



DEVELOPMENT PLAN PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Tuesday, 11th September, 2018
at 1.30 pm

MEMBERSHIP

Councillors

P Gruen (Chair)	B Anderson	C Campbell	T Leadley
C Gruen	Andrew Carter		
R Lewis			
J McKenna			
M Shahzad			
F Venner			
N Walshaw			

Agenda compiled by:
H Gray
Governance Services
Telephone: 37 88657

Head of Strategic Planning:
David Feeney
Tel: 0113 3787660

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 confirm the minutes of the last meeting held 20th June 2018 as a correct record</p> <p>(Copy attached)</p>	1 - 6
7			<p>SITE ALLOCATIONS PLAN EXAMINATION IN PUBLIC UPDATE</p> <p>To consider the report of the Chief Planning Officer which provides an overview of Stage 2 of the hearings for the examination in public of the Site Allocations Plan and an outline of the process leading up to adoption of the Plan.</p> <p>(Report attached)</p>	7 - 14

Item No	Ward	Item Not Open		Page No
8			<p>REVISED NATIONAL PLANNING POLICY FRAMEWORK</p> <p>To consider the report of the Chief Planning Officer which provides an understanding of the revised National Planning Policy Framework (RNPPF), which was issued on 24 July 2018 and replaces the 2012 version of the NPPF with immediate effect. The report focuses on the changes between the 2012 and 2018 versions of the NPPF, with some reference to changes since the consultation draft, and particular reference to matters affecting plan-making and decision taking in Leeds.</p> <p>(Report attached)</p>	15 - 30
9			<p>HOUSING LAND SUPPLY INTERIM UPDATE</p> <p>To consider the report of the Chief Planning Officer which provides an update on recent housing appeals and the supply and delivery of housing. The report also includes details of the collaborative work of the Housing Growth Team between Planning and Asset Management & Regeneration to support housing growth in order to meet the Core Strategy target. Additionally, the importance of the adoption of the Site Allocations Plan and the impact of NPPF 2018 and the submitted Core Strategy Selective Review on the five year housing land supply are highlighted.</p> <p>(Report attached)</p>	31 - 40
10			<p>NEIGHBOURHOOD PLANNING UPDATE</p> <p>To consider the report of the Director of City Development on the progress made by the Council in relation to Neighbourhood Plans</p> <p>(Report attached)</p>	41 - 56
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 16th October 2018 at 1.30 pm</p>	

Item No	Ward	Item Not Open		Page No
			<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. 	

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Development Plan Panel

Wednesday, 20th June, 2018

PRESENT: Councillor P Gruen in the Chair

Councillors B Anderson, C Campbell,
A Carter, R Grahame, C Gruen, T Leadley,
R Lewis, M Shazad, F Venner and
N Walshaw

1 Chairs Opening Remarks

The Chair welcomed all present to the first meeting of the new municipal year, particularly new Panel members Councillor Andrew Carter and Councillor M Shahzad.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information.

4 Late Items

There were no late items of business.

5 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

6 Apologies for Absence

Apologies for absence were received from Councillor McKenna. The Panel welcomed Councillor R Grahame as substitute.

7 Minutes

RESOLVED – To approve the minutes of the meeting held 15th May 2018 as a correct record

8 Matters Arising

Minute 82 Thornhill Estates – The Panel noted the appeal was scheduled to be considered by the High Court on 21st June 2018 with the outcome being reported directly to Members afterwards.

Additionally, Members discussed the Inspectors recent decision to allow the Pool appeal. It was reported that the scheme as allowed by the Inspector was significantly altered from the scheme refused by the Authority. Members noted comments on a developing trend for applicants to lodge an appeal against refusal as late as possible; and to then produce altered schemes throughout the appeals process. The Panel requested information on the number of occasions this had occurred for their consideration and to inform any future representation which the Authority may make to the Secretary of State on this practice. Members also noted a request for planning case officers to keep

local ward Councillors up to date with appeals, but did acknowledge that significant changes to development proposals during an appeal required officers respond to the Inspector within tight timescales in the first instance.

The Board received brief updates on a number of other sites currently going through the appeal process.

RESOLVED – To note the information provided and the comments made for future consideration.

9 Submission of the Leeds Core Strategy Selective Review

Further to the meetings held throughout 2017 and 2018, the Panel considered the report of the Director of City Development inviting the Panel to recommend to Executive Board, that it in turn recommends that Council approves the Core Strategy Selective Review alongside supporting material and evidence for submission to the Secretary of State so that it may be subject to independent examination by the Planning Inspectorate.

The report detailed the Submission Draft policies for the CSSR which included updates of existing policies and sought to establish new policies to reflect national advice and guidance. The report set out the steps taken to get to this advanced stage of plan preparation and noted the main issues raised at consultation on the proposed submission documents.

The Core Strategy Selective Review included amendments to the Adopted Core Strategy (contained in Appendix 1 of the submitted report) as follows:

- A review of the housing requirement in Policy SP6, housing distribution in SP7, with a Plan period of 2017 - 2033
- Introduces new minimum space standards for new housing in Policy H9 and new accessibility standards in Policy H10
- Updates policy requirements for Affordable Housing by amending Policy H5
- Reviews the requirement for green space in new housing developments by amending Policy G4 and making minor amendments to Policies G5 and G6
- Incorporates new national policy regarding Code for Sustainable Homes by updating the wording of Policies EN1 and EN2 and a consequential change to EN4
- Introduces a new Policy for Electric Vehicle Charging Infrastructure (EN8)

The report included a Sustainability Appraisal Report attached as Appendix 2 and a Non-Technical Summary included as Appendix 3 which will support the policies at the submission stage, along with relevant supporting material which included the following:

- Report of Consultation (setting out details of the consultation activities occurring at each regulatory stage, representations made on the Plan at Regulation 19 stage, the Council's response to these and the changes proposed as a result)
- Duty to Cooperate Statement (setting out continuous engagement with statutory prescribed bodies (including neighbouring authorities and statutory agencies) as set out in Section 33A(1)(c) of the Act)
- amendments to the Core Strategy Monitoring Framework

- Habitats Regulation Assessment

Additionally, the CSSR was also supported by an evidence base available on the CSSR website including an Economic Viability Study 2018 (undertaken by GVA consultants), the Strategic Housing Market Assessment 2017 (undertaken by ARC4 consultants); and formal Background Papers (including further information following Submission and Draft Publication on Water Management in support of amended Policy EN2).

The Planning Strategy Team Leader presented the report and provided background and context to the CSSR and reported receipt of 1062 representations, 926 in objection; 129 in support and 7 neutral submissions – all of which had been considered and assessed by officers.

The Panel discussed the following key issues with officers:

Policy SP6 Housing requirement 2017-2033

- The figure of 51,952 had been previously endorsed by Council; no specific reasons or alternative proposals for a different distribution of land and/or figure had been submitted within the representations received which stated the figure was too low. Following consultation, a change was proposed to express the housing requirement as a minimum expectation which would align with the Adopted Core Strategy and be consistent with national guidance.
- Recognition that some Members of Council did not support the proposed housing requirement figure.
- The possible impact of appeal outcomes on the proposed housing land requirement.
- Third party representations during the submission process seeking to introduce different figures would need to demonstrate why the CSSR was unsound to the Inspector.

Policy SP7 Housing Distribution – The revised policy was not proposed to be changed following consultation. The Panel made no further comment.

Policy H5 Affordable Housing

- The Housing Industry had submitted objections to the proposed increase to 7% Affordable Housing target for inner zones (from 5%) and to the requirements for Build to Rent schemes.
- The Panel noted a comment that generally, residents had a different understanding of the term ‘Affordable Housing’ to the technical definition used by the government. It was agreed that clarification of the definition would be provided where appropriate, along with a definition of who would be eligible to apply for affordable housing.
- The Panel received clarification on the levels of Affordable Housing proposed within the build to rent sector; specifically in the city centre, inner zones and zone 2; in comparison with the national target of 20% Affordable accommodation - which would provide more housing but deliver less affordable units
- A comment expressing disappointment that developments of less than 10 houses were not captured by the Policy was noted, with an example of a

development of 6 homes at £350k each cited as an example of an opportunity missed to receive contributions.

Policy H9 – Housing Standards (i) Nationally Prescribed Space Standards – In response to a comment regarding provision of natural light in new developments; officers undertook to review the Neighbourhoods for Living guidance as the appropriate mechanism to achieve quality provision.

Policy H10 Housing Standards (ii) Accessible Housing Standards – In response to comments submitted during the consultation, the proposed Policy narrative had been amended to provide clarity. No further comments were made by Panel

Policies G4, G5 & G6 Greenspace

- The Panel discussed land management companies established by developers and the charges levied to residents as ground rent. Although it was not possible to address this in the Policies, Members considered how better to inform prospective residents of their obligations. It was also noted that the Authority was not in a position to resource the maintenance of such spaces. Whilst Members welcomed the narrative in para 5.5.19 regarding securing ongoing maintenance, the Panel was keen to emphasise the need for robust independent or private space management arrangements to case officers and were referred to that part of the policy favouring the inclusion of greenspace in developments (rather than an off-site commuted sum) which officers would refer to. Discussion also focussed on the size, quality and usability of some greenspace provision and Members noted that consideration was being given to the drafting of a Greenspace Implementation Note to clarify the Authority's approach.
- Members noted that the monitoring framework Background Document provided for an annual monitoring report to identify issues with greenspace provision.
- Additionally, the Policies still provided an option for the Authority to adopt greenspace, and Members sought further information on the options available to the Authority should there be evidence that a land management arrangement was failing.
- Referring to Leeds Child Friendly City, Members suggested that the revised Policies be referred to the Neighbourhood Planner for consideration in the drafting of neighbourhood plans.

Policies EN1 & EN2 Climate Change Reduction – No further Panel comments were made

Policy EN8 Electric Vehicle Charging Infrastructure – No further Panel comments were made.

Members also noted amendments had been made to the supporting Background Documents (Habitat Screening; Duty to Co-operate and Monitoring Framework) following consideration of relevant representations received.

Finally, the Panel noted a request to amend the recommendations – recommendation (iii) b) to delete reference to Appendices 4 to 7 – these technical documents were now included within the supporting Background Documents.

The Chair expressed thanks on behalf of the Panel for the work undertaken by officers throughout the Core Strategy Selective Review; and, having considered the report, supporting documents and the comments made, the Panel

RESOLVED - To recommend to Executive Board that it:

- i) Notes the representations made in response to the recent consultation on the 'Publication Draft' proposed submission draft CSSR documents (under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012).
- ii) Notes the consequential changes made to the policies, which as amended now form the Core Strategy Selective Review Submission Draft Plan, and
- iii) Requests Executive Board to recommend to Council that it:
 - a) Approves the Submission Draft of the Core Strategy Selective Review (Appendix 1) for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended.
 - b) Approves the Sustainability Appraisal Report (Appendix 2) and technical documents, in support of the Plan, for Submission to the Secretary of State for independent examination, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended
 - c) Grants authority to the independent inspector appointed to hold the Public Examination, to recommend modifications to the Submission Draft Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended;
 - d) Delegates authority to the Chief Planning Officer, in consultation with the Executive Member, to (a) approve the detail of any updates or corrections to the submission material and any further technical documents and supporting evidence required to be submitted alongside the revised Submission plan for consideration at future hearing sessions, (b) continue discussions with key parties and suggest to the Inspector any edits and consequential changes necessary to be made to the revised Submission Draft Core Strategy Selective Review following Council approval during the Examination and (c) prepare and give evidence in support of the revised Submission Plan at Examination.

(Under the provisions of Council Procedure Rule 16.5, Councillors B Anderson, Andrew Carter, Leadley and Campbell required it to be recorded that they abstained from voting on this matters).

