commitment to carbon neutrality. Whilst there are varying dates for achieving carbon neutrality, all commitments are ahead of the government 2050 target, and the majority are around 2030 and 2038. This is a challenge, but not trying to achieve zero carbon by 2030 would be worse than doing nothing because:

- it will help influence and inform Government on the steps that are necessary for low carbon cities;
- Leeds already has a significant level of development in the pipeline (including almost 40,000 homes) to deliver, which will last beyond 2050 and if built to poorer standards will only serve to exacerbate the challenge in the future;
- the Council needs to have a clear medium term strategy for the issue in any case with the next plan-period, because the West Yorkshire Combined Authority has declared a commitment to be zero-carbon by 2038;
- the Government's ambitions for zero carbon by 2050 would need advanced preparation.

3.10 In addition, the policy areas within this update are not only about reducing carbon. In parallel to considering the climate emergency, the Council has also focused on the ecological crisis that is being faced, with a loss of 70% of insects over the last thirty years across Europe. The Council has also sought to align the resilience that Leeds needs to adapt to climate change with its policies for health and well-being and inclusive growth as they are inter-related. A need for resilient places has also been heightened during the past year by the global pandemic, its localised impacts on communities in "lock down" and its impacts on the economy.

The Role of Planning

3.11 The land use planning system plays a critical role in mitigating and adapting to climate change. Specifically, it can shape places in ways that contribute to radical reductions in greenhouse gas emissions, it can minimise vulnerability and improve resilience; encourage the more prudent use of existing resources and support the move towards renewable and low carbon energy and associated infrastructure.

3.12 The National Planning Policy Framework (NPPF 2019) is national guidance for planning. Section 14 (¶148 – 154), stresses that the planning system should support the transition to a low carbon future in a changing climate. In particular Planning should, "...help to: shape places in ways that contribute to radical reductions in greenhouses gas emissions, minimise vulnerability and improve

resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.

3.13 In addition to the statutory requirement to take the NPPF into account in the preparation of Local Plans and in decision taking, there are wider statutory duties on local planning authorities to include policies in their Local Plans designed to tackle climate change and its impacts, including:

- Planning & Compulsory Purchase Act (2004) - Planning must secure that the development and use of land contributes to the mitigation of and adaptation to climate change;
- Planning Act (2008) - A duty that Plans have climate change targets and policies;
- Planning & Energy Act (2008) - Powers to require some low-carbon energy generation from new development;
- Climate Change Act (2008) - Establishes the importance of planning in securing legally binding targets.

3.14 Leeds has a Local Plan with existing policies aimed at addressing climate change. This is currently achieved through policies relating to the spatial strategy (including the role of settlements, the focus of regeneration and the distribution of growth), location, layout and fabric of development. These are summarised at **Appendix 1**.

3.15 Since the declaration of the Climate Emergency work has progressed on focussing on improving the delivery outcomes of existing policies that the Council has, so as to (a) understand what new policies are needed, and (b) ensure that all new development is doing its best to meet the Climate Emergency now. This has involved:

- Clarifying the 2011 “Building for Tomorrow Today” and 2003 “Neighbourhoods for Living” Supplementary Planning Documents with updated policy cross-references;
- Developing material to re-inforce the climate, health & well-being and inclusive growth benefits of the existing planning policies, primarily around the theme of better place-making. This work forms the basis of a submission to the Healthy City Design 2020 International Congress;
- Initial work with developers (paused by the pandemic) to clarify the views of the industry on updated planning policies.

3.16 The Climate Emergency affects Leeds in a number of ways, some of which are specific to the nature and character of Leeds. Leeds has to be ready to deal with a changing climate (and the associated mitigation and adaptation necessary) in the following ways:

- Adapt to a changing climate by preparing for heat waves and their impacts. It is recognised that as a large urban area Leeds will experience an increase

in temperature fluctuations. The health impacts of heatwaves can be significant, particularly for vulnerable people, when excess deaths can occur. Therefore it is crucial that we make places ready for extremes of temperature to ensure they are resilient. In Leeds the urban heat island effect will affect those who are most vulnerable within Leeds, including elderly, those with respiratory conditions and those in built up high density areas.

- Plan for flood risk. Leeds is also well aware of the issues that flooding brings e.g. the damage caused by Storm Eva in 2015, will increase as the global and local climate changes.
- Heatwaves also have impacts on infrastructure and water resources which will need to be used more wisely in development and in agriculture.
- Temperature changes won't just affect people and there will be a need to plan for better biodiversity and resilient local habitats for our species
- Climate change won't just affect the urban area, but also the countryside around our city and our major settlements. This will see a changing role for local food production, tree and woodland planting and opportunities for renewable energy.

