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## DEVELOPMENT PLAN PANEL

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Tuesday, 18th December, 2018  
at 1.30 pm

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### 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       |               |            |           |

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**David Feeney**  
**Tel: 0113 3787660**

# A G E N D A

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|---------|------|---------------|---|---------|
| 1       |      |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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> |         |

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| 3       |      |               | <p><b>LATE ITEMS</b></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><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p>   |         |
| 6       |      |               | <p><b>MINUTES</b></p> <p>To agree the minutes of the meeting held 13<sup>th</sup> November 2018 as a correct record.</p>  | 1 - 4   |
| 7       |      |               | <p><b>SITE ALLOCATIONS PLAN UPDATE</b></p> <p>To consider the report of the Chief Planning Officer with an update on the Site Allocations Plan.</p>   | 5 - 10  |
| 8       |      |               | <p><b>TECHNICAL CONSULTATION ON NATIONAL PLANNING POLICY &amp; GUIDANCE</b></p> <p>To consider the report of the Chief Planning Officer on the proposed changes to national planning policy and guidance by the Ministry of Housing Communities and Local Government (MHCLG) and the consultation response submitted by Leeds City Council.</p> | 11 - 18 |
| 9       |      |               | <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as 22<sup>nd</sup> January 2019 at 13:30pm.</p>  |         |

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|         |      |               | <p><b><u>Third Party Recording</u></b></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"> <li>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.</li> <li>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.</li> </ul> |         |

## Development Plan Panel

Tuesday, 13th November, 2018

**PRESENT:** Councillor P Gruen in the Chair

Councillors B Anderson, A Carter,  
T Leadley, J McKenna, E Nash, M Shazad,  
F Venner and N Walshaw

### **32 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **33 Exempt Information - Possible Exclusion of the Press and Public**

The agenda contained no exempt information.

### **34 Late Items**

There were no formal late items of business added to the agenda, however the Panel received the following supplementary document to be considered: Summary of final report of the independent review of build out rates (Rt. Hon Sir Oliver Letwin MP), October 2018 (minute 39 refers)

### **35 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

### **36 Apologies for Absence**

Apologies for absence were received from Councillors Campbell, C Gruen and R J Lewis. The Panel welcomed Councillor Elizabeth Nash as substitute.

### **37 Minutes**

**RESOLVED-** That the minutes of the Development Plan Panel meeting held on Tuesday 16<sup>th</sup> October 2018 be approved.

### **38 Matters Arising**

Minute 29 Housing needs - Members noted that the Examination in Public on the Core Strategy Selective Review was anticipated in the first and last week in February 2019.

Additionally, Members discussed the poor quality of security measures provided by housebuilders in Leeds. The Panel noted this was a Building Regulations matter; further expressing the importance to influence house builders to liaise with the standard we expect and that prospective purchasers are able to consider the quality of purchases at the conveyancing stage.

Members noted the Chief Planning Officer's intention to look into providing informative notes on planning decision notices.

Minute 30 Site Allocations Plan - The Panel were informed that main modifications had been submitted and comments were expected from the Inspector – these will be published in due course.

Draft minutes to be approved at the meeting  
to be held on Tuesday, 18th December, 2018

**RESOLVED** – To note the matters discussed.

### **39 Strategic Housing Land Availability Assessment Update 2018**

The report of the Chief Planning Officer updated the Panel on the progress and conclusions of the 2018 Strategic Housing Land Availability Assessment (SHLAA) prior to its publication.

The Group Manager, Policy and Plans, presented the report and explained that the 2018 update of the SHLAA has used the Council's established methodology, including consultation with housebuilders, which is in accordance with national planning policy and up to date interpretation of planning guidance and has calculated the Council's current 5 Year Land Supply as 4.76 years.

Additionally, Members noted the Secretary of State's positive comments regarding the outcome of past appeals in the summer, Tingley Station and Thorp Arch, regarding Leeds' 5 Year Land Supply, reported as around 4.38 years at that time and the strengthened position this has now provided the Authority in calculating the current 5 year land supply alongside the increase in planning permissions granted for housing. During the debate, Members commented that some appellants at appeal often submitted substantial information very late in the process which did not provide the Council with sufficient opportunity to process this. Panel was advised that concerns over this practice had been included in the Local Planning Authority's response to consultation (Independent review of planning appeal inquiries: call for evidence) on the Planning Appeals process. The Chair requested that these comments be referred to the Development Management Team for action.