10 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 17th July 2018 at 1.30 pm

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Report author: Lois Pickering
(0113 3787649)



Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 11th September 2018

Subject: Site Allocations Plan Examination in Public Update

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The hearings for Stage 2 of the Examination in Public for the Site Allocations Plan took place from 9th July over 4 weeks until 3rd August 2018. Stage 2 covered housing and mixed use allocations and outstanding matters from Stage 1. This followed the submission of a Revised Submission Draft Site Allocations Plan ("the Revised Plan") to the Secretary of State for Communities and Local Government on 23rd March 2018, in line with the resolution of Council on 10th January 2018, to revise the Plan in light of the likely downward trajectory of the housing requirement in Leeds, by designating some existing Green Belt sites previously proposed for allocation as Broad Locations for Growth.
2. Stage 1 hearings covering employment, retail, greenspace and accommodation for Gypsies and Travellers and Travelling Showpersons, were held over 2 weeks during October 2017, as part of the independent examination in public following submission of the initial Submission Draft Site Allocations Plan to the Secretary of State on 5th May 2017.

Recommendation

3. Development Plan Panel is invited to:
 - i) Note the summary of the hearings outlined in this report as part of the independent examination in public of the Site Allocations Plan
 - ii) Note that any actions arising will be listed and made available on the examination webpage. This includes:
 - a. A note from the Inspectors is anticipated shortly outlining further work required and an indication of future timescales for this.
 - b. Consideration by the Inspectors of representations made on the transport modelling work affecting Outer North East and Outer South East HMCAs. The Inspectors shall outline any matters arising from this, which may include a request for a further hearing session.
 - c. A request by the Inspectors that the Council undertake further work to outline how the proposed designation of land as Green Belt from Rural Land in the Outer North East HMCA satisfies the tests outlined in paragraph 82 of the NPPF.
 - d. The Council submitting further work on identified sites, (HG1) including consultation on a sustainability appraisal of identified sites, and providing further updates on the status of sites with expired or no planning permission.
 - e. A request by the Inspectors that the Council submit further Main Modifications to the Plan, particularly in relation to some site specific site requirements, which arose following discussions at the relevant hearing sessions.
 - iii) The Council's response to these actions will also be made available on the examination webpage in due course.
 - iv) Note the next steps in the process leading up to adoption of the Plan and application of the policies.

1 Purpose of this Report

- 1.1 The purpose of this report is to provide members of the Development Plan Panel, with an overview of Stage 2 of the hearings for the examination in public of the Site Allocations Plan and an outline of the process leading up to adoption of the Plan.

2 Background Information

- 2.1 The hearings for Stage 2 of the Examination in Public for the Site Allocations Plan took place from 9th July over 4 weeks until 3rd August. Stage 2 covered Housing and mixed use allocations and outstanding matters from Stage 1. This followed the submission of a Revised Submission Draft Site Allocations Plan (“the Revised Plan”) to the Secretary of State for Communities and Local Government on 23rd March 2018, in line with the resolution of Council on 10th January 2018, to revise the Plan in light of the likely downward trajectory of the housing requirement in Leeds by designating some existing Green Belt sites previously proposed for allocation as Broad Locations for Growth.
- 2.2 Stage 1 hearings covering employment, retail, greenspace and accommodation for Gypsies and Travellers and Travelling Showpersons, were held over 2 weeks during October 2017, as part of the independent examination in public following submission of the initial Submission Draft Site Allocations Plan to the Secretary of State on 5th May 2017.
- 2.3 Hearing days were scheduled for 3 days each week, with additional overspill days added into the overall programme. In practice, the overspill days were required to complete the hearings. This was a long and resource intensive period. Officers from Policy and Plans Group were assisted by colleagues across the Council, including Highways and Transportation, Children’s Services, Flood Risk/Drainage, Regeneration, Heritage and Ecology officers, Development Management colleagues, a Health representative from the CCG and Legal Services.
- 2.4 Hearing sessions were well attended by the public and stakeholders reflecting the level of engagement in the process. Some hearing sessions had up to 60 people at the ‘round table’ discussions, with representatives from local communities including individuals, members, neighbourhood planning representatives, and various community groups, civic societies and parish council representatives along with representatives from the development industry including landowners and consultants. This included legal representation, both for the Council, for specific landowners, and for specific community groups.
- 2.5 Hearings covered:
- Matter 1 – Procedural Requirements (including Duty to Co-operate and legal requirements)
 - Matter 2 – Compliance with the Core Strategy

- Matter 3 – Green Belt Review
- Matter 4 – Green Space (dealt with at Stage 1)
- Matter 5 – Infrastructure
- Matter 6 – Site selection methodology and process
- Matter 7 – the 11 Housing Market Characteristic Areas (HMCAs) across Leeds – Aireborough, City Centre, East, Inner, North, Outer North East, Outer North West, Outer South, Outer South East, Outer South West, Outer West
- Matter 8 – Gypsies and Travellers (dealt with at Stage 1)
- Matter 9 – Travelling Showpersons (dealt with at Stage 1)

2.6 The two Inspectors made it clear to all that their role was to examine whether the Plan as submitted is sound; whether it has been positively prepared, is justified, is effective and is consistent with national policy. They also explained that, whilst the new National Planning Policy Framework (NPPF) was published on the 24th July 2018, no regard would be had to this, as the Plan is being examined under the Revised NPPF transitional arrangements and the previous NPPF. They also made it clear that they were examining the Plan as it relates to, and is in conformity with the adopted Core Strategy 2014.

3 Actions arising from the hearings

3.1 A note from the Inspectors is anticipated shortly outlining further work required and an indication of future timescales for this. The Inspectors expressed initial and without prejudice reservations about the effectiveness of the Council's Broad Location Policy and the associated pool of sites, but made it clear that they were supportive in principle of the Council's position as regards a need to avoid releasing too much Green Belt. They are to set out their initial concerns in writing within the next 14 days. Upon receipt, the Council shall further consider, update members and draft any further main modifications to the Plan, as necessary.

3.2 During the hearings, consultation on transport modelling work affecting Outer North East and Outer South East HMCAs was carried out. Responses made on this are available on the examination webpage (<http://www.hwa.uk.com/site/wp-content/uploads/2017/05/COMMENTS-RECEIVED-ON-THE-TRAFFIC-MODELLING-DOCUMENTS-EB92.pdf>). The Inspectors are to consider representations made on this transport modelling work and outline any matters arising from this, which may include a request for a further hearing session.

3.3 The Inspectors requested the Council do further work to outline how the proposed designation of land as Green Belt from Rural Land in the Outer North East HMCA satisfies the tests outlined in paragraph 82 of the NPPF. Paragraph 82 states that new Green Belts should only be established in

exceptional circumstances, subject to five criteria including any major change in circumstance to justify the change.

- 3.4 The Council also agreed to submit further work on identified sites (HG1), including consultation on a sustainability appraisal of identified sites, and further updates on the status of sites with expired or no planning permission. Consultation on revised technical work commenced on 14th August with a consultation period expiring on 11th September.
- 3.5 In addition, throughout the hearings, the Inspectors invited main modifications to the Plan, particularly in relation to some site specific site requirements, which arose from discussions at the relevant hearing sessions. The Council will produce a table of further main modifications proposed, arising from the hearings.
- 3.6 All the above, and any further actions arising, will be listed and made available on the examination webpage (link [here](#)). The Council will agree with the Inspectors a timescale for any further work to be submitted. The Council's response to these actions will also be made available on the examination webpage in due course.

4 Next steps

- 4.1 The Inspectors made it clear that should they consider any sites to be unsound they would, if they were of the view replacement sites need to be allocated to meet the CS targets, request the Council to put forward alternative sites within the HMCA. It is the Council's understanding that in this event such sites may be submitted to the Inspector as part of the ongoing Examination and would be subject of consultation as part of a range of Main Modifications to the Plan, however the Inspectors would set out their requirements at the relevant time.
- 4.2 Once the Council has completed and submitted any further work required, as detailed in Section 3 of this report, the process will be as follows:
- The Council will submit proposed main modifications considered necessary to make the Plan sound to the Inspectors.
 - The Inspectors' will consider these and add any further modifications they determine should be recommended for reasons of soundness
 - The Council will need to carry out a sustainability appraisal of all main modifications proposed, and, following the approval of Executive Board, consult upon these modifications for a minimum period of 4 weeks.
 - Any representations received on proposed modifications will be submitted directly to the Inspectors.
 - The Inspectors will then consider the representations and produce their report which will recommend all main modifications needed in order to make the Plan sound.

- The Inspectors' final recommendations, will, following the approval of Executive Board be reported to Full Council for consideration for approval and adoption.
- 4.3 Dissemination of the policies and proposals in the SAP, including training of Development Management colleagues in the application of policies will be a key work-stream moving forward from adoption, to ensure that planning applications are determined with regards to the adopted development plan.

5 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 Further main modifications recommended by the Inspector to make the Plan sound will be advertised for a minimum 4 week period for further comment.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 In the preparation of the Site Allocations Plan, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the SAP and meeting the requirements of the Strategic Environmental Assessment Directive, which has meant that these Plans are subject to the preparation of a Sustainability Appraisal. The purpose of such Appraisals is to assess (and where appropriate strengthen) the document's policies, in relation to a series of social (and health), environmental and economic objectives. As part of this process, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the Appraisal's objectives. The SAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues. Further consultation on a sustainability appraisal of identified sites was agreed with the Inspectors during the hearings.

5.3 Council Policies and City Priorities

- 5.3.1 The Site Allocations Plan plays a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, the Plan seeks to implement key City Council priorities. These include the Best Council Plan (2018/19 – 2020/21) (in particular priorities relating to Health and Wellbeing, Inclusive Growth, Safe Strong Communities, Culture, Child Friendly City, Housing (of the right quality, type, tenure and affordability in the right places) and 21st century infrastructure) and Leeds Inclusive Growth Strategy 2018 – 2023 (concerning getting people to benefit from the economy to their full potential). Once adopted, the Plan will form part of the overall development plan for Leeds, alongside the Core Strategy, the Aire Valley Leeds Area Action Plan and the Natural Resources and Waste Plan and any made neighbourhood plans.

5.4 Resources and value for money

5.4.1 The preparation of the statutory Local Plan is a necessary but a very resource intensive process. This is due to the time and cost of document preparation (relating to public consultation and engagement), the preparation and monitoring of an extensive evidence base, legal advice and Independent Examination. These challenges are compounded currently by the financial constraints upon the public sector and resourcing levels, concurrent with new technical and planning policy pressures arising from more recent legislation (including the Community Infrastructure Levy and Localism Act). There are considerable demands for officers, members and the community in taking the Development Plan process forward.

5.5 Legal Implications, Access to Information and Call In

5.5.1 The SAP follows the statutory Development Plan process (Local Plan). The report is related to a matter falling within the Council's Budget and Policy Framework and is not eligible for call-in, in any event no decision is being taken.

5.6 Risk Management

5.6.1 Without current allocations Plans for Leeds MD in place, aspects of the existing UDP allocations will become out of date and will not reflect or deliver the Core Strategy Policies and proposals (including District wide requirements for Housing and General Employment Land) or the requirements of national planning guidance. Early delivery is therefore essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets. The more the work progresses, the more material weight can be given to it. In addition, the Government is intervening in authorities without Plans in place.

6 Conclusion

6.1 The purpose of this report is to provide members of the Development Plan Panel, with an overview of Stage 2 of the hearings for the examination in public of the Site Allocations Plan and an outline of the process leading up to adoption of the Plan.

7 Recommendation

7.1 Development Plan Panel is invited to:

- i) Note the summary of the hearings outlined in this report as part of the independent examination in public of the Site Allocations Plan
- ii) Note that any actions arising will be listed and made available on the examination webpage. This includes:
 - a. A note from the Inspectors outlining further work required and an indication of future timescales for this is anticipated shortly.

- b. Consideration by the Inspectors of representations made on the transport modelling work affecting Outer North East and Outer South East HMCAs. The Inspectors shall outline any matters arising from this, which may include a request for a further hearing session.
 - c. A request by the Inspectors that the Council undertake further work to outline how the proposed designation of land as Green Belt from Rural Land in the Outer North East HMCA satisfies the tests outlined in paragraph 82 of the NPPF.
 - d. The Council submitting further work on identified sites, (HG1) including consultation on a sustainability appraisal of identified sites, and providing further updates on the status of sites with expired or no planning permission.
 - e. A request by the Inspectors that the Council submit further Main Modifications to the Plan, particularly in relation to some site specific site requirements, which arose following discussions at the relevant hearing sessions.
- iii) The Council's response to these actions will also be made available on the examination webpage in due course.
 - iv) Note the next steps in the process leading up to adoption of the Plan and application of the policies.



