

**Report of the Chief Planning Officer**

**Report to Development Plan Panel**

**Date: 19<sup>th</sup> January 2016**

**Subject: Site Allocations Plan and Aire Valley Leeds Area Action Plan –  
Emerging Issues and Next Steps**

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 purpose of this report is to provide an initial overview of the emerging issues and next steps arising from the consultation on the Publication draft Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP). A separate report on this agenda has been prepared to provide an initial Report of Consultation on the Plans.

**Recommendation**

2. Development Plan Panel is invited to:
  - i) consider the initial summary of the preliminary issues and key steps arising out of the SAP and AVLAAP Publication consultation,
  - ii) consider the suggested approach to progress the AVLAAP in advance of the SAP,
  - iii) consider the timescales for the SAP and the suggested proforma for presentation of conclusions of the analysis of the representations at further DPP meetings as outlined.

## **1.0 Purpose of this Report**

- 1.1 The purpose of this report is to provide an initial overview of the emerging issues and next steps arising from the consultation on the Publication draft Site Allocations Plan (SAP) and Aire Valley Leeds Area Action Plan (AVLAAP). A separate report on this agenda has been prepared to provide an initial Report of Consultation on the Plans.

## **2.0 Background Information**

### Context

- 2.1 On the 15<sup>th</sup> July 2015, Executive Board approved the Publication draft Plans for the SAP and the AVLAAP for consultation. An 8 week period of consultation was subsequently undertaken between the 22<sup>nd</sup> September and 16<sup>th</sup> November 2015. This followed on from the consideration of the material by the Development Plan Panel on the 16<sup>th</sup> and 26<sup>th</sup> June and earlier stages of public consultation on both emerging documents. These Plans are being taken forward within the strategic context of the Core Strategy (adopted 14<sup>th</sup> November 2014), which sets out the overall scale and distribution of housing and economic growth. The Core Strategy also reflects the City Council's aspirations as part of the Best Council Plan and Vision for Leeds (Community Strategy).

## **3.0 Main Issues**

- 3.1 Following the close of the consultation, work is now underway to capture all of the submissions in a consistent format, identify the specific number of representations on particular sites, background documents and technical information. Further work is needed to fully input and appraise this information and in order to develop a more detailed work programme. However, in order to help inform members and to move the process forward, the following section outlines a number of emerging issues which have been identified in response to the consultation on the SAP and AVLAAP. This is followed by the preparation of a broad work programme to bring material back to the Development Plan Panel for further consideration.
- 3.2 As part of this process, it should be emphasised that consistent with the Local Development Framework (LDF) Regulations, at Publication stage, the City Council has prepared what are considered to be "sound" Plans and has invited representations on those Plans prior to submission. Consequently, in reviewing the representations received, the key priority is to address those areas which go to the heart of the Plans in terms of raising issues of soundness. In relation to these issues, the City Council will need to take a view on the scope and purpose of any further modifications to the Plans prior to submission. It is not the purpose of the exercise therefore to revisit every policy and proposal in the Plans, where soundness issues have not been made. It follows that changes to Sites or Policies should only be made where these are considered necessary to make the Plans sound, recognising that changes made e.g. replacing one site with another may simply result in representations from different groups of residents. Basing the approach to

representations on soundness is consistent with national guidance and especially important given the considerable involvement members have had so far in considering site options and choices in local areas and also as a basis to move the plan making process forward expeditiously. This is an important City Council commitment given the Government's expectation (in the Productivity Plan) for full development plan coverage to be in place by 2017, to avoid a period of prolonged uncertainty for communities and to provide a positive context for local planning, to mitigate against 'planning by appeal'.

- 3.3 Within this overall context, the following provides an overall summary of the level of submissions received and the broad issues identified to date in respect of the SAP and AVLAAP.

SAP & AVLAAP Overall level of response

- 3.4 Following the close of consultation on the 16<sup>th</sup> November, a number of data capture and management tasks are still underway, to confirm the overall level of response and the number and type of representations submitted. At the time of preparing this report, the level of response is quantified below. Members will be updated further at the Panel meeting.

On line:	3,682
Email:	3,266
Paper	2,697

**Total            9,787**

- 3.5 These initial totals are still being confirmed as there is likely to be some duplication between email and paper submissions. It is important to emphasise that the overall number of representations will be much higher as the email and paper submissions may cover several representations in a single submission. Initial analysis suggests that there is approximately at ratio of 4:1, i.e. for specific representations for each submission received.