3.17 International and national efforts including new laws will need to address wider global and national efforts but the effects of climate change can be minimised locally and this Plan has the opportunity to stem and lessen the worse effects of climate change. The Leeds Carbon Roadmap notes that there are a range of economically viable, technically viable, and innovative options that could help to close the gap between current emissions levels and carbon neutrality. The Council has a responsibility to lead the way on all of these options and to ensure that the planning system does all that it can to support them. For example, with over 30,000 homes in the pipeline without detailed planning permission, there is a need to ensure that the legacy of all development is a low carbon one. This can be achieved through mitigating climate change as follows:

- Ensuring low carbon and renewable energy & heat infrastructure. Leeds is a growing city at the heart of the city region and with burgeoning economic sectors – it needs a reliable supply of power, which can be supported locally. Government plans to decarbonise the energy supply of the UK but its plans are not fully clear. It is therefore essential that efforts are put in place now to support this through local decarbonisation and energy generation opportunities, from stand-alone generation to on-site heat and power. It is also important to ensure that buildings are as fabric efficient as they can be so as to not waste the limited energy resources available to us.
- A modal shift towards low carbon forms of accessible transport will be essential to underpin the sustainability of new development and improve access to existing places. More active travel is low carbon and healthy and linked to the need to travel is the strategic location of development which is within walking distance of every day needs (so called 20 minute neighbourhoods). Low carbon travel is not just about moving people around the city to meet their needs but also about moving goods by rail and canal.

- The role of low carbon buildings with zero carbon impacts being required through energy generation, fabric efficiency, the type, pattern and layout of development.
- The role of the natural environment in absorbing carbon and supporting wildlife through green infrastructure, greenspace, greening of development such as green roofs, green walls and hedgerows, as well as the role of trees, soil and water.

3.18 The LPU requires a different approach to thinking about place and how Leeds grows in the future and can be ‘future proofed’, as far as practicable. It will be important to ascertain from residents, investors and other stakeholders what sort of aspirations people have for place. It will also be important to provide clarity for suppliers, investors and infrastructure providers about what their role is in supporting innovative approaches to reducing carbon emissions.

The breadth of the challenge

3.19 Every individual, organisation and business has a part to play in the Climate Emergency, as do all services across the Council. The Planning & Sustainable Development Service and this Development Plan Document are just one small part of the work needed.

The West Yorkshire Combined Authority

3.20 The WYCA Growth Deal with Government notes¹ that “Government welcomes West Yorkshire’s commitment to becoming a net zero carbon economy by 2038, with significant progress by 2030.” The Deal notes that the region’s success in becoming a net zero carbon economy by 2038 will depend on reducing emissions from transport, buildings, industry, power generation and land.

3.21 The Combined Authority will develop a “*Zero Emission Strategic Infrastructure Investment Framework*” for the region, with support from Government, where appropriate, to provide feedback as the concept develops. This will:

- provide direction for infrastructure investment priorities and policies;
- provide long-term confidence to those wishing to invest in the region;
- provide an evidence base, upon which the region can prioritise and shape investment in infrastructure ;
- support the creation of high-quality green and blue infrastructure, high-quality low carbon developments, zero emissions transport infrastructure, and decarbonisation of energy.

3.22 The Combined Authority are also tasked with preparing a statutory Spatial Development Strategy for West Yorkshire. This will “*coordinate strategic land-use planning with strategic transport planning and provide an ambitious*

¹ 2020, West Yorkshire Devolution Deal, para 113

framework to achieve a strategic level change in environmental planning policy to reduce carbon emissions and tackle the climate emergency².”

3.23 Our local policy preparation on Climate Emergency policies therefore needs to align with the strategic direction of the Combined Authority and the other local authorities in the sub-region where appropriate. This will be achieved through the current Duty to Cooperate arrangements and detailed discussions which have already begun and will focus on strategic matters, which have a cross boundary impact such as:

- cross boundary river catchments and flood risk;
- renewable energy generation and wider landscape impacts;
- mass transit proposals;
- green infrastructure & green corridors.

What are the triggers for a heightened/changed approach?

3.24 Leeds continues to be a growing city because it sits at the heart of the City Region, is an economic driver and has objectively evidenced development needs e.g. for a variety of types of housing and employment, already set in the Local Plan. A Climate Emergency does not suggest that we won't continue to house our residents to meet needs, provide for jobs and infrastructure. However, these need to all be done in sustainable ways, through the delivery of sustainable development.

3.25 According to a carbon roadmap report by Leeds Climate Commission, Leeds could become a carbon neutral city by 2050 – and potentially by 2030. The report demonstrates that it is technically, and to a large extent, economically possible for Leeds to become a carbon neutral city and to meet ambitious carbon reduction targets in line with the global targets set out by the United Nations. The roadmap makes clear that no single innovation will resolve the climate crisis or put Leeds on the right path to zero carbon but that a combination of activities are essential. This means that no-one can afford to not play their part or to leave it to someone else to make the efforts. The report sets out that there are economically viable measures that can be delivered now.

Sustainable Development

3.26 The far reaching importance of the Climate Emergency and the importance of urban planning in helping tackle it, are recognised internationally in “Transforming our World: the 2030 Agenda for Sustainable Development”, which includes 17 sustainable development goals (SDGs) and 169 associated targets. It was adopted by the United Nations and came into force in 2016 with an expectation that countries would embed these through national planning. The 17 SDGs set out a holistic framework that can help decision-makers take joined-up approaches to a wide range of issues, including climate change. They cover a range of issues: jobs and the economy, healthcare, housing, the environment and more. Their overarching focus is on achieving these objectives and goals – at the same time and that ‘No one is left behind’: tackling

² *Ibid* para 104

inequality and helping the most vulnerable first. Leeds City Council has signed up to the goals.



3.27 Many of the UN Sustainable Development Goals align with the holistic way in which the Council intends to deal with the Climate Emergency and the key to better implementing the LPU policies will be:

- plan making, including through Strategic Environmental Assessment and Sustainability Appraisal;
- engagement and partnership, including through the Duty to Cooperate, with other Council services and public and private partners;
- implementation and monitoring, which is clearly linked to the UN goals and the carbon roadmap.