Report authors: Martin Elliot and
Robin Coghlan
(0113 3787634)

Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 11th September 2018

Subject: Revised National Planning Policy Framework

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. On 17 April 2018 Development Plan Panel considered the Council's response to the draft revised National Planning Policy Framework (NPPF). The Council submitted over 100 comments on the document, including on housing numbers, definitions of affordable housing, promoting sustainable development, viability, supporting business growth and productivity, provision of a wide range of infrastructure, maximising brownfield land, supporting regeneration, protecting the Green Belt and Neighbourhood Planning.

2. The Ministry for Housing Communities and Local Government (MHCLG) issued the final revised 2018 NPPF on 24 July.

3. The 2018 NPPF replaced the 2012 version with immediate effect, subject to transitional provisions relating to the examination of Local Plans. These provisions allow Plans submitted to the Secretary of State in the six months following the publication of the 2018 NPPF (i.e. up to and including 24 January 2019) to be examined for soundness against the 2012 NPPF and this will apply to the Core Strategy Selective Review which was submitted to MHCLG on 9 August.

4. The 2018 NPPF has a number of accompanying documents and an intent for government to publish a Planning Rulebook to deliver more quality, well designed homes with greater protection for the environment and greater responsibility and accountability for housing delivery from councils and developers.
5. The main changes are around the structure of the document, a revised presumption in favour of sustainable development and changes to national policy on plan-making, calculating housing numbers, definitions of affordable housing, estate regeneration, green belt, economic development and the role of neighbourhood planning.

Recommendation

6. Development Plan Panel is invited to note the implications of the 2018 NPPF both in relation to plan making and decision taking as set out in this report.

1 Purpose of this Report

- 1.1 The purpose of this report is to provide members of the Development Plan Panel, with an understanding of the revised National Planning Policy Framework (RNPPF), which was issued on 24 July 2018 and replaces the 2012 version of the NPPF with immediate effect.
- 1.2 This report focuses on the changes between the 2012 and 2018 versions of the NPPF, with some reference to changes since the consultation draft, and particular reference to matters affecting plan-making and decision taking in Leeds.

2 Background Information

- 2.1 The RNPPF consolidates a number of policy proposals which originate from the Housing White Paper (the Council's response was agreed by Executive Board on 19 April 2017) and the Planning for the Right Homes in the Right Places consultation (the Council's response was considered by DPP on 3 November 2017) and were further refined through the draft revised NPPF consultation which ran from 5 March to 10 May 2018.
- 2.2 On 17 April Development Plan Panel considered the Council's consultation response to the draft revised National Planning Policy Framework. The Council submitted over 100 specific comments on the document, including on housing numbers, definitions of affordable housing, promoting sustainable development, viability, supporting business growth and productivity, provision of a wide range of infrastructure, maximising brownfield land, supporting regeneration, protecting the Green Belt and Neighbourhood Planning.

3 Main Issues

- 3.1 Overview
 - 3.1.1 The Ministry for Housing Communities and Local Government (MHCLG) issued the RNPPF on 24 July.
 - 3.1.2 The MHCLG consultation generated nearly 30,000 responses. Notwithstanding this, in respect of the March consultation draft, changes made to the final RNPPF focus on clarifications and re-wording, with very few significant amendments. Of the 105 specific points made by the Council, 8 are carried through as amendments in the final RNPPF.
 - 3.1.3 Alongside the final version of the NPPF, MHCLG also issued the following:
 - i Government Response to the Draft Revised National Planning Policy Framework Consultation, which states that some of the issues raised in response to the draft NPPF may be addressed further in updates to Planning Practice Guidance in due course (these include: plan-making process, retail policy, the role of planning in reducing crime, high density development, design, compensatory improvements to Green Belt, and the assessment of the impact of proposed development on the significance of heritage assets)

- ii Updates to the Planning Practice Guidance (PPG), relating to housing and economic development needs assessments and viability
 - iii The Housing Delivery Test Measurement Rule Book setting out the method for calculating the Housing Delivery Test.
 - iv An intent to publish a Planning Rulebook to deliver more quality, well designed homes with greater protection for the environment and greater responsibility and accountability for housing delivery from councils and developers
- 3.1.4 The starting point for decision making, in line with the Planning and Compulsory Purchase Act 2004, remains the Adopted Development Plan, but the 2018 NPPF is a material consideration in determining planning applications.
- 3.1.5 The Core Strategy and Natural Resources and Waste Plans may need to be revised to take account of the 2018 NPPF. For plan-making in progress (such as the Leeds Site Allocations Plan and Core Strategy Selective Review) the 2012 NPPF will apply for the purposes of examining plans as they were submitted during the transitional provisions (deadline 24 January 2019).
- 3.1.6 In addition to new and amended policy areas, there have also been many detailed changes to policy wording since the 2012 edition. This report seeks to highlight the main changes.

3.2 General Points

- 3.2.1 The structure of the 2018 NPPF is different from the 2012 version, bringing forward the chapters on plan-making and decision-making to the front of the document, removing the Core Planning Principles and integrating them throughout and introducing a new chapter on 'making efficient use of land'. An immediate effect of the change in format is that paragraph numbering is substantially different, meaning that straightforward comparisons between 2012 and 2018 versions are not easy to make.
- 3.2.2 Compared with the consultation draft of March 2018, the final July version has only a small number of changes (paragraph numbers in brackets):
- the NPPF should be read as a whole, including footnotes and annexes (NPPF ¶3)
 - insertion of footnote 27 to advise on affordable housing policy which increases the importance of the Government's definitions of affordable housing
 - a loosening of the new policy requirement to bring forward small and medium sized housing sites (¶68)
 - amending the new requirement that supports entry-level exceptions sites,

outside existing settlements on land not allocated for housing, for first time buyers by stating that these should not exceed 5% of the size of the existing settlement (¶71)

- new reference to recognising and addressing the specific locational requirements of different employment sectors (¶82)
- amendments to town centre policy, emphasising the need to respond to rapid changes in retail and leisure, whilst removing policy to identify primary and secondary shopping frontages (¶85)
- amendments to allow maximum parking standards where there are clear and compelling reasons to do so (¶106) and new references to providing dedicated overnight lorry parking facilities (¶107)
- new text on the proactive role for local planning authorities in land assembly, supported by compulsory purchase powers, where this can help to bring more land forward for meeting development needs (¶119)
- new text emphasising the importance of high quality buildings and places, and policy to ensure that the quality of approved development is not diminished between permission and completion (¶130)
- clarification that exceptional circumstances for the alteration of Green Belt boundaries need to be fully evidenced and justified (¶136)

3.3 Implementation

3.3.1 The 2018 NPPF replaced the 2012 version with immediate effect, subject to transitional provisions relating to the examination of Local Plans. These provisions allow Plans submitted to the Secretary of State in the six months following the publication of the 2018 NPPF (i.e. up to and including 24 January 2019) to be examined for soundness against the 2012 NPPF and this will apply to the Core Strategy Selective Review which was submitted to MHCLG on 9 August.

3.3.2 The Housing Delivery Test comes into effect in November 2018 when the first Housing Delivery Test results will be published. Further explanation of the test is provided in paragraph. 3.8.4 of this report

3.4 Neighbourhood Planning

3.4.1 The RNPPF generally consolidates the role of neighbourhood plans in the planning system. Whilst the RNPPF does not have a dedicated chapter on neighbourhood planning references are made all through the RNPPF as appropriate. A separate report on Neighbourhood Planning to Development Plan Panel of 11th September will set out further details, but the key changes are as follows:

- i The strategic policies of a local authority should set out a housing requirement for designated neighbourhood areas which reflects the overall

strategy for the pattern and scale of development and any relevant allocations. If strategic policies have already been adopted, or if a neighbourhood area is designated at a late stage, then local authorities should provide an “indicative figure” if requested to do so by the neighbourhood planning body. Under the transitional arrangements, this will not be an issue for the housing requirement proposed in the Leeds’ Core Strategy Selective Review. However, when the housing requirement is next reviewed, the issue of setting housing requirements for neighbourhood areas will need to be considered. In the interim, the Council will only have to consider setting indicative targets if asked to do so by a neighbourhood body.

- ii Neighbourhood plans will be able to alter detailed Green Belt boundaries. This is only possible if the local authority’s strategic policies have identified a need to alter the Green Belt
- iii Where a local authority has been unable to demonstrate a five year supply or has not met the Housing Delivery Test such that the presumption in favour of sustainable development applies, clarification is given in Paragraph 14 on the status of policies in a made neighbourhood plan
- iv Paragraph 50 clarifies at which point in preparing a Neighbourhood Plan prematurity may be cited in reasons for refusing planning applications
- v Paragraph 69 encourages neighbourhood planning groups to consider allocating small housing sites (up to 1ha in size)
- vi Paragraphs 125 and 126 strengthen the role that neighbourhood plans have in setting design standards in their area.

3.5 Plan Making

- 3.5.1 A distinction is drawn between strategic policies and non-strategic policies to help clarify the role and components of a Development Plan: spatial development strategies at a sub-regional level (dealing only with strategic policies), local plans (dealing with strategic and non-strategic policies) and neighbourhood plans (dealing only with non-strategic policies). Also, the RNPPF is stricter about strategic policies looking ahead over a minimum period of 15 year from adoption. The 2012 NPPF had references to housing policies looking over 15 years, but not specifying “from adoption”.
- 3.5.2 Regarding the “Duty to Cooperate”, the RNPPF introduces a new expectation for strategic policy making authorities to prepare Statements of Common Ground documenting cross boundary matters, including whether the needs of one area should be met in another.
- 3.5.3 Another significant change on plan making is that policies must be reviewed at least once every five years. Assessments should take into account changes in local circumstances (including housing need) and changes in national policy. Policies should then be updated as necessary to ensure conformity with NPPF. Leeds’ Natural Resources and Waste Plan adopted in 2013 will need to be

reviewed first, followed by the Core Strategy which was adopted in 2014. These reviews will be presented to future meetings of Development Plan Panel with recommendations for updates to particular policies as necessary.

3.5.4 In terms of the way plans are examined, the RNPPF introduces changes to the tests of “soundness”. Plans need to be justified that they are following *an appropriate* strategy, rather than *the most appropriate strategy*. This should help facilitate local authorities to get their plans adopted.

3.6 Decision Taking

3.6.1 Regarding decision making, the advice on prematurity is now set out in the RNPPF. It is the same advice that was formerly in Planning Practice Guidance that sets very restrictive circumstances for refusing planning applications on prematurity grounds.

3.7 Sustainable Development

3.7.1 The 2012 NPPF defined sustainable development as the policies in the NPPF taken as a whole. The 2018 NPPF has aligned its definition of sustainable development to the Report of the World Commission on Environment and Development (1987), known to as the Brundtland definition. The economic, social and environmental objectives are to be delivered through the preparation and implementation of plans and the application of NPPF policies so that net gains are achieved in each. However, it states that they are not criteria against which every decision can or should be judged.

3.8 Housing Supply

Five Year Supply and penalties for not demonstrating

3.8.1 One of the key preoccupations of Government in recent years has been to boost significantly the supply of housing. In so doing they introduced a policy in the 2012 NPPF called the “presumption in favour of sustainable development” as a method to grant permission for applications not in accordance with the development plan where there is no five year supply (5YS) of housing or whose plans may be out of date. If there was no 5YS then the relevant policies for the supply of housing were deemed out of date for the purposes of applying the “presumption” test and there was a presumption to grant permission (the presumption test) unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (ii) specific policies in the Framework indicate development should be restricted.