A comment was noted regarding the role of housebuilders in the SHLAA refresh and the need to retain evidence of their participation and clarity on agreements reached during discussions.

Members noted a correction to paragraph 3.4 which set out the windfall supply to read "2,500 per 5 years".

The Chair welcomed the report and update, and expressed the Authority was close to being able to give significant weight to the Core Strategy (Selective Review) and Site Allocations Plan, pending receipt of the Inspectors comments.

The Panel were in receipt of a supplementary document - The Independent Review of Build Out Rates Report, written by Rt. Hon Sir Oliver Letwin MP.

The Head of Strategic Planning, presented a summary of the Letwin Report and highlighted its focus on large dwelling developments and recognition of the need for housing mix. Leeds has a collaborative approach, actively pursuing the suggested themes and the strategic housing market assessment (SHMA) evidence supported the proposition for achieving a better housing mix. A full report was anticipated to be available for Panel Members in February 2019.

Members discussed the following:

- Whether the evidence used to conclude the Letwin Review findings are sufficient and reflective of housing need in Leeds, other core cities and nationwide.
- Whilst welcoming the suggestion that Local Authorities should have a more “muscular role in homebuilding”, Members queried whether the creation of European-Style development companies would be applicable in the UK.
- Noting the review made comment on large sites being defined as 1500 dwellings or more, Members expressed the view that was not reasonable nor appropriate for Leeds, and supported a lower threshold of 500 dwellings.
- The impact of large housebuilders ownership or options in sites & land on housing build-out rates, and the effect this has on the ability of small and medium sized housing developers being able to participate in the housing market.
- Members were keen to ensure the Authority responded to the document, but were advised there was no formal opportunity to respond. The Chief Planning Officer reported Leeds was hosting the next core cities event and would raise Members concerns.

(Councillor Venner arrived at 14:15 during discussion of this item)

**RESOLVED –**

- a) To note, the contents of the report and comments made during the discussions
- b) To endorse the publication of the SHLAA update 2018 and Council’s 5 year land supply position for the period 1st April 2018 to 31st March 2023 at 4.76 years
- c) To note the contents of the Independent Review of Build Out Rates Report by Rt. Hon Sir Oliver Letwin MP
- d) To request the Chief Planning Officer provide an informal response to the Letwin Report at the forthcoming core cities meeting and a copy be made available to Panel Members
- e) To note the Panel are in support of adopting a figure of 500 dwellings as the threshold to deploy the recommendations in the report in Leeds (instead of 1500 as suggested in the Oliver Letwin Report)

**40 Date and Time of Next Meeting**

**RESOLVED-** to note the date and time of the next meeting as Tuesday 18<sup>th</sup> December 2018.

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Report author: Martin Elliot & Lois Pickering  
(0113 3787649)

## Report of the Chief Planning Officer

### Report to Development Plan Panel

**Date: 18<sup>th</sup> December 2018**

### Subject: Site Allocations Plan Update

|  |   |  |
|--|---|--|
| Are specific electoral Wards affected?<br>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?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

## Summary of main issues

1. Leeds' Site Allocations Plan (the SAP) was submitted to the Secretary of State for independent examination on the 5<sup>th</sup> May 2017. Planning Inspectors Claire Sherratt DIP URP MRTPI and Louise Gibbons BA Hons MRTPI were appointed to undertake the examination with the public hearing sessions held at stage 1 during October 2017 and stage 2 hearings between during July and August 2018.
2. Development Plan Panel noted at its meeting on 16<sup>th</sup> October 2018 the initial views of the Inspectors, including their endorsement of the Council's desire to reduce the level of Green Belt release in light of a downward trajectory of housing needs and as part of that to review the SAP by 2023.
3. Due to this and as part of the examination process a number of proposed Main Modifications have been identified. A Main Modification is an amendment which is considered necessary to make the Plan sound, and is required in order to address concerns raised by either the Inspectors or other representors during the examination process.
4. At the request of the Inspectors, the Council has prepared a draft schedule setting out the proposed Main Modifications it considers necessary in order for the Local Plan to be found sound. They cover points raised by representors and

the Inspector during the hearing sessions and further actions required by the Inspectors in post hearing guidance notes.