3.28 The NPPF sets out that sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs and that the planning system has three overarching objectives for the economy, for society and for the environment, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). This broad definition can lead to a lack of clarity on how net gains are calculated and how social and environmental impacts are assessed against economic ones and at the current time this is achieved through sustainability appraisal at the plan-making stage, however authorities like London are making more use of the UN SDG approach in their plan-making.

Leeds Climate Conversation

- 3.29 A Climate Conversation was launched in 2019 as a result of the declaration of the Climate Emergency and nearly 8,000 people responded to the Council with the overwhelming majority agreeing with the scientific consensus that the climate is changing due to human activity, that they are worried about it and that tackling the climate emergency, becoming a carbon-neutral city and protecting wildlife diversity should be priorities for the Council.
- 3.30 The majority of responses also considered that more should be done around the following issues:
- transport, especially suggestions for a mass transit system;
 - minimising waste and encouraging recycling;
 - build 'greener' developments, e.g. requiring stricter energy efficiency standards, the installation of renewables;
 - make it harder to develop on green field sites;
 - plant more trees.
- 3.31 These all have a clear planning dimension.

The wider Policy agenda

- 3.32 The LPU will be a means of implementing wider policy objectives through new development and involve a range of wider Council services, local, sub-regional and regional policies and programmes and the objectives of key sectors e.g. the health sector. This will necessitate a strong partnership approach to the progression of the LPU not only to align and justify policies with wider policy ambitions but also to provide early clarity on the complex funding arrangements that will be needed to secure sustainable places with the right infrastructure.
- 3.33 It is recognised that local policy must sit within (and be in accordance with) a national policy context as set by legislation and national guidance. Proposed changes to the planning system and building regulations may impact on the ability of local authorities to establish bespoke climate agenda measures within their Local Plans. At present it is considered that the NPPF has not necessarily reflected the Government's aspirations to meet net zero carbon emissions by 2050 and plans for how this agenda is embraced within a new planning system are not yet clear. As such, the Council is proposing to advance work on its LPU to help meet the climate agenda in Leeds, whilst recognising that responding to future changes to the planning system will be crucial in any future Local Plan preparation.

Topic Areas and Policy Exploration

3.34 Reducing Carbon Emissions from Buildings

- 3.35 Carbon reduction is currently addressed in Core Strategy Policy EN1: Climate Change – Carbon Dioxide Reduction. It requires major development to be 20% more energy efficient than the Building Regulations standard (operational energy use) and requires 10% of the energy needs of the development to come from renewable or low carbon energy sources. The objective is also met by

Core Strategy Policy EN2: Sustainable Construction which requires major commercial development to be built to the BREEAM Excellent standard.

- 3.36 The main issue identified with the current policy position is that it does not make sufficient progress in achieving the Council's climate emergency commitment to make the city carbon neutral by 2030, nor does it apply to all development. The Committee on Climate Change recommendations state net zero is only credible if policy to reduce emissions ramps up significantly. Leeds should therefore consider raising the energy efficiency target for all new development and consideration should also be given to increasing the proportion of energy needs that are met by renewable or low carbon energy. This is not capped in national policy. EN1 currently requires that 10% of predicted energy needs of a development are generated by renewable energy. There is the potential to get a greater proportion and this would help residents who are in fuel poverty and increase energy security.
- 3.37 Given the commitment to be zero carbon it is not an option to consider maintaining the current standards in policy EN1. Options should therefore consider what the new standards should be that will deliver zero carbon by 2030 without making development unviable.
- 3.38 To meet net zero carbon by 2030 it is essential that emissions from new development is reduced as far as technically and economically possible, and there are examples of where low carbon developments are being delivered viably. It is proposed that any new policy would replace Core Strategy policy EN1.
- Preferred Option: Require all development to be built to a zero carbon standard, with net zero emissions.
 - Alternative Options: 1) an incremental tiered approach to reducing emissions from new buildings, 2) prescribed improvements over and above emission requirements set out in building regulations (e.g. 40% improvements), 3) requiring carbon off-setting of developments through renewables, 4) Requiring a set proportion of energy to be derived from low carbon/renewable sources.
- 3.39 Issues to resolve: Consideration needs to be given to how zero carbon is defined and how far it stretches beyond the curtilage of a building, i.e. does it include vehicle movements generated by the development. In addition, should standards be applied to all developments or just to major applications? These are questions that we will seek to raise through consultation.
- 3.40 Questions for regulation 18 consultation: It is important that we invite a frank debate with consultees on the viability and deliverability of our preferred approach to reducing carbon emissions and to provide the opportunity to raise other views.
- Do consultees believe that zero carbon development is possible? If not, why not? How should zero carbon be assessed and what is the correct balance between fabric efficiency and energy generation in securing low carbon buildings so that they are resilient for the long term?

- Should developments still be required to provide set proportions of renewable energy on top of prescriptive standards for carbon emissions from development? If so, what proportion do consultees feel is appropriate?
- If improvements over and above building regulations is the preferred approach, do developers consider that this is warranted in Leeds, if not why not?