3.8.2 The courts had adjudicated on the meaning of “relevant policies for the supply of housing”. Most recently, the Supreme Court settled on a narrow interpretation that only policies directly concerned with the supply of housing would be considered out-of-date. The 2018 NPPF effectively reverses this ruling by requiring that where there is no 5YS *any* policies which are most important for determining the application are to be deemed out-of-date. This means that the implications of not being able to demonstrate a 5 Year Supply

of housing are more severe for local authorities. It means that policies concerning matters such as density, mix, design, affordable housing, green space, public realm etc will be considered out-of-date.

Small Housing Sites

- 3.8.3 Local authorities are now expected, through development plans and brownfield registers, to identify land for at least 10% of their housing requirement on small and medium sites (defined as one hectare or less). This has been reduced from 20% in the Draft NPPF of March 2018. The definition has also been extended to 1ha from 0.5ha in the draft. Leeds' Site Allocations and Aire Valley plans comfortably exceed this expectation for small housing sites.

Housing Delivery Test

- 3.8.4 Coming into force in November 2018, the test will measure the number of homes completed against the local housing requirement and penalise councils that under-deliver against various thresholds over a three-year period. The main penalty will be activating ¶ 11(d) "policies are out of date" in the presumption test which applies where an application does not accord with the development plan. This will be where delivery is below 25 per cent of the housing requirement from November 2018; the threshold then increases to 45% in 2019 and 75% in 2020. To help local authorities the 2018 NPPF encourages the use of planning conditions to require earlier commencement of development and encourages local authorities to understand why commencements may not have occurred on similar major development sites. However, this encouragement only reflects what Leeds City Council has been doing for several years in using planning conditions to achieve early commencements.

3.9 Affordable Housing

- 3.9.1 The 2018 NPPF introduces significant policy changes compared with the 2012 NPPF which have been heralded in consultation drafts over the past two years. There is increased emphasis on affordable home ownership. Paragraph 64 now expects policies and decisions to expect at least 10% of dwellings on new major developments to be affordable home ownership as part of the overall affordable housing contribution from the site (unless this exceeds the required amount of affordable housing in the area). Also, three of the four definitions of affordable housing in the Glossary of the 2018 NPPF are types of home ownership.
- 3.9.2 The definition of affordable rented housing includes three types: "social rent", "affordable rent" or that which is at least 20% below local market rents. For rented housing it is also expected that the landlord should be a registered provider (except where part of a Build-to-Rent scheme) and the property will remain at an affordable price for future eligible households or subsidy is recycled for alternative affordable housing.
- 3.9.3 Leeds defines affordable housing much more specifically based on evidence of earnings in Leeds. The adopted Core Strategy defines two main types of

affordable housing: social rented (affordable enough for households on 10th lowest earnings) and Intermediate (affordable enough for households on lowest quartile of earnings). These definitions accord with the 2018 NPPF definitions. The CSSR seeks to describe these types in plainer English and also adds policy for Build-to-Rent affordable housing, which accords with the 2018 NPPF also.

3.10 Viability

3.10.1 The main change is the front-loading of viability assessment at the plan-making stage. This places greater reliance on strategic viability rather than individual viability assessment at the planning application stage. It will be for the applicant to justify the need for a viability assessment at the application stage and the weight to be attributed to the viability assessment will be for the decision maker.

3.10.2 The 2018 NPPF also expects standardised inputs into viability appraisals to provide consistency. The use of benchmark land values will help challenge assumptions that affordable housing is unviable when too much had been paid for the land. The 2018 NPPF also expects viability assessments to be made publicly available. This should help counter the public perception that the viability assessment process is not transparent.

3.11 Economic Development

3.11.1 Advice in the 2018 NPPF is broadly the same as the 2012 NPPF in encouraging planning policies to encourage sustainable economic growth. There is greater emphasis on making links to the Government's productivity and innovation agendas. The need to avoid long term protection of sterile employment allocations is deleted from this version. Instead, the "effective use of land" section has comparable advice for *all* allocations of land to bring forward alternative use where there is no reasonable prospect that the allocated use will come forward. There is also additional advice for making better use of unallocated land in employment use for other needs such as housing. There are provisos that this should not undermine economic sectors.

3.11.2 For Leeds an update of Core Strategy employment policy is likely to be a priority in order to satisfy conformity with the 2018 NPPF and this will be undertaken as part of the requirement to review plans every 5 years and ensure that the city's economic and employment needs are up to date and policies are appropriately aligned with regional and national strategies.

3.12 Town Centres

3.12.1 Generally, this chapter remains unchanged, with the central tenet of national policy still being the town centres first approach. The most significant change is that Local Authorities are no longer required to establish primary and secondary retail frontages. Leeds' Site Allocations Plan, which is proposing revisions to the primary and secondary frontages first identified in the UDP, will be unaffected because it is being assessed against the 2012 NPPF under transitional arrangements. However, whilst the Site Allocations Plan takes

precedence over the NPPF in decision making the change, which is a material consideration, may mean less weight is given to protected frontage policies in the UDP and Core Strategy, as they no longer accord with the NPPF which is now emphasising greater flexibility in town centres by having policies that can respond to rapid changes in the retail and leisure industries. It also means that a future review of the Site Allocations Plan will have to consider whether to revise the policy on protected frontages to reflect the revised NPPF, or retain the existing policy approach as a locally specific measure designed to respond to the circumstances of Leeds

3.12.2 Other minor changes to advice on undertaking impact tests and sequential assessments have been introduced. The 5-10 year time period for impact tests has been removed which is likely to increase emphasis on the immediate effects of a proposal on the health of a town centre. Regarding the sequential test, alternative sites in centres can now include sites *expected to become available within a reasonable period* which could be helpful in resisting out-of-centre development proposals.

3.13 Transport

3.13.1 The section on transport continues to emphasise land use planning to promote sustainable travel. New additions to the 2018 NPPF include:

- When assessing opportunities from existing or proposed transport infrastructure, the scale and density of development as well as the location are now relevant
- A reference to seeking net environmental gains in provision of new transport infrastructure
- A cross reference to air quality and public health as benefits of sustainable transport
- More emphasis on joint working with neighbouring authorities and transport infrastructure providers so that strategies and investments and development patterns are aligned
- A reference to providing a high quality walking and cycling network
- A reference to providing for large scale transport facilities in the area in terms of infrastructure and wider development to support their operation, expansion and contribution to the wider economy. Examples of this would be the HS2 proposals and Leeds Bradford Airport
- A reference to prioritising pedestrian and cycle movements within schemes and laying out developments to facilitate access to public transport services
- An expectation for provision of adequate facilities for electric / low emission vehicles to be made in new parking

3.13.2 The Core Strategy includes a policy (SP11) which sets out transport

infrastructure investment priorities. The Council will need to consider, when reviewing the Core Strategy, whether this policy and the key diagram needs to be updated in line with the new NPPF requirements, in order to align with the latest transport strategies and proposals, for example the Leeds Integrated Station masterplan, the Leeds City Centre Package and new rail, bus, park and ride and road improvement proposals. The single transport SPD which is being prepared will also need to be reviewed to reflect the 2018 NPPF.

3.14 Effective Use of Land.

3.14.1 The chapter on effective use of land gives a higher profile to policies that encourage use of brownfield land and under-utilised land and buildings. There is increased emphasis on upward extension of buildings to provide new homes in appropriate circumstances and optimising densities of new housing according to public transport accessibility. This chapter also includes advice on making use of long-standing allocations and land for other purposes with greater needs (see section on economic development above).

3.15 Healthy Communities

3.15.1 Advice on promoting healthy, inclusive and safe places, advice on providing for the social recreational and cultural needs of communities and advice on protecting and promoting open space is largely unchanged in the 2018 NPPF. A new sub-heading is provided for Open Space and Recreation which helps raise its profile. It refers to providing access to a *network* of open spaces, which is important in urban areas like Leeds. Designation of Local Green Space should only occur during the plan preparation stage (including neighborhood plans) and only in very specific circumstances. Thereafter, managing development within a local green space should be consistent with those for green belts.

3.16 Green Belt

3.16.1 The 2018 NPPF carries forward Green Belt policy largely unchanged, except changes of use in the green belt are now expressly recognised as an exception to inappropriate development in the Green Belt. This was the subject of much case-law under the 2012 NPPF. One change involves allowing Neighbourhood Plans to redraw detailed Green Belt boundaries once a need for a change has been established through strategic policies. Another change is requiring a higher evidence based justification for altering Green Belt boundaries in Green Belt Reviews.

3.17 Climate Change

Energy Efficiency

3.17.1 Regarding energy efficiency, the 2018 NPPF is not clear on the legitimacy of planning policies which require standards for energy efficiency that exceed the those set in Building Regulations. The Written Ministerial Statement (WMS) of March 2015 said that local authorities should not require higher standards than Building Regulations except with one or two exceptions. The submitted Core

Strategy Selective Review emasculates the adopted Core Strategy policy in order to be consistent with the WMS.

Areas for Renewable and Low Carbon Energy

- 3.17.2 Para. 151b) requires local planning authorities to consider identifying areas that are suitable and setting policy criteria for renewable and low carbon energy generation. These matters will be considered when the Council undertakes a review of the Natural Resources and Waste Plan.
- 3.17.3 Para. 151 c) requires local planning authorities to identify opportunities for new development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers with suppliers. This is addressed in the Aire Valley Leeds Area Action Plan. Future work will need to explore how this can be addressed in other areas of Leeds.

Flood Risk

- 3.17.4 The 2018 NPPF introduces the concept of Natural Flood Management (NFM) measures to be applied through site development opportunities. NFM means emulating the natural regulating function of catchments, rivers, floodplains and coasts. There is an opportunity for this issue to be examined when the Council's Strategic Flood Risk Assessment is updated later this year.
- 3.17.5 Paragraph 165 requires major development to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. There is also a requirement for maintenance arrangements to be in place for the lifetime of the development. Leeds City Council often imposes this requirement, via planning conditions. The review of the Natural Resources and Waste Local Plan will likely include a new policy requirement relating to maintenance schedules to be provided with a planning application so that the Council can take enforcement action if a system is not being properly maintained.

3.18 Good Design and Natural and Historic Environments

- 3.18.1 Policy in these areas is largely unchanged. The importance of design standards is emphasised along with an expectation that the quality of development should not be diminished between approval and completion, for example by substitution of inferior materials. There is now stronger protection of irreplaceable habitats such as ancient woodland and ancient / veteran trees. Also, the wording that expects "agents of change" to mitigate the effects of existing businesses and facilities (eg pubs and music venues) on the proposed development (eg residential) in paragraph 182 is considered to be more effective. The definition of pollution (which covered all forms of pollution) is removed from the glossary, but the objective of minimising pollution is included in the objective in paragraph 8c.
- 3.18.2 The chapter on historic environments carries forward the policy largely unchanged. There are tweaks to the way "harm" is defined to bring it in line

with recent case law.

3.19 Minerals and contaminated land

Mineral Safeguarding

- 3.19.1 National policy asks local mineral authorities to define a mineral safeguarding area (MSA) for specific minerals resources of local and national importance. The 2018 NPPF now includes unconventional hydrocarbons in the definition. This includes shale gas which is extracted through “fracking”. The 2018 NPPF also includes new advice that local mineral authorities put in place policies to facilitate the exploration and extraction of on shore oil and gas development. An implication for Leeds is that the review of the Natural Resources and Waste DPD will have to consider the need to define an MSA for unconventional hydrocarbons and put forward a policy for extraction of oil and gas including unconventional hydrocarbons. An area of Leeds is already licensed for fracking exploration.

Safeguarding Sustainable Minerals Transport Infrastructure

- 3.19.2 The 2018 NPPF reduces protection for wharves which aid transport of minerals by waterway and rail. There is no longer specific mention of rail heads, rail links to quarries and wharfage; instead a generic safeguarding phrase is used. Fortunately, Leeds already has a strong specific policy for protecting wharves in Leeds, but the effects of weaker planning policy on neighbouring local authorities could have ramifications for Leeds if mineral transportation is shifted to road after wharves in neighbouring are subject to redevelopment proposals.