5. The draft proposed Main Modifications document, along with further work on the Sustainability Appraisal and Habitats Regulations Assessment have now been provided to the Inspectors. They are in the process of running technical checks on this material to provide a set of Main Modifications which they consider are necessary to make the Plan sound. At the time of drafting this report, the Inspectors views on the soundness of individual sites is still awaited. This, subject to a resolution of Executive Board (at a special meeting in January 2019), will be consulted on for a period of 6 weeks thereafter.

### **Recommendation**

6. Development Plan Panel is invited to note the progression of the SAP and consider any feedback from the Planning Inspectors

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to provide members of the Development Plan Panel, with an update on the Site Allocations Plan.

## **2 Background Information**

- 2.1 Members of Panel were updated on the SAP hearing sessions at their meeting on 11th September and further updated on interim views of the Inspectors at their meeting on 16th October.

- 2.2 Since these meetings the Council has also responded to various post hearing notes from the Inspectors and noted factual changes in circumstance which have a bearing on SAP policies. These are as follows:

- A response to the Inspectors Actions arising from the hearings, available on the Examination Website (EX75) comprising inter alia an SA and update to the planning status of identified sites, further justification for the extension of Green Belt in the Outer North East, statements of common ground and an update on HS2.
- The response (EX75) also includes reference to where the Inspectors Actions have been addressed through Main Modifications.

- 2.3 As part of these modifications two sites have been proposed for deletion:

- Water Lane Railway Triangle, City Centre HMCA (MX2-30) on the basis that it is no longer suitable due to the Flood Alleviation Scheme compromising its access
- Land at Fleet Lane/Esholt Lane, Oulton, Outer South HMCA (HG2-179) on the basis that the most recent construction plans for HS2 would render the site unavailable during the plan period

## **3 Main Issues**

- 3.1 The Council's draft main Modifications were submitted to the Inspectors on 8th November. These include:

- Modifications to site requirements as agreed throughout the hearings and, in response to the Inspectors' request,
- Deleting sites that were proposed as Broad Locations in the Revised Submission Plan 2018, proposing that these sites (which were proposed housing allocations or safeguarded land designations in the 2017 Submission Draft Plan) remain as Green Belt.
- New policy for a SAP Review (HGR1) to review provision of allocations against Core Strategy Selective Review requirements before 2023
- New policy for Gypsy and Traveller site provision (Policy HGR2) to monitor and review provision against Core Strategy needs before 2024.

- 3.2 The Council has also submitted further information on the sustainability appraisal and Habitats Regulation Assessment (as directed in the Inspectors post-hearing note).
- 3.3 The Inspectors now have all the information they have requested to move the SAP to Main Modifications consultation and have been informed of the Council's desired timetable moving forward.
- 3.4 It is anticipated that officers will be in a position to update Members on any significant Main Modifications that arise at the Panel meeting.

#### **4 Next steps**

- 4.1 Executive Board will need to resolve to consult on the Main Modifications once these are received from the Inspectors. A special meeting has been arranged for January 2019.

#### **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 6 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 21<sup>st</sup> 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 update on the progression of the SAP.

### **7 Recommendation**

7. Development Plan Panel is invited to note the progression of the SAP and consider any feedback from the Planning Inspectors

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Report authors: Robin Coghlan  
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## Report of the Chief Planning Officer

## Report to Development Plan Panel

**Date: 18<sup>th</sup> December 2018**

## **Subject: Technical Consultation on National Planning Policy & Guidance**

|  |   |  |
|--|---|--|
| Are specific electoral Wards affected?<br>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?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

## Summary of main issues

1. This report explains the Ministry of Housing, Communities and Local Government (MHCLG) proposals for amending four aspects of the National Planning Policy Framework (NPPF). Three changes concern policy on housing supply and one concerns habitats regulations assessment.
2. The consultation ran from 26<sup>th</sup> October to 7<sup>th</sup> December, so the City Council had to respond before Panel meeting on 18<sup>th</sup> December.
3. The most significant amendment concerns proposals to reduce the status of the standard method for calculating local housing requirements and the 2016 based household projections that were released in September 2018. The proposed amendments are welcome because they help address the considerable uncertainty around the 2016 based household projections and the standard method that were reported to Development Plan Panel in October.

## Recommendation

4. Development Plan Panel is invited to consider the proposed changes to national policy and guidance and Leeds City Council's response that was sent before the deadline of 7<sup>th</sup> December 2018.

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to explain to Members of Development Plan Panel the changes being proposed to national planning policy and guidance by the Ministry of Housing Communities and Local Government (MHCLG) and the consultation response that was submitted by Leeds City Council prior to the deadline of 7<sup>th</sup> December 2018.