3.41 **Sustainable Construction**

3.42 Core Strategy Policy EN2 has been recently amended by the Core Strategy Selective Review following the Government's abolition of the Code for Sustainable Homes. Consideration should be given as to whether the Council wants to introduce another measure of sustainability for residential development instead. Other similar standards are Passivhaus and BREEAM Residential and the Leeds Standard which is used for the Council's own applications. The benefit of a sustainability measure is that it gives an overall assurance of the sustainability of a development (not just energy but water and waste) and the developer is required to get an independent assessment to verify that the standard has been achieved.

3.43 Preferred Option: Require a high standard of sustainable construction for residential development as defined by a specific, nationally recognised accreditation process.

3.44 Alternative options: 1) A 'do nothing' approach which doesn't set standards for construction but instead relies upon new policy for emissions to resolve sustainability issues, or 2) Require a high standard of sustainable construction for residential development but do not require a specific rating system to be used.

3.45 Questions for regulation 18 consultation:

- Do consultees agree that a set standard of sustainable construction should be enshrined within policy?
- Do consultees have a preference for which standard is used e.g, Passivhaus and are there any concerns about the ability to deliver this consistently in Leeds?
- Subject to appropriate clarity at the outset, would standards be best addressed at the validation stage of planning submission so as to avoid detailed and lengthy negotiation throughout the decision making process?
- Is there scope for developers (particularly housing developers) to work to ensure that particular house types meet standards and carry out a single assessment for prospective house types which can then be applied to future sites, or does this warrant consideration on a site by site basis?

3.46 **Renewable Energy Generation**

3.47 Core Strategy Policy EN3 encourages investment in renewable energy and low carbon infrastructure and the Natural Resources and Waste Local Plan (NRWLP) Table 5.1 sets targets for installed and grid connected energy for

each type. The Core Strategy was informed by evidence setting out wind speeds in different locations in Leeds (shown on map 19 of the Core Strategy). Whilst those original targets for renewable energy generation have been met and subsequently exceeded, it is considered that a timely approach may be to update the targets and identify suitable areas for renewable energy generation (with consideration given to how these will be expressed on the Policies Map) and to give an indication of how targets could be met for each type of energy. It is not a requirement to set targets but may be helpful to do so in order to ensure we maximise low carbon energy generation to help contribute to the climate emergency declaration. The Written Ministerial Statement of June 2015 states that maps showing the wind resource will not be sufficient basis for the consenting of wind farm applications, consequently the wind speed map in the Core Strategy should be replaced with a map showing an area with potential for wind energy development. A similar approach could be taken for solar farms. An updated landscape assessment will be needed to inform this.

- 3.48 We are currently working with WYCA, the national grid, energy companies and through the Climate Commission to ascertain how much energy may be required from renewable and low carbon sources to meet the net zero 2030 target and how that may be generated. Whilst the Natural Resources and Waste Plan established targets for renewable energy generation, these have already been met and subsequently exceeded. Local renewable energy generation helps Leeds to be more energy secure, it avoids the inefficiencies associated with loss of energy during its transmission (which is greater the further it has to go) and it can provide opportunities for community benefits. Whilst the existing Local Plan has criteria based policies for wind energy, there are currently no policies for solar or biomass energy.
- 3.49 Preferred Option: To set targets which in turn enable the allocation of suitable areas for generation.
- 3.50 Alternative Options: 1) identify suitable areas for renewable energy generation without setting targets for production e.g. alongside new development sites 2) to set criteria based policy for new sites and their consideration.
- 3.51 Further consideration: An area of opportunity for wind energy generation was mapped in 2013. This takes into account wind speeds and avoids flight paths for Leeds Bradford Airport and RAF bases at Linton on Ouse and Church Fenton (now closed) and avoids bird migration routes associated with SSSIs at Mickletown Ings and Fairburn Ings. This map is largely still fit for purpose and could be updated to remove the flight paths associated with the closed RAF bases.
- 3.52 Questions for regulation 18 consultation:
- Do consultees agree that Leeds should set ambitious renewable energy targets?
 - Should new large solar farms be provided in the Green Belt/rural land, on brownfield land or where appropriate in relation to issues such as grid connectivity, aspect and visual impact?

- Should new large wind farms be located in the countryside of Leeds if there is potential for generation, based on wind speed? What factors would help make this type of development acceptable?
- Do consultees agree that new development should seek, subject to amenity issues, to provide installed renewable and low carbon capacity alongside new development such as on industrial land and new large housing schemes?

3.53 Heat Networks

3.54 Following review it is considered that Core Strategy Policy EN4, regarding the heat network, is still fit for purpose and should be retained, particularly given its role in providing a low carbon form of heat in the urban area. So far, its implementation has been mixed, with most successful connections to the network being via Council owned buildings rather than through private developments. An exercise may therefore be required to identify which of the site allocations in the Site Allocations Plan could connect to an existing heat network, or where new networks could be created. It may be appropriate to present this in a Heat Networks SPD to which EN4 would be the parent policy.

3.55 NRWLP Policies ENERGY 3 and ENERGY 4 were intended to assist with the introduction of the heat network but they are basic. To some extent Policy EN4 of the Core Strategy has taken over the role of promoting combined heat and power. It is recommended that ENERGY 3 and 4 are deleted and a more specific area of work undertaken (as described above) in a Heat Networks SPD.

3.56 Preferred Option: To retain EN4 (with some updating), delete NRWLP policies ENERGY 3 and 4 and supplement with a District Heating SPD that matches up heat networks with potential customers. This would not form part of the LPU but would sit underneath it.