- 3.6 The tasks now involved are:
- The first stage or task is to enter all submissions into a database to enable a consistent analysis to be then undertaken. Had all comments been submitted via the online form, this would not have been necessary. There are approximately 6,000 submissions to enter onto the database (from emails and paper submissions). One submission may contain a number of representations on different sites or issues, so the number of submissions is not an indication of the number of representations made. It is anticipated that this work alone will take several weeks to complete (until at least the end February 2016),
  - The second task, once all information is in the database, is to analyse the representations, including:
    - Quantifying the number of specific representations, relating to sites, technical information and Background Documents,
    - Analysis of the representations and the issues arising. Do these go to the soundness of the Plans, where further City Council technical work

may be required, leading to the need for major modifications (there will be a need for a further minimum 6 week consultation on any pre submission major modifications proposed). Undertaking site assessments on all new site submissions. This will entail obtaining comments from infrastructure providers, followed by an assessment as to whether any new sites should be included in the Plan.

- Do representations relate to the need to update factual and technical information ? (These may be classed as minor modifications to the Plan where further consultation is not required, unless the technical work changes the outcome in the plan and results in a major modification).

- 3.7 Within this overall context, an important consideration for the City Council, is the level of detail and analysis required to move the Plans forward to subsequent stages in an effective and timely manner. The priority at this stage is to ensure that all of the submissions are captured consistently in the consultation database (email and paper submissions), as a basis to determine the number and scope of the representations received, prior to undertaking the further analysis. Consequently, whilst the submissions are in the public domain, it will take considerable further work to make this material available in a consistent format on line. For data protection purposes and compliance with legal requirements, this will also entail the need to redact personal information (including email addresses, personal details - names and postal address may be published but not telephone number, email address, signatures).

### **Emerging Issues**

#### Overview

- 3.8 In collating and organising the various submissions, a number of key issues have emerged to date, where further consideration will be needed in taking the Plans forward. The implications of these matters for soundness need to be established, as a basis to undertake further work and to promote modifications as necessary. At this stage, the following key issues can be summarised.

### **Site Allocations Plan**

#### Outer North East (ONE) HMCA

- Members may recall that shortly before the commencement of the consultation, the University of Leeds confirmed to the City Council that they no longer intended to promote the Headley Hall – new settlement proposal, within the ONE HMCA. As a consequence it will be necessary to consider alternative options for delivering the housing targets within this part of the District. On the basis of this further work, in order for the Plan to be considered sound, changes prior to formal submission will be necessary. This will need to be subject to public consultation as Pre-submission Changes.

### City Centre HMCA, Burberry Proposals (Temple Works/Mill)

- During the consultation period, Burberry announced their intention to develop a package of sites (including the Temple Mill building), for a manufacturing plant etc. (these proposals have been detailed in a report to Executive Board 18th November). This level of investment in this key site at the heart of the City and the jobs and synergies created is clearly very positive news for Leeds. A knock on effect for the SAP however, is that the site was identified for housing, with a combined capacity of 1764 dwellings, on a range of sites. In meeting the Core Strategy requirements the housing growth will need to be accommodated in sites elsewhere (ideally within the City Centre HMCA), where this is not retained as part of the emerging proposals.

### New Sites

- A number of new site submissions have been made by landowners, developers and their agents. These sites will need to be reviewed and assessed, within the context of existing site allocations proposals (and Core Strategy). New sites are being identified as the submissions are inputted and analysed. As part of the current ongoing process a number of sites have been identified to date and further sites of varying scales and locations across the District, are likely to emerge as the inputting is completed. The sites include: within ONE: Becca Hall (as an alternative to Headley, Hall) and at Scarcroft (land at A58 Wetherby Road) and Walton (land to North of Wighill Lane). In Outer West, a site submission has also been received for Ross Mills, Rodley Lane, Rodley.