## **2 Background Information**

- 2.1 Over the last 2 years the MHCLG has been promising to simplify the method of calculating local housing requirements. It formed part of the White Paper *Fixing the broken housing market* in early 2017 and proposals were published for consultation in September 2017. The standard method was included in the revised National Planning Policy Framework (NPPF) published for consultation in April 2018 and published as a final version in July 2018.

## **3 Main Issues**

### The Standard Method

- 3.1 The standard method set out in the NPPF 2018 has three simple steps for calculating local housing requirements:
- i Start with the latest Household Projections for the LA area
  - ii Make an adjustment for affordability. This is a standard formula based on the ratio of average income to average house price in the local area.
  - iii Cap any excessive increases.
- 3.2 MHCLG had not foreseen the effects of the 2016 based household projections which were released in September 2018. Feeding these projections into the standard method produce a significant reduction in the number of dwellings required in England from c. 269,000 homes using the 2014 based projections to only c.213,000 using the 2016 based projections. This is considerably lower than the Government's target of 300,000 dwellings to be built annually. Essentially, it was an error of judgement of the Ministry which could undermine the Government's long term objective of boosting housing supply.
- 3.3 Given that 62 strategic plans are currently being examined, MHCLG acted promptly to address the obvious shortcomings of its standard method. The Technical Consultation proposed three changes:
- i For the short-term, to specify that the 2014-based data will provide the demographic baseline for assessment of local housing need
  - ii To make clear in national planning practice guidance that lower numbers through the 2016-based projections do not qualify as an exceptional circumstance that justifies a departure from the standard methodology; and
  - iii In the longer term, to review the formula with a view to establishing a new method that meets the principles in paragraph 18 above by the time the next

projections are issued.

3.4 In terms of implications for Leeds, a report to Development Plan Panel in October noted that application of the standard method to the 2016 based household projections produced a housing requirement considerably lower than that generated by the 2014 based projections. At that point in time, officers advised that the credibility of the 2016 based projections and the standard method were under challenge, and that Leeds would be better off relying on local evidence (the Strategic Housing Market Assessment) to support the Core Strategy Selective Review. This advice is vindicated by the MHCLG Technical Consultation which suggested that the 2016 based household projections should be ignored in favour of the previous 2014 based projections and committed the Government to revising the standard method.

3.5 The consultation posed 3 questions and the LCC response is provided below:

- i Do you agree that planning practice guidance should be amended to specify that 2014-based projections will provide the demographic baseline for the standard method for a time limited period?

LCC response: Yes. Leeds City Council has recently submitted a plan with a new housing requirement for examination. The 2014 based projections provide a more credible starting point for calculating a housing requirement for Leeds than the 2016 based projections. In thinking about the standard methodology in the future the Council would encourage Government to reflect on any structural legacies of the recent recession which may present themselves in the population and household projections moving forward and how these are reflected. This may be in the form of a delayed propensity to form households when younger irrespective of the supply of housing.

- ii Do you agree with the proposed approach to not allowing 2016-based household projections to be used as a reason to justify lower housing need?

LCC response: Yes. Leeds City Council has recently submitted a plan with a new housing requirement for examination. The 2016 based projections would generate a housing requirement for Leeds that would be unreasonably low, such that economic growth would be undermined, affordable housing delivery would be jeopardised and additional unnecessary commuting into Leeds would be generated. However, this situation points to the difficulties of having a standard methodology in the first place which relies on only two inputs: household projections and affordability ratios. Without a consideration of wider drivers of household change authorities cannot plan effectively for long term housing numbers. This is why the Council welcomes changes to the Planning Practice Guidance which allows authorities to plan for more than the standard methodology – something that Leeds is doing in its Core Strategy Review. The reverse is not allowed however and there remains some nervousness however that in the future there may be valid reasons to plan for lower housing numbers than those in household projections – perhaps if projections capture a particular (but anomalous) period of growth which is then planned to be capped. Local authorities should

have a robust understanding of the drivers of change within their local populations and households with national statistics providing a starting point for that.

- iii Do you agree with the proposed approach to applying the cap to spatial development strategies?

LCC response: Not applicable. Leeds City Council is not part of a combined authority producing a special development strategy.