3.57 Alternative options: 1) Do nothing and continue with existing suite of policies recognising that gains are currently being made and the network is expanding. 2) Retain policies ENERGY 3 and 4 but amend and update the wording to give stronger focus to the use of heat networks in new developments.

3.58 Possible questions for regulation 18 consultation:

- Are existing heat network policies effective? If not, why not?
- Would consultees like to see more connections made to the heat network or are there other more effective ways to reduce emissions?
- Are there concerns that policies for heat networks affect the choice of heat provision for developments and how might this be avoided?

3.59 Energy Storage

3.60 There is currently no policy in the Local Plan against which to consider planning applications for energy storage. The Government has committed to providing some planning guidance on this issue but it is not available yet. A local policy is needed and this could include a target to establish how much energy storage is needed in the district. This would mean that once the target is met, applications in the green belt will no longer be able to demonstrate very special

circumstances to justify approval for what is inappropriate development in the green belt.

3.61 Areas suitable for energy storage need good proximity to the grid. Proximity to a power generation source is also useful. Industrial areas offer good potential especially if sites have poor accessibility so as to reduce the impact on the more accessible sites in the employment land supply.

3.62 The adopted Aire Valley Leeds Area Action Plan (AVLAAP) acknowledges the growing need for energy storage and some industrial parts of the Aire Valley may offer potential locations as follows:

'3.7.39 Energy storage is an emerging and rapidly developing technology field and its implications in terms of planning for future infrastructure is uncertain. Nevertheless, given the potential for low carbon energy generation in AVL and the nature of sites and locations available within industrial areas such as Cross Green and Stourton, particularly sites which are otherwise difficult to develop for employment or other uses, therefore the area may offer a suitable location for such infrastructure. Future energy storage proposals would be subject to the other planning considerations such as visual amenity and impact on adjoining uses and the landscape setting.'

3.63 The Council currently has no data on how much capacity is required either for electricity or hydrogen storage but discussions with energy providers and generators will attempt to explore this. The policy options moving forward relate to whether setting targets is essential, or whether identifying suitable land for energy storage which encourages its uptake is the best way forward. Working with regional partners within the industry, officers consider that it would be possible to identify sites, which would generally consist of disused industrial land with good connections to the power grid.

3.64 Preferred Option: A new policy which encourages energy storage usage in identified areas. But with no established targets.

3.65 Alternative options: 1) Preferred option but with targets.

3.66 Possible question for Regulation 18 consultation:

- Do consultees believe that targets should be set for the energy storage?

3.67 **Place-making**

3.68 As presented at DPP in July 2020, there are a number of key drivers for the LPU and Members were asked to consider the list of strategic policies for the District in line with the Council's priorities (Best Council Plan and the supporting strategies of Leeds Inclusive Growth Strategy, Health and Well-being Strategy and Climate Emergency) and that consideration may now need to be given to new Strategic Policies including "place-making".

3.69 Place-making is a term that is multifaceted, covering planning, design and management of buildings and spaces with the aim to capitalize upon a local community's assets, inspiration and potential and create quality places that people want to live, work and play in and promote people's health, happiness and well-being. In the context of climate change, well designed places and

buildings (layout and fabric) can respond to the impacts of climate change through mitigation (reducing greenhouse gas emissions and minimising embodied energy) and adaptation (such as rising temperatures and increased risk of flooding).

- 3.70 The vision for Leeds is to have a strong policy framework that ensures planning policy and decisions achieve healthy, inclusive, safe, resilient and adaptable places (spaces and buildings); that Leeds is designed to achieve a better and more sustainable future for all, reflecting the 17 interlinked Sustainable Development Goals (SDGs)³.
- 3.71 The message of creating sustainable places is enshrined in National Planning Policy and is already embedded throughout the Leeds Local Plan (Core Strategy, Natural Resources and Waste Plan, Aire Valley Leeds Area Action Plan, Site Allocations Plan and Supplementary Planning Guidance of 'Neighbourhoods for Living' 'Sustainable Design and Construction'; 'Accessible Leeds and 'Street Design').
- 3.72 Leeds Local Plan has sought to provide a framework for sustainable and healthy communities, having regard to quality of life and to protect and enhance the environment. This is achieved through a strategic and spatial approach and a suite of policies relating to the overall scale and distribution of development, location, layout and fabric of places. Primarily, (through the Core Strategy) the greatest levels of development are directed to the existing main urban area (including the City Centre) and major settlements to avoid travel by private car, as sustainable locations. Further, all development proposals are subject to a range of specific detailed policies (covering design, housing, employment, natural environment, green space/public open spaces, transport) to achieve a layout, design and fabric efficiency which both mitigates climate change and addresses impacts, such as flooding but has clear physiological and psychological benefits on health and well-being. These plans are underpinned by comprehensive sustainability appraisals, which take into account the social, economic and environmental consequences and strengthens policies accordingly. These have been tested extensively through a public examination process, based on evidence.
- 3.73 To that end, planning for health and well-being and sustainable place making is embedded within Leeds Local Plan as part of an integrated approach. It reflects the origins between health and planning in the 'Housing and Town Planning Act of 1909' (and subsequent re-writes) when urban planning was being advanced to mitigate the consequences of the industrial age to provide healthy living spaces and environments. In this context, well designed places have layouts, forms and mix of uses that reduce the requirements on resources (land, energy and water), are fit for purpose and are adaptable. This assists in increasing the ability for Co2 absorption, sustaining natural ecosystems and minimises flood risk and potential for flooding and reducing overheating and pollution.
- 3.74 Leeds's current Core Strategy Policy P10 and Saved UDP policy GP5 set out the requirements of all development to consider normal development management considerations and design principles. These are well established

³ United Nations (2015)

and well used policies and are supplemented by detailed design guidance in the Neighbourhoods for Living and Building for Today Tomorrow Sustainable Construction Supplementary Planning guides.