Contaminated Land

- 3.19.3 Regarding contaminated land, the 2018 NPPF carries forward the policy requirement for land to be appropriately investigated and remediated to be suitable for proposed uses and, as a minimum, should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. This was previously set out in paragraph 121, now in paragraph 178. Paragraph 118 indicates that substantial weight should be given to using brownfield land, subject to appropriate remediation

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The 2018 NPPF released on the 24th July 2018 had been preceded by a number of drafts that had been subject to public consultation. A full draft was released for 8 weeks of public consultation in March 2018 to which the City Council responded with over 100 suggestions for improvement. Particular elements of planning policy had been subject to earlier public consultation, including build-to-rent affordable housing (February 2017) and planning for the right homes in the right places (September 2017).

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 It is considered that the 2018 NPPF will have little impact on equality, diversity cohesion or integration of the population and communities of Leeds. There are few significant changes from the 2012 NPPF and changes, such as to the definition of affordable housing, will not necessarily require changes to local policy.

4.3 Council Policies and City Priorities

4.3.1 It is considered that the 2018 NPPF will have little immediate impact on Council Policies and City Priorities. The Site Allocations Plan which is currently being examined and the Core Strategy Selective Review which has just been submitted for examination are unaffected because the transitional arrangements mean that they will be tested for soundness against the 2012 NPPF. One change of significance is the requirement for local authorities to review their plans at least once every 5 years and update policies that are out-of-date in terms of local circumstances or national policy. This formalises what Leeds City Council does anyway.

4.4 Resources and value for money

4.4.1 The 2018 NPPF will have negligible impact on resources and value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 In the course of plan preparation and determining planning applications it is sometimes necessary to obtain legal opinion on the meaning of national planning policy. Whenever national planning policy changes there are likely to be issues of policy interpretation generated. There will undoubtedly be such issues of policy interpretation with the 2018 NPPF, but no more than usual.

4.6 Risk Management

4.6.1 There is risk for the council in how much decisions on plan making and planning applications depart from national guidance. National guidance is necessarily broad however, in relation to certain matters national planning policy has moved in directions that diverge from Leeds' current policy position. Interpretations of new national policy will take time to be clarified, no doubt in the courts. Up to date local plans have the benefit of relying upon local evidence and understanding local priorities and circumstances. The system of testing soundness is still evidence based. Where conflict of local policies with the 2018 NPPF is alleged, local policies still take precedence in accordance with s.38 Planning and Compulsory Purchase Act 2004.

5 Conclusions

5.1 The key impacts for Leeds can be summarised as follows:

- i Local Plan policies have to be reviewed at least every 5 years and updated as necessary

- ii Affordable housing 2018 NPPF definitions of affordability provide more affordable home ownership options than Leeds' existing policy.
 - iii Greater weight is to be given to policy viability as opposed to individual development viability
 - iv A housing delivery test becomes operable from November 2018 with penalties if thresholds are not reached.
 - v Policy to define primary and secondary shopping frontages is deleted.
 - vi Leeds will be expected to prepare policy and define a mineral safeguarding area including areas appropriate for extraction of unconventional hydrocarbons (shale gas)
- 5.2 It is clear that there is now a need to review the Local Plan within 5 years of adoption to assess if any policies need to be updated in line with NPPF. This can now be progressed, initially for the Natural Resources and Waste Local Plan and the conclusions of that review can be reported to Panel in due course.

6 Recommendation

- 6.1 Development Plan Panel is invited to note the implications of the 2018 NPPF both in relation to plan making and decision taking as set out in this report.

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Report author: Matthew Brook/Kathryn Holloway
Tel: 0113 37 87650 / 87645

Report of Chief Planning Officer

Report to Development Plan Panel

Date: 11th September 2018

Subject: Housing land supply interim update

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If relevant, name(s) of Ward(s): ALL	
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible 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

Summary of main issues

1. The Council has received the Secretary of State Decision letters dated 12th July 2018 on two recovered appeal decisions for up to 874 dwellings and a 66 bed care home at land west of Street 5, Thorp Arch Estate, Wetherby (TATE) and up to 770 dwellings at land at Dunningley Lane, Tingley (Tingley). The Inspectors recommended that both appeals be dismissed and the Secretary of State agreed with the Inspectors' decisions and dismissed the appeals and refused planning permission.
2. In June 2018 the Council received an Inspector's decision allowing an appeal and granting permission for 55 homes at Pool Road, Pool in Wharfedale. In light of the above decisions of the Secretary of State, the Council is challenging this decision.
3. The Council awaits a decision on an appeal relating to an application for 26 homes at land at the Ridge, Linton. The Inspector has requested comments from both the Council and the appellant as to the impact, if any, of the National Planning Policy Framework 2018 on the case. The appellant has also submitted a full and partial costs application and the Council has submitted a partial cost application in respect of this appeal.
4. The evidence submitted by the Council, at these recent appeals, in respect of its five year housing land supply was based on the Strategic Housing Land Availability Assessment (SHLAA) 2017 Update. This shows a 4.38 year housing land supply (against Adopted Core Strategy requirements, backlog and a 20% government

imposed buffer). The Secretary of State is generally supportive of the Council's approach to its land supply.

5. The Adopted Core Strategy housing target remains up-to-date in plan making terms and has been used to steer the Site Allocations Plan (SAP). However, the known trajectory of lower growth led to revisions to the submission SAP, which was examined at hearings in August, with fewer housing releases in the Green Belt and a commitment to an early review. For decision making purposes the Adopted Core Strategy figure has been overtaken evidentially as recognised by both the Ministry of Homes Communities & Local Government (MHCLG) and the evidence on population, household projections and jobs growth as part of the Core Strategy Selective Review (CSSR). The evidence of both documents acknowledges lower housing requirements going forward, which would change the calculation of Leeds' five year housing land supply. Whilst the development plan takes precedent, regard can be had in decision-making terms to these lower requirement figures.
6. Both the adoption of the Site Allocations Plan and progressing Core Strategy Selective Review are key mechanisms to increasing the five year housing land supply and deliver completions.
7. At this point, the Council does not have a five year housing land supply. However, it is in a very positive position at 4.38 years. Officers are currently updating the SHLAA 2018 and hope to present this to DPP in November 2018.

Recommendation

8. Member's are requested to:
 - (i) provide views on the report; and
 - (ii) note the positive position Leeds is in in regards to its five year housing land supply.

1. Introduction

- 1.1 This report provides an update on the recent housing appeals and the supply and delivery of housing. It includes details of the collaborative work of the Housing Growth Team between Planning and Asset Management & Regeneration to support housing growth in order to meet the Core Strategy target. It highlights the importance of the adoption of the Site Allocations Plan and the impact of NPPF 2018 and the submitted Core Strategy Selective Review on the five year housing land supply.

2. Background

- 2.1 Since 2012 housebuilding in Leeds has not met the Core Strategy requirement of 3,660 per annum, nor the step up to 4,700 since 2017. The Council has recently submitted evidence in four appeals on housing land supply. This has been assessed by the Secretary of State in his decision on land at Thorp Arch and Tingley, where he concluded that Leeds does not to have a five year housing land supply.
- 2.2 The findings of the Secretary of State upon the conclusions of his Inspectors relate to the evidence tested as part of recent public inquiries at land west of Street 5, Thorp Arch Trading Estate, Wetherby for up to 874 dwellings and a 66 bed care homes (closed, November 2017) and subsequently updated at Tingley Station (up to 770 dwellings at land at Dunningley Lane) (closed, January 2018). Both inquiries considered the five year supply position as sourced from the SHLAA (2017 Update) updated from a base date of 1 April 2017 for the five year period from 2017/18 to 2022/23.
- 2.3 The Secretary of State *agrees with the Inspector that the Council's housing land supply is around four years*". As Tingley Station involved the updated evidence base, when compared with Thorp Arch Trading Estate, it must be treated as taking precedence over the Secretary of State's decision in Thorp Arch.
- 2.4 The Secretary of States conclusion notes the confidence in the Council's *"...thorough and proactive approach to land availability"*.
- 2.5 The Inspectors appeal decision report issued 18 June 2018, in respect of land south of Pool Road, Pool in Wharfedale outlined that the Inspector does not reject the Council's then advanced case of 4.4 years. This is compatible with the Tingley Station decision.
- 2.6 Despite the lack of a five year supply the Inspectors did not seek to approve unsustainable development that was clearly in conflict with the Development Plan. In Tingley, the Inspector found *"that the appeal scheme's deficiencies with regard to accessibility to relevant services and facilities, arising from the site's anomalous location, are significant."* The Inspector concluded *"that the appeal proposal would fail to accord with CS policies SP1, H2 and T2...and paragraph 29 of the Framework."*
- 2.7 Furthermore, the Inspector in Tingley states *"I also consider that the scheme would fail to accord with paragraph 38 of the Framework.* Whether "most" properties would be within walking distance of key facilities "such as" (but not exclusively) primary schools and local shop is, clearly, a matter of judgment. In my judgment, on the basis of the estimated percentages, and wider contextual matters, set out above they would not."

- 2.8 In Thorp Arch, the Secretary of State agrees that the proposal would not be consistent with policy SP1 of the Core Strategy. However, he also agrees that the fact that a substantial part of the area intended for built development is previously developed land, which provides support for the proposal. The Secretary of State agrees that the proposal would not fully meet the accessibility standards set out in the Core Strategy. He further agrees that the location is not, or would as a result of the proposal not be, adequately served by public transport, and would thus conflict with Policy T2 of the Core Strategy. He also agrees that opportunities for pedestrian access are limited. As such, he concludes that the site is not a sustainable location for the proposed development. As the proposal would not be adequately served by the highway network, and congestion problems have not been resolved, it would be contrary to Policy T2 of the Core Strategy and Policy GP5 of the UDPR. These traffic impacts attract considerable weight.
- 2.9 The Council has taken careful note of the Thorp Arch and Tingley Decisions, viewed within the specific context in which these decisions have been made. Particularly also, as these Decisions now present the most up-to-date position on various matters, and as a matter of fact, supersede the Pool in Wharfedale appeal decision issued on 18 June 2018 which the Council considers out of date and in error. The Council has sought statutory review by way of s288 Town and Country Act 1990 of this appeal decision.
- 2.10 The Council awaits a decision on 26 homes at land at the Ridge, Linton. The Inspector at Linton has requested comments from both the Council and the appellant on the NPPF 2018. The Council made submissions on 10 August 2018.

3. The Council's efforts to stimulate the housing market

- 3.1 The Council is being proactive and has in place a number of measures and incentives to promote the delivery of regeneration and housing. These include delivering housing itself, particularly affordable housing, selling brownfield land in its ownership to promote housing, facilitating land sales and the approval of record numbers of applications for residential development.
- 3.2 As at 1 April 2018 there was outstanding capacity for 21,618 units (units yet to be built) that have planning permission with a further capacity for 12,711 units available to gain planning permission on allocated land including nearly 6,000 on new allocations in the Aire Valley. Of the 21,618 units, 17,019 have detailed planning permission. Considering that 4,104 units are under construction, this leaves 12,915 units with detailed planning permission that have not yet started.
- 3.3 Last year was a record year in Leeds for greenfield approvals and for new permissions granted on both brown and greenfield sites in the post-recession market with 7,660 units approved in 2017/18. This follows a record level of planning approvals in 2016/17. The Council has continued to grant this level of approvals in the first few months of 2018/19. The total stock of sites with detailed planning permission now rests at 18,426 across 397 sites.
- 3.4 The Council has been working with the government and Homes England to unlock early and accelerated growth in the city centre housing market. The strategy has begun to deliver and there is considerable activity in the city centre and inner area. In the city centre, the private rental sector (PRS) is an emerging sector in the home

building industry in Leeds with potential for over 10,000 new homes to come forward over the next 10 years.