### Housing Land Supply

3.6 The consultation document considers that one aspect of policy in the revised NPPF could be misinterpreted and sets out a proposed clarification. This concerns paragraph 60 of the revised NPPF which allows local authorities to use a justified alternative approach to the standard method for calculating housing need. MHCLG clarifies that this is intended to only apply where strategic policies are being prepared, not in the determination of planning applications.

3.7 The consultation suggests two minor amendments:

- Amend footnote 37, to add at the end: “Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance”
- Amend the definition of local housing need in the glossary to: “The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework)”.

3.8 The consultation asked:

- iv) Do you agree with the proposed clarifications to footnote 37 and the glossary definition of local housing need?

LCC response: Yes. If justified alternative approaches to the standard method of calculating housing need were used in the arena of planning applications this would prolong the duration of S.78 appeals and require local authorities to devote additional resource to consideration of a wide variety of housing need calculations.

### The definition of “deliverable”

3.9 MHCLG states that the definition of “deliverable” in the glossary at Annex 2 of the NPPF could be clearer. In particular a revised definition could clarify that sites that are not major development, and which have only an outline planning consent, are in principle considered to be deliverable. The detailed

circumstances also need to be clarified.

3.10 MHCLG proposed to amend the definition as follows:

**Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years

3.11 The consultation asked:

3.12 Do you agree with the proposed clarification to the glossary definition of deliverable?

3.13 LCC response: The clarification that sites without planning permission are in principle deliverable is welcomed by the Council. In common with a lot of local authorities the key role of the planning system is to grant planning permissions. It is for the development industry to convert those permission into construction and the wider proposals within the Housing White Paper which are yet to be implemented help the industry to achieve this. These proposals would also help stem the disillusionment of the public in the planning system, where they see greenfield sites allowed on appeal when there are many sites with outline and full planning permission that are not being built out due to commercial choices. The Council – one of the largest in the UK with many sites in its land supply – considers that the evidential requirement as to what constitutes clear evidence on sites without detailed planning permission can include typologies of sites and would welcome guidance that recognises the degrees of certainty on this.

#### Development requiring Habitats Regulations Assessment

3.14 MHCLG has considered the implications of the ruling of the European Court of Justice (ECJ) on case C323/17 (People over Wind) and suggests making one clarification to national planning policy concerning the presumption in favour of sustainable development. Currently the presumption is disengaged where there is potential for harm to European designated sites. The ECJ judgement means that sites with suitable mitigation are excluded from application of the presumption, which was not the intention of the policy. Consequently, the consultation proposed to amend paragraph 177 of the NPPF as follows:

177. The presumption in favour of sustainable development does not apply

where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that there will be no adverse effect from the plan or project on the integrity of the habitats site.

- 3.15 The consultation asked
- 3.16 Do you agree with the proposed amendment to paragraph 177 of the National Planning Policy Framework?
- 3.17 LCC Response: Yes. This is a reasonable clarification for situations where an appropriate assessment has concluded there will be no adverse effects on the integrity of European habitats sites.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 MHCLG consulted on its proposed changes to the NPPF from 26<sup>th</sup> October to 7<sup>th</sup> December 2018.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 It is considered that the changing context of national planning policy and publication of new household projections for Leeds will have little direct impact on equality, diversity cohesion or integration of the population and communities of Leeds. However, if Leeds plans for less new housing than is actually needed this could have negative implications for certain groups with protected characteristics including young people and poorer people who may find it more difficult to access housing.

### **4.3 Council Policies and City Priorities**

- 4.3.1 Having sufficient housing to meet the overall needs of Leeds will be essential to meet the Best Council Plan (2018/19 – 2020/21) priorities for “housing of the right quality, type, tenure and affordability in the right places” for providing housing to support older and vulnerable residents and for promoting health and wellbeing and inclusive growth.

### **4.4 Resources and value for money**

- 4.4.1 There are no resource implications.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.6 There are no legal implications.

### **4.7 Risk Management**

- 4.7.1 The clarifications are helpful for addressing the uncertainties for local authorities seeking of setting housing requirements.

## **5 Conclusions**

- 5.1 The proposed clarifications were considered helpful, particularly on the use of the 2016 based household projections for the calculation of housing requirements. This helps reinforce the robustness of the Council's proposed housing requirement which is expected to be examined in February 2019.

## **6 Recommendation**

- 6.1 Development Plan Panel is invited to note the proposed changes to national policy and guidance and Leeds City Council's response that was sent before the deadline of 7<sup>th</sup> December 2018

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