- 3.75 Policy P10 whilst embedding strong place making principles lacks strategic weight and there are clear opportunities to strengthen and heighten the signposting to other technical implementation policies that have a clear cross over (i.e. green space; green infrastructure (green and blue); accessibility; space standards, energy and resources). Current policy also lacks explicit referencing to health and well-being and climate emergency, with the reasoning/justification of place-making principles referred to only in the supporting text at para 5.3.41 preceding CS Policy P10. Going forward, this needs to be front and centre in the Local Plan, not only in vision but in a strategic policy that underpins all the thematic/technical policies.
- 3.76 Options include rewriting policy P10 to provide the relevant signposting to other (existing and proposed) Leeds Local Plan technical implementation policies and provide heightened references to “health and well-being”, “climate change” and “high quality place making” or introducing a new strategic policy to provide a stronger hook for design and place making upfront in the Local Plan, whilst also championing the importance of 20-minute neighbourhoods.
- 3.77 The evidence needed for this policy is qualitative and the many reports on climate mitigation and adaption return to quality of place being central to achieving well designed places that respond to the impacts of climate change through mitigation (reducing greenhouse gas emissions and minimising embodied energy) and adaptation (such as rising temperatures and increased risk of flooding).
- 3.78 The Ministry for Housing, Communities and Local Government (MHCLG) published the National Design Guide – Planning practice guidance for beautiful, enduring and successful places in October 2019. This makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.
- 3.79 There is also much research on the relationship between planning and good design and health benefits (Healthy by Design, NHS England, 2018) that share the benefits of addressing climate change (mitigation and adaption) through improvements to the layout and form of buildings and spaces and better use of resources that has clear physiological and psychological health benefits.
- 3.80 Key Questions to ask at Regulation 18 consultation are around what isn't working in our current plan to achieve high quality design, what can be learnt by good practice, understanding further what the development industry and others are doing to address climate change through design (form, layout, construction, materials, technology, resources) and how ambitious does this city want to be in shaping the design of places (with emphasis in the draft Planning White Paper on early community engagement and design guides).
- 3.81 **Green Infrastructure**

- 3.82 Green infrastructure plays a crucial role in delivering the Council's strategies to improve the health and wellbeing of its citizens and to address the climate change emergency.
- 3.83 At present green infrastructure policy is split between the Core Strategy (primarily SP13 and G1) and the Unitary Development Plan. There is overlap on the discrete roles of individual policies, which can be usefully clarified. As a result, a range of designations and protections are spread across multiple documents and policies, requiring policy users to consult multiple documents, leading to the potential for difficulty in interpreting the strategic aims of green infrastructure and detailed implementation of green infrastructure policy across a range of designations. As such it is considered that green infrastructure policy would benefit from an enhanced policy framework which consolidates its strategic direction. This would begin with an improved and expanded Spatial Policy 13 which would set a more holistic, strategic direction and provide consideration of all green infrastructure. This policy would set the framework for the delivery of new green infrastructure as well as the enhancement and protection of existing and potentially new designations (such as a presumption against the loss of any green infrastructure). This could be supplemented by a revised CS policy G1 that may detail how the green infrastructure network could be improved, enhanced and expanded.
- 3.84 An exploration of new green infrastructure would be beneficial, with the potential for the designation for wild belts, on land that has little development value but does not currently benefit from green infrastructure designation or protection.
- 3.85 There is also the opportunity for localised pockets of GI through green roofs, green walls, roof gardens and hedges that would both help mitigate the urban heat island effect in built up urban areas, but would provide additional greenspace in high density areas.
- 3.86 Preferred option: Spatial Policy 13 and Policy G1 to be re-drafted to strengthen existing designations, clarify areas that would benefit from increased provision and clearly set out the role and function of GI in addressing the climate change agenda.
- 3.87 Alternative options: 1) a comprehensive re-evaluation of all green infrastructure policies bringing them together as a suite of updated policies within the Core Strategy, resulting in the deletion of UDP Green Infrastructure policies such as N8, N9 and N11.
- 3.88 Questions for Regulation 18 consultation:
- Would the existing policy approach benefit from increased clarity and bringing together in one document?
- 3.89 **Tree Planting**
- 3.90 Trees have a fundamental role in storing carbon and pollutants to help address the climate emergency. Much work is being undertaken by Leeds City Council, the University of Leeds and the United Bank of Carbon to formulate evidence and targets for the planting of trees, as part of the Leeds4Trees partnership. Current analysis shows that Leeds has a tree canopy of approximately 17% of

the District's land area, and this may need to approximately double to 33% if tree planting is going to be able to make a significantly increased impact on carbon emissions in Leeds. It is understood that a report will be taken to Executive Board to help establish our future strategy towards tree planting, as part of the White Rose Forest Strategy.