### Comments on Background Papers/Policy issues

- A number of representations have been received regarding points in relation specific aspects of the Plans and supporting information as well as sites. These have been submitted by community groups regarding the scope of the Green Belt Review and sustainability issues and from, House Builders (and their agents) regarding site phasing, assumptions about site capacities and build out rates and the delivery of safeguarded land. By way of example, a submission on behalf of Miller Homes raises the following matters which they believe renders the SAP unsound:
  - The inclusion of all unimplemented permissions, expired permissions and 'old' UDP allocations without robust assessment of delivery,
  - That the inclusion of such sites is not justified as the robust appropriate strategy, is contrary to the NPPF and produces an ineffective Plan, given that these sites contribute approximately 50% of the total requirement,
  - The suggested remedy is for the Council to apply a 10% discount to these sites or undertake further detailed assessment,
  - The distribution does not match (Core Strategy) Policy SP7, even though there are sites available and the over-reliance on the City Centre/Inner Area raise questions of delivery,
  - Their solution is that distribution should be amended to reflect SP7, to avoid over – reliance of the Inner Areas and that in the ONE, the replacement for Headley Hall should look to safeguarded land before green belt,

- The planning strategy is wrong as Phase 1 contains all the old untested sites that may not come forward. It is not therefore the most appropriate strategy,
- It is suggested that the phases be rebalanced by providing some Phase 2 and 3 sites into Phase 1 and providing specific dates for the release of subsequent Phases,
- Specific comment re. ONW – over reliance on old sites and not meeting SP7 target (634 units against a target of 833). Allocations should be amended to meet the full requirement from known and tested supply,
- ONW – reliance on old sites in Phase 1 including East of Otley site, means that the Plan will fail to deliver in the short to medium term. Suggest moving Breary Lane East site to Phase 1.

It can be anticipated that similar and other issues will have been made by representors. It will be important for members to consider whether such issues affect the soundness of the Plan and therefore whether any changes are necessary as a consequence. This is clearly a guide to the sort of issues the Council will face at public examination.

- Detailed representations have also been received from the Coal Authority, Heritage England and Natural England, in relation to site specific and technical issues relating to their respective areas of interest and responsibility.

### **Aire Valley Leeds Area Action Plan**

#### Level of response:

As perhaps expected given the scale and nature of proposals the level of consultation responses to the AVLAAP has been considerably lower than the SAP. At the time of preparing this report the responses received are as follows:

On line:	32
Email:	28
Paper:	1

**Total: 61**

Although officers have processed all the representations sent specifically to the AVLAAP consultation, members are advised that there may be some further issues raised within representations to the SAP which refer to, or are relevant to, sites in the AVLAAP. These will need to be processed and considered under the AVLAAP as well. As a result officers will not be able to finalise AVLAAP responses and the summary of consultation until the initial processing of SAP submissions is complete (see below for timetable). There are not expected to be many representations falling in this category but it is nevertheless important to ensure that all responses relevant to the AVLAAP are properly considered before the next stage of plan preparation.

### Main Issues:

In terms of the representations processed so far the following main issues have been identified:

### Skelton Gate

The Skelton Gate site (Site AV111) is a major housing allocation (identified for c2,600 dwellings), located to the south east of the AVLAAP Plan area. The site is split into two separate landholdings. The promoters of both parcels of land have submitted separate representations to the draft AAP which indicate that the scale of housing identified in the plan is not deliverable, as follows:

- Templegate, owner of the majority of the site, support the housing allocation but suggest that the assumed capacity is too high. Their detailed masterplanning work has identified parts of the site which cannot be developed for housing predominantly related to; ground conditions, flood risk along Colton Beck and the need for an appropriate buffer to mitigate motorway noise.
- The other parcel of land (approx. 11 hectares) is controlled by Extra, who are proposing the site for a motorway service area (MSA). Their submission objects to their land being included in the allocation. They state the site is not available or achievable for housing because they will not deliver it within the plan period and have requested their land is excluded from the housing allocations and allocated for a MSA in support of their proposal.

Taken together the positions adopted in the representations would reduce the capacity of the allocation by up to 900 dwellings. Members should note that both the housing (excluding any land in the Green Belt) and MSA proposals are being progressed currently. This has included a pre-application presentation at the 17<sup>th</sup> December City Plans Panel.

### Suggested increases in housing capacity on two sites

The developers of two sites proposed as allocations for housing and mixed use in the Publication draft AVLAAP have indicated that the standard housing capacities for their sites are likely to be too low and have asked the Council to reconsider. These are:

- Bridgewater Road (Site AV40, capacity 425) - suggested increase to 600 units
- Former Tetley Brewery Site (Part of Site AV94, current capacity 830) – no capacity indicated but suggestion that it could be substantially higher)

Increasing the capacities of these sites could potentially help to compensate for any reduction in the capacity at Skelton Gate thus meaning no net decrease in the numbers proposed in the AAP.