- 3.5 There are over 60 current schemes with planning permission in the city centre and fringe, 11 of which are on sites that are under construction including over 700 at both Dandarra on Sweet Street and Hunslet Mill in the Aire Valley. There are over 8,000 units with extant planning permission in the city centre and fringe including approvals for over 1,000 at City Reach on Kirkstall Road, 515 at Quarry Hill and over 300 at Low Fold on South Accommodation Road. Since 1 April 2016, 32 new schemes have been approved in the city centre with total capacity for over 3,500 new homes.

4. Maximising the use of brownfield land

- 4.1 As members are aware the Council has consistently made a clear priority to maximise the use of brownfield land in meeting the need for new homes across the district and is actively engaged with incentivising the bringing back into use of brownfield sites with the adopted Core Strategy setting out a previously developed land target of 65% for the first five years and 55% thereafter. Delivery of new homes on brownfield sites has averaged 80% over the last five years.
- 4.2 The Council has continued in its commitment to identifying brownfield sites for development and has published a Brownfield Land Register with over 300 sites to help lead the way in bringing forward previously developed land for new homes. The Registers will help house builders identify suitable sites quickly, with the intention of speeding up the construction of new homes.

Planning and regeneration programmes

- 4.3 DPP has previously been updated on the Council's Housing Investment Land Strategy (HILS) which sets out a proactive approach to the use of all surplus land and buildings for the delivery of new homes.
- 4.4 As an update to this, Members may be aware that approval of more than £7million from the government's Housing Infrastructure Fund has been confirmed to support housing development on land to the east of Otley and at Roundhay Road in Chapeltown. Together the two schemes are capable of delivering 614 new homes in total, of which more than 200 will be affordable housing.
- 4.5 The bid for the funding was made by Leeds City Council working with the developers for each site. At Roundhay Road a partnership formed between Unity Housing Association and Chapeltown Co-housing (ChaCo) will benefit from a grant of £990,000 to remediate the site and to build affordable apartments for over-55's alongside an innovative project led by local people to create a co-housing scheme along with self-build opportunities.
- 4.6 In Otley, Leeds City Council is working collaboratively with developer Persimmon Homes and other landowners and are leading in bringing forward the critical infrastructure proposals for the site, which as a long-standing part of the city's agreed planning strategy is allocated for the development of 550 new homes as well as a new primary school, employment uses and greenspace. Funding of £6.3m will gap fund construction of a 1.5-kilometre East of Otley Relief Road that will, subject to planning

permissions, allow housing development to start by providing an eastern bypass that will relieve traffic pressure on Otley town centre.

5. Site Allocations Plan by HMCA and Aire Valley Area Action Plan

- 5.1 The Revised submission Site Allocations Plan (SAP) hearing sessions closed on the 3rd August 2018. The Plan, once adopted, will bring the comprehensive release of a range of sites, across 11 Housing Market Areas (HMCAs). In the City Centre, the Private Rented Sector (PRS) is an emerging sector in the home building industry in Leeds with potential for over 10,000 new homes over the next 10 years. SME and regional-scale developers will have opportunities for increasing activity across the District including on challenging brownfield sites proving possible to deliver viable and attractive schemes.
- 5.2 The AVL AAP (adopted in November 2017) includes allocations to deliver a minimum of 6,500 between 2012 and 2028 within the area focussed across five broad locations (South Bank/ East Bank/Cross Green/Hunslet Riverside/Skelton Gate), each strategically important in delivering the area's housing requirement and to supporting wider regeneration aspirations.

6. SHLAA update

- 6.1 In line with national guidance, the Council undertakes and publishes a SHLAA that provides clear evidence on the deliverability of sites. This takes into account the findings of the Secretary of State upon the conclusions of his Inspectors relating to the evidence on housing land supply tested as part of appeals. It also brings up to date recent planning approval activity and reflects the current construction status of sites. The Council is continually updating the SHLAA and the 2018 Update is underway reflecting on the recent appeal decisions and developer comments.
- 6.2 The Council wrote on 22 August 2018 to landowners, developers and agents of the sites in the current land supply, to confirm the availability of sites and produce an accurate picture of delivery. The Home Builders Federation have also been consulted for their members to review and provide evidence on sites where they are the developer or the agent acting on their behalf. Further technical work has also been undertaken on the SHLAA site assessments, to reflect recent planning and construction activity across the District.
- 6.3 Site records have been updated according to the Council's activity in regeneration schemes such as the Private Sector Housing Acceleration Scheme and dialogue with landowners and developers through the Housing Growth Team. Officers have also assessed sites included in the Site Allocations Plan to take into account representations made as part of the plan-making process that provides intelligence of when the development is likely to commence and anticipated build-out rates.
- 6.4 The NPPF 2018 and guidance is consistent with the previous version and adds further detail as to the evidential requirement needed on sites without a detailed planning permission. The Council has always produced clear evidence across all sites as part of the SHLAA process, thereby satisfying the NPPF 2018 approach, just as it had satisfied the previous version. It has always been important to confirm an accurate position of housing land supply by identifying any factors leading to either delay or acceleration of house building on sites. This includes confirmation of any availability

or ownership issues that would impact on the delivery of a site. Officers are once again in the process of contacting all landowners, developers and agents involved in the delivery of sites in order to collate new evidence and establish a dialogue on delivery in order to make informed decisions as to how sites contribute to the future supply of housing in Leeds.

6.5 A full update on the 2018 SHLAA and five year supply position is anticipated to be reported to Development Plans Panel in November.

7. Five year housing land supply positions

7.1 The Council has been clear that it does not currently have a five year land supply as set out in Section 2.

7.2 The starting point for establishing a five year supply requirement is the housing target, as set out in the up to date Local Plan or against local housing need where the strategic policies are more than five years old. The current housing land supply requirement is at its highest ever level and is simply a product of the buffer, backlog and Core Strategy requirement brought together. An updated five year supply requirement for 1 April 2018 to 31 March 2023 taking into account actual 2017/18 performance and the recalculated backlog puts the total requirement at 36,412 dwellings or 7,282 per annum.

7.3 Whilst the Core Strategy targets remain up-to-date in plan making terms (as adopted) they have been overtaken evidentially by both the government's standard methodology target for Leeds and the evidence on local population and migration variations, household formation rates, employment growth forecasts and market sensitivities including unmet needs for affordable housing as part of the CSSR lower requirement figures, which is the Council's chosen housing requirement option. They do not however supersede the target in the Core Strategy unless and until the CSSR is adopted. The evidence on both methodologies point to lower requirements than the current Core Strategy target and the government's local housing need figure (previously published at 2,649 per annum in September 2017) is preferred in the NPPF as the benchmark of the Housing Delivery Test.

7.4 The Council's five year housing land supply is now 4.38 years against the adopted Core Strategy requirement for the period of 1 April 2018 to 31 March 2023. The extent of this shortfall has however become more marginal in light of the NPPF revisions. The five year housing land supply will be increased by at least 6,219 units upon adoption of the SAP (as submitted) and 5.23 years as a minimum. This position is further boosted upon the lowering of the buffer from 20% to 5% following the implementation of the Housing Delivery Test in November 2018, which is measured against household projections (a component of the local housing need) as part of transitional arrangements. The adoption of the CSSR would then see a fundamental lowering of the five year housing land supply requirement. Under the CSSR requirement the five year supply increase from 6.58 years to 7.86 years with a 5% buffer upon the adoption of SAP.

7.5 The adoption of the SAP will enable the Council to demonstrate, by some margin, a five year housing land supply against the present Core Strategy requirement. This will be further strengthened by the forthcoming changes to planning policy at national and local level impacting upon the housing land supply requirement for Leeds.

7.6 An updated position will be presented following completion of the SHLAA. The update will reflect the most up-to-date calculations upon the requirement and evidence upon of the deliverability of sites as part of the NPPF.

8. Corporate Considerations

8.1 Consultation and engagement

8.1.1 The focus of this report has been to provide a summary of the current position on housing land supply and delivery. Consultation is not applicable in the circumstances.

8.2 Equality and diversity / cohesion and integration

8.2.1 Given the scale of the District and diversity of community areas, these issues are especially acute in meeting housing needs, now and in the future. In reflecting such issues, the Adopted Core Strategy (and selective Review) is focussed upon setting overall housing requirements, as a basis to meet overall housing needs.

8.2.2 Evidence base work supporting the Core Strategy Review (Strategic Housing Market Assessment), gives particular emphasis to helping to understanding the dynamics and nature of updated housing needs and the housing market in Leeds, as a basis to influence subsequent policy and implementation issues.

8.3 Council policies and City Priorities

8.3.1 Housing of the right quality, type, tenure and affordability in the right places is an objective of the Best Council Plan. Housing is a key cross cutting issue for the Council, which has a direct impact on the Council's budget, policy and operational service issues. This is reflected in the expenditure required to maintain key services (including Social Care), income generated to the Council (including via Council Tax, Section 106 CIL income and New Homes Bonus), the management of the Council's housing stock and related asset management issues and also the strategic links to the provision of infrastructure and utilities.

8.4. Resources and value for money

8.4.1 None arising from this report. Activities associated with monitoring the 5 year housing land supply are met from existing budgets.

8.5 Legal implications, access to information and Call In

8.5.1 None arising from this report.

8.6 Risk management

8.6.1 None arising from this report. In addressing a number of key issues set out in this report, there is a need for the Site Allocations Plan to be adopted to supplement the Council's housing land supply. There are therefore risks of critical deadlines not being met, prolonged exposure to speculative housing applications challenging the Council's five year housing land supply position and risk of unplanned and uncoordinated development without a plan in place resulting in difficulties to co-ordinate and align investment decisions for infrastructure.

9. Conclusion

- 9.1 The purpose of this report is to provide Development Plan Panel with an overview and update of housing land supply and delivery and associated progress made in relation to technical work and performance outputs.

10. Recommendation

- 10.1 Member's are requested to:

- (i) provide views on the report; and
- (ii) note the positive position Leeds is in in regards to its five year housing land supply.

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Report of Director of City Development

Report to Development Plans Panel

Date: 11 September 2018

Subject: Neighbourhood Planning Update

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Localism Act 2011 devolved planning powers to parish and town councils or neighbourhood forums to lead on the preparation of neighbourhood plans. A neighbourhood plan can influence where development can go and how it might look but it must have regard to national planning policy and be in general conformity with local strategic planning policy.
2. It is the Government's intention that neighbourhood planning will make planning more accessible to local people and that local communities will be more welcoming of new development due to a renewed sense of ownership and from financial incentives such as the Community Infrastructure Levy (CIL).
3. There are 35 designated neighbourhood areas across Leeds, covering the diversity of the city's neighbourhoods with villages, market towns and inner city communities preparing neighbourhood plans. There are 9 Made plans and a further 7 that are close to examination or referendum, as well as two new areas (Chapel Allerton, Mabgate and Lincoln Green) that are expected to be designated later this year.
4. Plan content and progress varies across the city. Most plans do not allocate sites for housing, with the exception of Clifford (a Made plan) and Walton (Referendum 20 September). Other plans are seeking to shape development more generally and will include a range of locally distinctive policies to do this.

Recommendations

5. Development Plan Panel is requested to:
 - i) Note the progress made by the Council in relation to Neighbourhood Plans

1 Purpose of this report

This report updates Members on neighbourhood planning progress across Leeds and key legislative changes. At the request of Panel Members, consideration is also given to the opportunities to encourage a more even spread of neighbourhood planning activity across the city, with particular reference to the main urban area and the inner-city.

2 Background information

2.1 Neighbourhood Planning

The Localism Act 2011 introduced major reforms to the planning system that give local communities the 'right' to prepare a neighbourhood plan which can set out local planning policies for the development and use of land in a neighbourhood. Neighbourhood plans are subject to public consultation, independent examination and a referendum in the neighbourhood area.

There are over 2,300 communities across the country involved in neighbourhood planning and 35 designated neighbourhood areas in Leeds, the highest number for a city outside of London. Nationally, there are few inner-city communities preparing neighbourhood plans but there is a relatively high number in Leeds with Holbeck (Leeds' first inner-city Made plan), Beeston, Hyde Park, Little Woodhouse and Kirkstall all designated neighbourhood areas. A group in Mabgate and Lincoln Green are expected to apply for neighbourhood area and forum designation later this year.