- 3.91 Currently two Local Plan policies deal directly with Trees, Policy G2 of the Core Strategy and Policy Land 2 of the Natural Resources and Waste Plan. Moving forward, the work undertaken as part of the White Rose Forest project will enable targets to be established for tree planting in Leeds. These targets are likely to be ambitious and will require novel solutions to new tree planting. Working with partners across the Council and using tools developed by the University of Leeds it will be possible to identify and potentially allocate land for new tree planting through the LPU.
- 3.92 However, it must be recognised that the planting or removal of trees does not constitute development. Trees are only protected from removal (via an approval process) where Tree Preservation Orders are in place or where the site is located within a conservation area. In addition, on existing privately owned agricultural land, the Council has no control over its use for agriculture, and given other issues surrounding food security this would not necessarily be a desired option in any event. Instead, we would hope to use the Local Plan Update consultation to help identify creative solutions to how planning policy can help in the delivery of new trees at the significant scale required.
- 3.93 Preferred Option: An approach which identifies new land for tree planting and protects it from alternative uses, where possible. Allow developments to make off-site contributions to these tree planting areas where it is not possible to plant trees on development sites.
- 3.94 Alternative options: Pursue non-planning solutions to the delivery of increased tree planting across the District, working with major landowners and other partners.
- 3.95 **Tree Replacement**
- 3.96 With a tree canopy of roughly 17% of the District our existing stock of trees is already making a significant contribution to carbon sequestration in Leeds. However, there is no recognition through the Town and Country Planning Act or guidance that trees have value for their carbon sequestration. As such, Tree Preservation Orders can only be placed on trees to reflect their amenity value. It is considered that our existing policy to replace every lost tree with 3 new ones does not adequately reflect the potential carbon sequestration lost in established, mature trees.
- 3.97 Preferred Option: A revision of policy G2 which puts a presumption in favour of tree retention and if necessary reflects the need to replace and enhance the lost carbon sequestration value of trees through replacement. This would require applicants to audit the current carbon sequestration contribution made by trees on site, with a requirement to improve that sequestration level through increased tree planting.

3.98 Alternative options: 1) A more simplified policy approach could set clear targets for new tree planting via an ambitious 30:1 tree replacement requirement (or an alternative figure based on up to date evidence), to replace the existing requirement of 3:1. 2) Do nothing, by retaining the existing policy approach of replacing lost trees on a for 3:1 ratio basis.

3.99 Questions for consultation:

- How reasonable is a presumption in favour of tree retention and how might that be balanced with the authorities need to accommodate growth?
- How should trees lost to development be considered?

3.100 **Biodiversity**

3.101 It is considered that existing Core Strategy policy G8 on designating local wildlife sites and nature conservation designations is effective at protecting species and habitats and if revised would only require minor changes. However, it is considered that revisions to Policy G9 (Biodiversity) may be required.

3.102 The draft Environment Bill proposes a minimum 10% biodiversity net gain for all development sites and will need steering locally through planning policy and supplementary guidance. Whilst the minimum 10% net gain will be mandatory it will be necessary to ensure that we have a system in place to ensure that biodiversity off-setting can occur and costed appropriately, and that it is focussed in the right places to maximise ecological opportunities within Leeds. This approach will need to be supplemented by a Strategic Local Recovery Strategy. Other local authorities have pursued higher than 10% net gain and if Leeds were to adopt a higher figure it would need to justify this.

3.103 Officers are also currently considering the way in which the planning system can improve biodiversity across the City over and above the limitations of the percentage net gain approach. This would enable developments on sites with minimal existing biodiversity, such as greenfield monoculture agricultural land, where 10% of existing biodiversity results in limited net gain and could be seen as a cap on place-making ambitions. Therefore, ecological objectives should be at the heart of development proposals through better place-making, green infrastructure, ecological SUDS and other proposals.

3.104 Preferred options: That policy G9 is refined and allows for enhanced improvements in the provision of net biodiversity.

3.105 Alternative options: 1) Do nothing, either based on the benefits of the existing policy approach or the expected provisions of the new Environment Bill.

3.106 Questions for consultation:

- Do consultees have views on whether the Council should go beyond the 10% net gain approach advocated through the Environment Bill?

4. Corporate Considerations

4.1 Consultation and engagement

4.2 The LPU is at an early stage of preparation and therefore consultation to date has been limited. However, engagement has taken place with the Executive Member for Climate Change, Transport and Sustainable Development and Panel Chairs on the need for a LPU and its focus on spatial policies and the climate change emergency. In addition, as stated in para 2.1 above, Full Council have already agreed that the Local Plan Update will focus on policies which will assist Leeds in meeting its Climate Emergency objectives of being net zero carbon by 2030.

4.3 Members of Development Plan Panel attended a workshop in February on what policies are relevant to the climate emergency and how they may support the Council's trajectory to net zero by 2030. Following this, the initial scope of the LPU was brought before DPP in July for their consideration.

4.4 It is the aspiration to consult on the scope of the Local Plan Update (as required by Regulation 18 of the Town and Country Planning (Local Planning) Regulations) in the spring 2021. It is recognised that such a consultation is likely to take place under some form of pandemic restrictions that will make face-to-face consultation and drop in events highly unlikely. In this eventuality it will be crucial to ensure that all other forms of engagement (predominantly digital) are maximised to ensure as high a rate of response as possible.

4.5 Equality and diversity / cohesion and integration

4.6 An EDCI is not required for this report. Appropriate EDCI screenings / assessments will be undertaken in the course of the next steps noted in the report.