### Haigh Park Road, Stourton

This site (38 hectares) has been put forward by the landowner as a potential housing and employment allocation. The draft plan allocates the vacant parts

of the site for employment. The site had been suggested for housing as part of earlier consultations and was previously reported to DPP at the meetings of 16<sup>th</sup> December 2014 and 6<sup>th</sup> January 2015. The site was rejected for housing (and partly allocated for employment) on a number of grounds related to suitability and deliverability, including amenity impacts of surrounding industrial uses, flood risk, ability to deliver sustainable local services, and nearby strategic waste allocations. The proposals for housing are also considered to be contrary to the aims of the Council's recently adopted Natural Resources and Waste Local Plan (NRWLP), which seeks to promote sustainable freight uses in the area and has made a number rail and canal freight designations on the site and to the overall approach set out in the AAP to focus employment development in this part of the Aire Valley. There is a need therefore to identify and retain land for employment use. Whilst the developer considers these issues can be overcome, the submission includes no further information about how the site can be realistically delivered within the plan period.

#### Former Skelton Grange power station site

A response has been submitted by the new owners of the site, Harworth Estates, promoting a rail freight depot at the site served by a new rail spur provided from the Leeds-Castleford railway line south of Skelton Lake. They request that the plan identifies the site as suitable for rail freight uses, amends the strategic waste allocation made under the Natural Resources and Waste Plan to allow greater flexibility of uses and that a minor amendment be made to the boundary of the AAP (along the River Aire corridor) to incorporate the entire proposal. This issue needs to be considered within the context of the AVLAAP boundary, which has been set.

#### Statutory consultees

Detailed representations from a number of statutory consultees, including Highways England, Historic England and the Coal Authority, have been received which have raised a number of soundness and technical issues which will need to be considered further.

#### **Site Allocations Plan - Next Steps**

- 3.9 As outlined above, there are a number of tasks to be completed and stages to work through in moving the SAP forward. With this in mind, the following overall programme sets out key milestones and targets. This may be subject to change (due to issues which may arise) and a realistic balance needs to be struck between the level of analysis required, the need for further detailed technical work, the timescales for further Pre-submission consultation and submission. As a basis for members consideration, a proforma is attached (Appendix 1), suggesting how the representations might be summarised, analysed and presented. A balance needs to be struck between enabling sufficient time for all of the consultation material to be thoroughly considered, whilst seeking to move the plan-making process forward in a positive and timely manner. Based on this approach, an indicative timetable to report back to Development Plan Panel as follows:

## Indicative Development Plan Panel Work Programme

1<sup>st</sup> March DPP, to cover:

- Update of number of representations and plan of suggested new sites
- Aire Valley Leeds AAP ?

5<sup>th</sup> April DPP to cover Site Allocations Plan:

- Representations raising city wide Strategic Issues e.g. HBF representation re. not meeting targets in individual HMCAs,
- HMCAs affected by change e.g. Burberry site in City Centre
- HMCAs where no further modifications considered necessary e.g. Inner?

- June 2016 DPP Site Allocations Plan:

- HMCAs where major modifications required - Outer NE and any others

- Further meeting in June 2016 Site Allocations Plan:

- Round up/overview on pre submission changes

## Overall SAP Production Timetable

### **Estimated Timescales:**

Inputting reps on database	Nov 2015– end Feb/beg March 2016?
Analysis of reps and review of any proposed modifications for each HMCA	March – June 2016?
DPP consideration of modifications for pre-submission consultation	June 2016
Scrutiny Board consideration of the SAP and modifications for pre-submission consultation	June/July 2016
Executive Board consideration of modifications for pre-submission consultation	July 2016
Full Council consideration of modifications for pre-submission consultation and the SAP for submission for examination.	July/September 2016
Consultation on major modifications	Oct-Dec 2016
submission to Planning Inspectorate	End Dec 2016
Examination in public	Spring 2017

- 3.10 It is suggested that any modifications/pre submission changes to the SAP be agreed at a series of three further DPP meetings as outlined at para 3.9 above

Aire Valley Leeds AAP - Next Steps:

- 3.11 Whilst the consultation on the publication draft AVLAAP was undertaken at the same time as the SAP allowing respondents to consider development proposals across the district at the same time, the AVLAAP remains a separate development plan document, underpinned by strategic policies in the adopted Core Strategy, which has the potential to be taken forward to a separate timescale.
- 3.12 On the basis of the coverage and scope of these issues and the number of representations and given the need for pre-submission changes on the SAP (see above), there is the option to progress the AVLAAP for examination, in advance of the SAP. This has the advantage of moving the Plan forward to conclusion, rather than being 'held up' as a result of the need for further consultation on the SAP, to address the issues outlined above.
- 3.13 However, a decision taken on advancing the AVLAAP more quickly will also need to consider the following:
- Will there be a need for major modifications to the AVLAAP requiring pre-submission consultation?
  - Will any proposed changes to the plan result in a net reduction in the housing number identified and allocated?