Neighbourhood plans must meet the statutory 'basic conditions', the key conditions being general conformity with local strategic planning policies and having regard to national planning policies in the National Planning Policy Framework. These set the parameters for the plan and an independent examiner will assess whether a plan meets the 'basic conditions' or not.

Once a neighbourhood plan has received a positive vote from 50% or more people voting at Referendum it becomes part of the Development Plan for Leeds and will be used to help determine planning applications in the neighbourhood area.

3. Main Issues

3.1 The Neighbourhood Planning Act (2017)

The Neighbourhood Planning Act was brought into force in 2017. It strengthened the status of neighbourhood plans earlier in the plan making process and introduced requirements for local authorities to set out the support that they offer:

- Section 1 strengthens the status of advanced neighbourhood plans once they have successfully passed independent examination. Once the local authority has made the decision that the plan can proceed to referendum, the plan (as

modified) becomes a material consideration in the determination of planning applications.

- Section 2 introduces the requirement for local authorities to notify neighbourhood planning groups of planning applications within their neighbourhood areas (the Council was possibly the first in the country to do this, in 2013).
- Section 3 strengthens the status of neighbourhood plans that have received a 'yes' vote at referendum. At the point of a 'yes' vote, the plan is automatically considered part of the development plan in respect of planning applications, even if the local authority has not yet formally made the neighbourhood plan.
- Section 4 provides the opportunity for minor modifications to be made to a made neighbourhood plans with the consent of the relevant parish/town council or neighbourhood forum. It also sets out the procedure for making modifications that would be material to the determination of a planning application.
- Section 5 provides the opportunity for local authorities to make alterations to neighbourhood areas in certain instances, without the need for a new neighbourhood area application to be submitted.
- Section 6 requires local authorities to set out their policies for advising and supporting neighbourhood planning groups under the Duty to Support, this should be set out in the Statement of Community Involvement.
- Section 7 introduces clarity to the examination process, requiring examiners to publish a draft report for comment by the local authority and the parish/town council or neighbourhood forum.

Officers prepared a briefing note on the changes introduced by the Neighbourhood Planning Act and sent to all groups in 2017.

3.2 Revised National Planning Policy Framework (NPPF)

Overall, the revised NPPF strengthens neighbourhood planning and confirms government support for the neighbourhood planning process. It is clear from the revised NPPF that the government is seeking to make neighbourhood planning more 'mainstream' with references to neighbourhood planning now integrated throughout the Framework, sitting alongside references to local plans.

There are several new aspects of the revised NPPF that introduce new powers and strengthen neighbourhood planning, but it is worth noting that none of the opportunities provided to groups in the 2012 NPPF have been deleted or removed.

The key changes introduced by the revised NPPF are as follows:

- Where the presumption in favour of sustainable development involves the provision of housing paragraph 14 confirms that if those proposals conflict with a Neighbourhood Plan, that conflict is likely to significantly and demonstrably outweigh the benefits of the development.

- Paragraph 50 confirms that refusal of planning permission on the grounds of prematurity will be seldom justified where a draft neighbourhood plan has yet to progress beyond the expiry of the LPA publicity period.
- Paragraphs 65 and 66 introduce the opportunity for neighbourhood plans to access a designated neighbourhood area-level housing target. However, this depends on how advanced the local strategic policies are in the plan-making process. Where strategic housing requirement policies have already been adopted, neighbourhood planning groups can request an indicative target which takes account of evidence of local housing needs, the population of the neighbourhood area, existing housing allocations, and the most up-to-date planning strategy for the area. These targets will not need to be re-tested at the neighbourhood plan examination unless a significant change in circumstances affecting the requirement has occurred.
- Paragraph 69 encourages neighbourhood planning groups to consider allocating small and medium sized housing sites (up to 1ha in size) in their area.
- Paragraphs 125 and 126 strengthen the role that neighbourhood plans have in setting design standards in their area.
- Paragraph 136 introduces the opportunity for neighbourhood planning groups to make detailed amendments to the Green Belt boundary (where the need for a Green Belt review has already been identified through strategic policies).

Officers will be preparing a briefing note for all groups on the revised NPPF and the implications for neighbourhood planning in Leeds.

3.3 Site Allocations Plan (SAP)

A number of neighbourhood planning groups were represented at the SAP Hearing Sessions (Aireborough Neighbourhood Forum, Oulton and Woodlesford Neighbourhood Forum and Garforth Neighbourhood Forum). Officers provided an update on neighbourhood planning activity at the start of each HMCA session and, at the request of the Inspectors, a note was prepared setting out how the Council supports neighbourhood planning.

3.4 Neighbourhood Planning Progress

Table 1 shows the progress of plans in Leeds. There are 35 designated neighbourhood areas and 9 Made plans. The number of Made plans is expected to rise to 13 or 14 over the next 6 months. All of the plans that have reached examination in Leeds have passed successfully and have been recommended by the examiners to proceed to Referendum once minor modifications have been made. This examination success is testament to the hard work and commitment of neighbourhood planning groups and to the collaboration that exists with the Council.

Most neighbourhood plans to be Made in Leeds to date have parished areas (Linton, Alwoodley, Clifford, Collingham, Bardsey-cum-Rigton, Barwick-in-Elmet and Scholes, Boston Spa, and Thorp Arch). Holbeck is the first non-parished area to have a Made neighbourhood plan, as well as the first inner-city area. The Holbeck Neighbourhood Plan has been an inspiration to other neighbourhood planning

groups in Leeds and around the country and has been shortlisted for a Royal Town Planning Institute (Yorkshire) Planning for Excellence award later this year.

All neighbourhood plans vary in style and content and set out locally-distinctive policies to help determine planning applications in the neighbourhood area. Most neighbourhood plans in Leeds do not allocate land for housing, with the exception of Clifford (Made) and Walton (Referendum 20th September 2018). Most plans include policies on design, the designation of local green spaces, green infrastructure, connectivity, the identification of non-designated heritage assets, supporting local businesses and a range of other policies to make neighbourhoods more sustainable. All neighbourhood plans in Leeds also include an appendix setting out a wide range of projects to facilitate the implementation of the plan and to encourage further community ownership of local issues.

There are 139 separate planning policies in 9 Made neighbourhood plans covering a wide range of topics including design, the built environment, the natural environment, community facilities and assets, connectivity, green infrastructure, local business support and town centres. Neighbourhood plans in Leeds have designated 93 Local Green Spaces, 133 non-designated heritage assets and identified additional sites for 25 homes. This is over and above the Core Strategy and the Site Allocations Plan.

To date, 6133 people have voted in neighbourhood plan referendums in Leeds, with a 'yes' vote ranging from 80% in Holbeck to 96% in Linton. There are approximately 2,000+ people who are members of neighbourhood plan forums or steering groups.

Table 1: Neighbourhood Planning Progress in Leeds

Active Expressions of Interest	Neighbourhood Area Designated and Early Engagement	Draft Plan in Preparation	Pre-Submission Consultation Complete	Submission and Examination	Post-Examination	Made
Chapel Allerton	Beeston	Aireborough	Adel	Aberford	Walton	Alwoodley
Mabgate and Lincoln Green	Carlton	East Keswick	Otley	Bramham-cum-Oglethorpe		Bardsey-cum-Rigton
	Kirkstall	Garforth	Oulton and Woodlesford	Kippax		Barwick-in-Elmet and Scholes
	Rothwell	Headingley	Wetherby	Scarcroft		Boston Spa
	Seacroft (progress stalled)	Horsforth				Clifford
	Harewood (Parish Council decided not to continue)	Hyde Park				Collingham
		Little Woodhouse				Holbeck
		Pool-in-Wharfedale				Linton
		Rawdon				Thorp Arch
		Shadwell				
		Thorner				

NB: Colours in the table above correspond to Map 1 attached to this report.

3.5 The Council's duty to support, funding and other support

All neighbourhood planning groups in Leeds are eligible to apply for Government funding of up to £9,000, rising to £16,000 in some circumstances. In addition, consultancy and technical support can be provided where there is a particular need. All groups in Leeds have been in receipt of funding and this is usually spent on administration, consultation and engagement and consultancy fees.

The Council has a 'duty to support' local communities in the preparation of a neighbourhood plans and has a national reputation for the quality of the support that it provides, locally evidenced by the compliments received from a large number of groups. The support provided varies dependant on a group's capacity to prepare a plan and on the level of funding and support they are receiving from other sources. All groups receive advice and support at the formal stages of the plan-making process (neighbourhood area designation, neighbourhood forum designation, pre-submission consultation, examination, referendum) as well as assistance with a wide variety of other areas where needed. This could include advice on consultation and engagement, policy writing, evidence, process issues and mapping. The support provided is continually improved, taking lessons learnt from the examinations to ensure that advice is up-to-date and focussed.

Where there are complex needs or particular challenges, officers have worked closely with groups to provide additional support to that normally provided by the Council. This has included assistance from Planning Aid England, Leeds Beckett University and work experience students from Leeds and elsewhere in the country.

3.6 Implementing Neighbourhood Plans

A successful neighbourhood plan will include policies that are useful in the determination of planning applications and will also include a list of projects to help make the neighbourhood more sustainable (ideally setting out how these projects are to be delivered). All neighbourhood plans in Leeds include both policies and projects. Generally speaking, an examiner will not comment on the projects within a neighbourhood plan (but may recommend that proposed policies instead become projects).

Officers and local groups have been monitoring made neighbourhood plan policies for effectiveness. Early indications are that both policies and the evidence that exists to support them are helpful in determining planning applications. It is, however, difficult to assess how neighbourhood plans have influenced applicants before a planning application has been submitted.

The monitoring that is taking place will help inform groups that are currently preparing their plans to better understand the importance of robust and unambiguous policies. It will also help groups identify any issues when reviewing made plans at a later date.

At the request of a number of groups, the Council is preparing a design toolkit to help neighbourhood plans to improve the quality of design in new development. This will help groups to make the most of the opportunities provided in the revised

NPPF. This has been prepared with the assistance of a number of neighbourhood planning groups and it is hoped that the guide will be used to help identify sites for allocation in neighbourhood plans for local housing needs or to help 'shape' housing sites (large or small) that may be allocated in the Site Allocations Plan. It is anticipated that this toolkit will be complete and shared with groups in October.

All neighbourhood plans in Leeds include a wide variety of projects to help improve local sustainability. These generally include environmental improvements and footpath and cycle routes. Some projects have been delivered by groups as they are preparing the neighbourhood plan as opportunities arise. These have included, a cycle and footpath link in Walton, environmental improvements and a number of community events in Holbeck and an arts festival in Aireborough.

Parished areas are expected to prioritise neighbourhood plan projects when deciding how to spend CIL funds. However, in non-parished areas it is less clear as Community Committees have the final say on how CIL is spent. However, neighbourhood plans will be used by a number of groups to attract other types of funding to help deliver the projects that they have identified.

3.7 Spatial distribution

Leeds has a higher number of neighbourhood planning areas than most local authorities, as well as the most inner-city groups outside of London. Map 1 shows designated neighbourhood areas and areas where there is active current interest. It also shows one area where progress has stalled (Seacroft) and highlights the areas where there has been expressions in neighbourhood planning since 2012 but where a decision was then made either not to progress or local circumstances at the time made progress difficult.

At the Development Plan Panel meeting on 13th March 2018, Members requested that officers focus attention on promoting neighbourhood planning in the main urban area and inner-city areas to ensure a more even spread of neighbourhood planning activity. Since then, officers have been actively supporting a new group in the inner-city (Mabgate and Lincoln Green) and another in the main urban area (Chapel Allerton).

In October Leeds will host the country's first neighbourhood planning event for non-parished areas, open to groups from across the country. The focus of the event will be to assist inner-city groups that are already preparing plans and to encourage others to get involved. The Council is hosting the event in partnership with Leeds Beckett University and Planning Aid England. Speakers confirmed include the chair of Holbeck Neighbourhood Forum, the chair of London Neighbourhood Forums, the Centre for Sustainable Energy and the Ministry of Housing, Communities and Local Government. There will also be a workshop hosted by East Street Arts on the experience of getting started in the plan making process in Mabgate and Lincoln Green.