4.7 Council policies and the Best Council Plan

4.8 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. In particular it is anticipated that the LPU will help deliver against the Council's key strategies, as follows:

Health and Well-being Strategy – through policies including the design of places, quality of housing and accessibility and the integration of public health infrastructure

Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings

Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity

- 4.9 Planning is relevant to the delivery of all the priorities in the Best Council Plan and this role will be appraised and maximised as policies in the LPU are progressed and implemented.
- 4.10 **Resources, procurement and value for money**
- 4.11 There are no specific implications to this report. However, 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. It is likely that prioritisation of the Local Plan Update will require the re-prioritisation of other work within the work programme.
- 4.12 **Legal implications, access to information, and call-in**
- 4.13 There are no legal implications arising from the recommendations in this report.
- 4.14 **Risk management**
- 4.15 The risk of not updating policies following the 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, 2019), is that there is an increasing likelihood that policies contained within the Local Plan will be found 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.
- 4.16 Following the Council's climate emergency declaration in March 2019, there is an opportunity to enshrine the Council's desire to reach net zero carbon emissions by 2030 through new planning policies. However, without new policies as set through a LPU, the Council's ability to influence the carbon emissions of new developments, beyond the provisions of national policy and existing local policy may be limited.
- 4.17 The LPU needs to be based on up-to-date objective evidence which considers in detail the feasibility, deliverability and viability of the Council's policies. The service will need to commission technical evidence base in this regard, which is expected to be funded through existing budgets.
- 4.18 It is also 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 White Paper 'Planning for the Future' 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.

5. Conclusions

- 5.1 Following on from Development Plan Panel in July 2020 where the scope of the Local Plan Update (LPU) was discussed, this report seeks to provide further material on the draft policy scope of the LPU by setting out policy topic areas with future policy options to help address the climate emergency. For this November meeting, officers have presented the topic areas of carbon emissions, sustainable construction, heat networks, renewable energy generation and storage, place-making and green infrastructure (including tree planting and replacement). Further papers on infrastructure, flood risk and patterns of growth will be presented in January.
- 5.2 It is recognised that these options are presented to aid consultation on the scope and policy extent of the LPU (Regulation 18 consultation) and that the results of that consultation will enable the Council to establish and finalise the scope of the document. Members are asked to give their views on the proposed policy scope.

6. Recommendations

- 6.1 Panel Members are asked to:
 - (i) consider and provide comments on the draft policy scope of the Local Plan Update.

Appendix 1: The Climate Change Policies Leeds Local Plan

Climate change has been a key feature of spatial planning for the past 20 years and has been a key driver of the shape of the Leeds Local Plan, which currently comprises the following documents:

The Core Strategy (as amended 2019), sets a spatial strategy that:

- a) Focuses the majority of housing and employment development in the city centre, main urban area and major settlements so as to reduce the need for people to travel to work and enable such journeys to be by public transport (74% of housing development has been in these areas since 2012)
- b) In some cases, in the outer areas, and reflecting the geography of Leeds, aims to meet local needs locally through sustainable development supported by new or enhanced infrastructure
- c) Includes a carbon reduction target of 40% between 2005 and 2020
- d) Priorities the use of brownfield land (on average 81% of all development since 2012 is on brownfield land)
- e) Protects, maximises and extends a network of green infrastructure including green spaces
- f) Secures net gains for biodiversity through habitat protection, creation and enhancement
- g) Manages flood risk and makes space for water in new developments
- h) Sets challenging carbon emission reduction targets above current building regulations and energy generation targets for new buildings
- i) Encourages commercial scale renewable energy generation
- j) Establishes and encourages heat networks and energy recovery facilities
- k) Requires electric vehicle charging points in all new developments (recently introduced)
- l) Sets targets for renewable energy generation which have been exceeded

The Natural Resources and Waste Local Plan (2013) elaborates on the strategic policies of the CS as well as including policies to:

- a) Encourage a more efficient use of natural resources and increase waste re-use, recycling, composting and residual waste treatment with energy recovery so that as little waste as possible is disposed of at landfill
- b) Improve air quality
- c) Protect existing railway sidings and canal wharves to encourage better use of the water and rail transportation networks for the sustainable movement of freight
- d) Ensure that when trees must be lost through development they are replaced at a rate of three trees for every one lost.

The Aire Valley Leeds Area Action Plan (2017) plans for over 4,000 homes on previously developed land in a former industrial part of Leeds with a new economic hub (focused on the Enterprise Zone and the South Bank). It is set within the context of a green infrastructure plan and recommends where sites should be joined up to the heat network.

The Site Allocations Plan (2019) plans for:

- a) nearly 50,000 homes in locations which have been assessed as sound and sustainable through independent examination
- b) 245ha of employment land and 830,000 sqm of office space in local and town centres
- c) over 60% of housing on previously developed land
- d) over 1,600 green spaces are designated and protected from development
- e) delivery of new schools on large allocations
- f) flood risk mitigation, landscaping, the protection of biodiversity and on site green space provision through site requirements, consistent with and necessary to respond to climate change issues

As well as the policies in the Local Plan the Council has supplementary planning policies in *Building for Tomorrow Today* (2011) which provide practical guidance for design and construction projects within Leeds aiming to achieve the highest possible levels of sustainability and is accompanied by a developer checklist. Also *Neighbourhoods for Living* (2003) is a guide focussed on the process of achieving better urban design and place-making.