Aire Valley Leeds AAP Programme Timetable:

Subject to members consideration of the AVLAAP being taken forward in advance of the SAP.

**4.0 Other considerations:**

- 4.1 For the SAP, some members have requested that since the Publication Draft plan was produced, more recent planning approvals should allow the opportunity to 'de-allocate' a new housing site in their HMCA. The planning permissions which contribute to making up the total capacities of the identified housing sites were updated to 31<sup>st</sup> March 2015. Rather than update these continually, every couple of months, it is considered that this should be done once the plan is nearing being finalised for submission. At this stage it is not possible to determine 'swopping sites' in the suggested manner, as the overall picture needs to be considered – for example, all of the outer HMCAs fall short of their Core Strategy housing target, but this is justified in the plan by more than meeting the HMCA targets in Inner and City Centre. The loss of around 1,700 capacity in City Centre with the Burberry proposal means that if this cannot be made up within that HMCA, it will have to be made up elsewhere. A strategic overview of numbers against targets will need to be maintained.

## **5.0 Corporate Considerations**

### **5.1 Consultation and Engagement**

5.1.1 The focus of this report has been to provide an initial overview of the representations received arising from the SAP and AVLAAP consultation. Also included on this Panel agenda is an initial Report of Consultation. A more comprehensive Report of Consultation will be finalised for the Plan submission stage, for each plan respectively. The consultation and engagement activity undertaken has been set within the context of the LDF Regulations and the City Council's adopted Statement of Community Involvement.

### **5.2. Equality and Diversity / Cohesion and Integration**

5.2.1 In the preparation of the Site Allocations Plan and AVLAAP, due regard has been given to Equality, Diversity, Cohesion and Integration issues. This has included the completion of EDCI Screening of the SAP and AVLAAP 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 and AVLAAP material follows on and reflects the approach set out in the Core Strategy, which has also had the same regard to these issues.

### **5.3. Council Policies and City Priorities**

5.3.1 The Core Strategy, the Publication SAP and AVLAAP, play a key strategic role in taking forward the spatial and land use elements of the Vision for Leeds and the aspiration to be the 'the Best City in the UK'. Related to this overarching approach and in addressing a range of social, environmental and economic objectives, these Plans seek to implement key City Council priorities. These include the Best Council Plan (2013-17) (in particular Objective 2: to 'promote sustainable and inclusive economic growth') and Leeds Joint Health and Wellbeing Strategy (2013-2015).

### **5.4 Resources and value for money**

5.4.1 The preparation of statutory Development Plan Documents or the 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.

5.4.2 For the Local Development Framework ('Local Plan') to be as up to date as possible, the Council now needs to produce the SAP and AVLAAP as quickly as practicable, following the adoption of its Core Strategy. This will provide value for money in that the Council will influence and direct where development goes. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development in conformity with national policy will be acceptable, regardless of any previous positions of the authority, which could have implications in terms of resources and value for money.

## 5.5 Legal Implications, Access to Information and Call In

5.5.1 The SAP & AVLAAP will follow the statutory Development Plan process (Local Development Framework). The report is not eligible for call in as 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. Without an up to date plan the 'presumption in favour of sustainable development' by the Government means that any development or Neighbourhood Plan in conformity with national policy will be acceptable, regardless of any previous positions of the authority. The more the work progresses, the more material weight can be given to it.

## **6.0 Conclusion**

6.1 The focus of this report has been to provide members with an initial overview of the key issues arising from the SAP and AVLAAP consultation. Further work is needed to finalise the inputting of all of the (on line and paper) representations on to the database and for this material to be fully analysed and the implications reported to members. However, in order to move the process forward the report includes an indicative work programme and a proforma to analyse the representations.

## **7.0 Recommendation**

7.1 Development Plan Panel is invited to:

- i) consider the initial summary of the preliminary issues and key steps arising out of the SAP and AVLAAP Publication consultation,

- ii) consider the suggested approach to progress the AVLAAP in advance of the SAP,
- iii) consider the timescales for the SAP and the suggested proforma for presentation of conclusions of the analysis of the representations at further DPP meetings as outlined.