3.8 Corporate Support

The Planning and Sustainable Development Service has been supported by a number of other services across the Council to help meet statutory obligations and to ensure that neighbourhood planning is joined-up and complementary, including

support from Regeneration, Asset Management, Social Services, Education Leeds, Public Health, Electoral Services, Communities Teams and Legal Services.

Community Committees have had an important role to play in neighbourhood planning since 2012. During 2012-16, the Area/Community Committees had a significant role to play in signposting groups, building relationships and in assisting with governance and engagement. This is still relevant for a number of areas but as groups have progressed needs have shifted to delivery, funding and advice and support to help ensure neighbourhood forums can continue once their neighbourhood plan has been made.

Officers provide regular updates to Outer North East Community Committee and a successful workshop was arranged with Outer North West Community Committee in 2015. In 2017 officers wrote to all Community Committees and offered to provide a neighbourhood planning update. In a small number of cases community committee funding has also been provided to a number of groups, most recently £7,000 was awarded to Aireborough Neighbourhood Forum to assist in the preparation of their pre-submission neighbourhood plan.

3.9 Community Infrastructure Levy (CIL)

Where there is a Made neighbourhood plan 25% of the CIL charge on each development in their area will be received (neighbourhood fund) rather than 15% in areas with no neighbourhood plan. In parished areas, the parish or town council will decide how the neighbourhood fund spent. In non-parished areas, it has been agreed by Executive Board that the local Community Committee will decide.

The total CIL invoiced for in 2016/17 was £4,587,493.82 and in 2017/18 was £9,273,269.00 which includes the Strategic Fund (70-80%), Neighbourhood Fund (15-25%) and administration fee (5%). Contributions are paid in instalments over the course of the development being built out, depending on the amount of CIL to be paid. A CIL officer has been appointed and is working closely with neighbourhood planning officers to provide clarity and guidance to groups. Officers are currently working on a CIL guidance note to help neighbourhood planning groups and Community Committees.

Table 2 shows the amounts of CIL that have been received by the Council and paid to Community Committees/Parish & Town Councils as the Neighbourhood Fund.

Table 2: CIL Neighbourhood Fund Payments

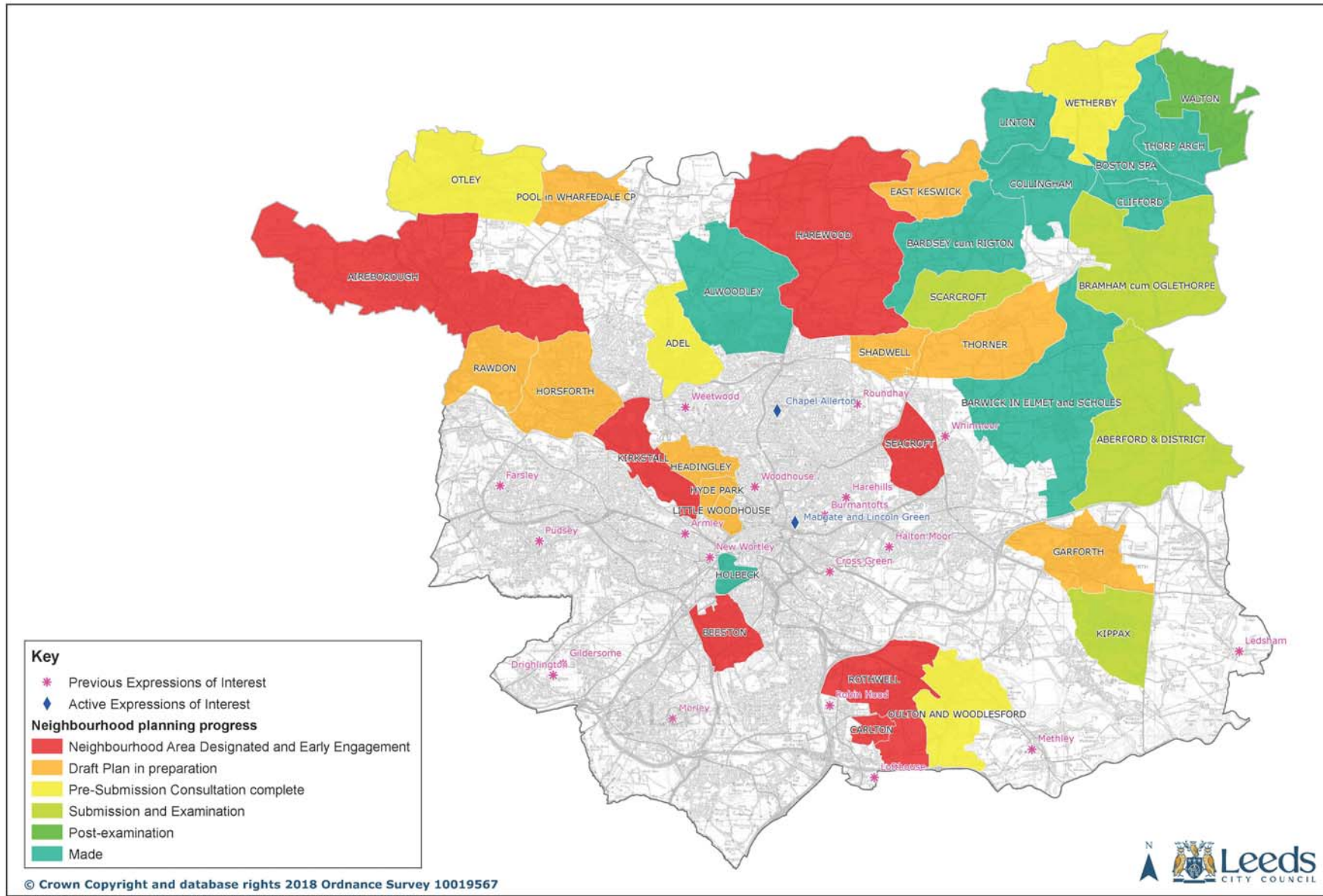
CIL Neighbourhood Fund Payments		
Community Committee Area	2016/17	2017/18
Inner North East	£58,811.38	£43,620.00
Outer North East	£0.00	£0.00*
Inner East	£154,122.59	£22,876.58
Outer East	£14,224.19	£12,575.27
Inner North West	£1,519.01	£10,282.24
Outer North West	£51,802.26	£46,899.07
Inner West	£3,236.89	£43,066.84
Outer West	£122,333.42	£20,397.43
Inner South	£28,118.24	£51,756.58
Outer South	£20,691.07	£10,349.89
Parishes - Made NP (25%)	£0.00	£53,400.97**
Parishes - No Made NP (15%)***	£152,086.80	£194,937.91
Total £1,117,108.72	£606,945.84	£510,162.88

*Most of the Outer North East Community Committee Area is parished, as such, CIL receipts are paid directly to Parish / Town Councils rather than to Community Committee.

** The 25% Neighbourhood Fund generated in 2017/2018 as a result of the Clifford Neighbourhood Plan being made.

***None of the 16/17 Payments Generated 25% of the Neighbourhood Fund due to there being no made Plans in areas where CIL was generated.

Map 1: Neighbourhood Planning Spatial Distribution



4. Corporate Considerations

Once a neighbourhood plan receives a “yes” vote it will be part of the Development Plan for Leeds. Most plans also promote a number of projects, some of which will involve the Council if they are to be successfully delivered.

A range of services within the Council have had an important role to play in supporting neighbourhood planning and will continue to do so, the level and type of support is largely determined by local issues and by what stage the neighbourhood plan is at in the process.

There are opportunities for the Council to continue to work with neighbourhood planning groups after a neighbourhood plan has been made. Holbeck Neighbourhood Forum have led the way in this and it is anticipated that a number of other neighbourhood forums will follow.

4.1 Consultation and Engagement

Given the ‘bottom-up’ nature of neighbourhood plans, the engagement and consultation undertaken in their preparation tends to be of a high quality. When a neighbourhood plan is submitted for independent examination it is required to be supported by a ‘Consultation Statement’ which sets out the ‘story of the plan’. Examiners have commended a number of groups in Leeds for the rigour and quality of consultation undertaken.

Ward Members are consulted at all stages of the process and have an important role to play in the designation of new neighbourhood areas and forums. Many Ward Members are also active members of neighbourhood forums or steering groups in parished areas.

4.2 Equality and Diversity / Cohesion and Integration

The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives. Neighbourhood Plans by their very nature should be inclusive and be shaped by a range of people who live, work and carry out business in an area.

Officers encourage groups to fully consider equality issues during the preparation of neighbourhood plans and to prepare an ‘engagement strategy’ early in the process. The ‘Consultation Statement’ should set out how equalities issues have been considered.

4.3 Council policies and the Best Council Plan

Neighbourhood planning links well to all three of the Council’s corporate priorities set out in the Vision for Leeds:

- Leeds will be fair, open and welcoming (neighbourhood plans must not breach, and be otherwise compatible with, EU obligations and be compatible with human rights requirements);

- Leeds' economy will be prosperous and sustainable (the making of the neighbourhood plan must contribute to the achievement of sustainable development);
- All Leeds' communities will be successful (the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for Leeds, a significant part of which is planning for growth).

Neighbourhood planning also meets the Council's value of 'Working with Communities' and "empowering people to influence decisions where they live" as set out in the Council's Best Council Plan 2018-19-2020-21.

4.4 Resources and value for money

The cost to the Council of providing support to neighbourhood planning varies in relation to each neighbourhood plan depending upon local issues and the local capacity to prepare a plan as well as the size of the referendum area. The average cost of examination is £6,400 and for Referendum it is £6,000. The Council receives £20,000 from the Ministry of Housing, Communities and Local Government after each Referendum, irrespective of the examination or referendum costs.

There is a wide variation in the amount of officer time given to supporting groups. Some groups can have fairly complex needs and others can be more self-sufficient. However, this rarely stays the same during the time taken to prepare a neighbourhood plan and it will depend on funding, consultant support and local circumstances.

In addition to the £20,000 received after each successful examination, the Council has received £5,000 for each of the 35 neighbourhood area designations and an additional £5,000 for each of the 13 forum designations.

4.5 Legal Implications, Access to Information and Call In

As soon as possible after a neighbourhood plan is made, the Local Planning Authority must publish the Plan together with the 'decision statement'. This will set out the details of where and when the Plan can be viewed.

There are no legal implications arising from this report.

4.6 Risk Management

Neighbourhood plans are required to be in general conformity with local strategic planning policy, the Core Strategy and the Unitary Development Plan. They should also be joined-up and complementary with the emerging Site Allocations Plan.

The Neighbourhood Planning Act 2017 set out provisions for the publication of a draft examiners report for comment by the qualifying body and the Council. This has minimised the risk of challenge.

Once a neighbourhood plan is made, its policies take precedence over existing non-strategic policies in the Local Plan for that neighbourhood area if there is conflict. However, with the collaboration between the Council and neighbourhood planning groups throughout the preparation of plans, no areas of conflict have been identified to date.

5. Conclusions

With over 2,300 designated neighbourhood areas in England and 35 in Leeds, neighbourhood planning is firmly established in the planning system. Neighbourhood plans can help to 'shape' new development and improve local sustainability but it is also clear that the process of preparing a neighbourhood plan can have significant social benefits, as seen in Holbeck and other areas. With 9 Made neighbourhood plans, at least 20 others still to be Made and a number of new groups soon to be designated, Leeds continues to be an important area for neighbourhood planning nationally. Looking ahead, the implementation of neighbourhood plans will continue to be a priority as will the collaboration that has led to 9 successful examinations to date. The designation of Mabgate and Lincoln Green and Chapel Allerton will introduce neighbourhood planning to new areas of the city and it is expected that others will follow with the help of collaborative work with Leeds Beckett University and Planning Aid England.

6. Recommendations

Development Plan Panel is requested to:

- i) Note the progress made by the Council in relation to Neighbourhood Plans.

7. Background documents¹

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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