

Report of the Head of Governance and Scrutiny Support and Director of City Development

Report to Scrutiny Board (Infrastructure and Investment)

Date: 20 December 2017

Subject: Scrutiny Inquiry into Sustainable Development in Leeds

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

1. Summary of Main Issues

- 1.1 Leeds City Council has an ambition to be the best council in the UK, compassionate fair, open and welcoming with an economy that is both prosperous and sustainable, so all our communities are successful. The Vision for Leeds 2011 – 2030 supports this ambition, stating that by 2030 all communities will be successful where local services, including shops and healthcare, are easy to access and meet people’s needs. It also states that local cultural and sporting activities are available to all and there are high quality buildings, places and green spaces, which are clean, looked after, and respect the city’s heritage, including buildings, parks and the history of our communities. The Best Council Plan 2017 – 2018 states that the Council wants everyone to live in good quality, affordable homes within clean and well cared for places.
- 1.2 At its meeting on the 21 of June 2017, Scrutiny Board (Infrastructure and Investment) considered their work programme for the 2017/18 municipal year. At this meeting the Board discussion the approach in Leeds to ‘sustainable development’ through the provision of structure that supports the physical and social needs of the people, now and in the future, who will ultimately, live, work and spend time in their community. The Scrutiny Board stressed the importance of designing and planning places that are supported sufficiently by transport, health and education infrastructure and services. The Board resolved that this would be the main scrutiny inquiry for 2017/18. Terms of reference for the inquiry were agreed on the 19 July 2017.

- 1.3 This report provides information to support the fifth session of the inquiry which focuses on the planning of community infrastructure that is tailored to meet the needs of developing communities including health, education and transport.
- 1.4 Health, Transport and Education representatives have been invited to the meeting to support debate and provide clarity.

2. Recommendation

The Scrutiny Board (Infrastructure and Investment) is recommended to:

- i. note the information contained within this report and provided at the meeting and make recommendations as deemed appropriate.

3 Purpose of this report

- 3.1 This report provides information to support the fifth session of the Scrutiny Inquiry into Sustainable Development in Leeds. The purpose of this report is to provide the Scrutiny Board with information to support further discussion regarding the planning of community infrastructure that is tailored to meet the needs of developing communities including health, education and transport.

4. Background

- 4.1 At its meeting on the 21 of June 2017, Scrutiny Board (Infrastructure and Investment) considered their work programme for the 2017/18 municipal year. At this meeting the Board discussion the approach in Leeds to 'sustainable development' through the provision of structure that supports the physical and social needs of the people, now and in the future, who will ultimately, live, work and spend time in their community. The Scrutiny Board stressed the importance of designing and planning places that are supported sufficiently by transport, health and education infrastructure and services. The Board resolved that this would be the main scrutiny inquiry for 2017/18. Terms of reference were agreed on the 19 July 2017, when the first session of the inquiry was undertaken.
- 4.2 The purpose of the inquiry is to make an assessment of and, where appropriate, make recommendations about the delivery of sustainable development in Leeds, and the extent to which the local authority can influence sustainable development.
- 4.3 Sustainable Development is a wide ranging concept at a global and through to the local level and has emerged as a key strand of public policy, with the ambition of securing patterns of development, economic prosperity, social progress and the management of environmental resources, at the same time. Whilst a number of core elements can be identified, sustainable development has multiple definitions and interpretations and has introduced a plethora of new technical language.
- 4.4 Sustainable Development is therefore a cross cutting imperative, which aims to take a longer term and holistic view and is the responsibility of Governments, the business community and wider society, to operate within acceptable limits, to meet its objectives. Within this overall context, and within the UK, the Planning system has a key role to play in delivering the principles of sustainable development but it is by no means the only mechanism through which these aims might be achieved. Planning is also limited in its scope, is impacted by externalities (such as wider Government policies, global economic conditions and changing evidence) and does not have the financial resources available to put in place all of the necessary interventions and programmes to facilitate a more sustainable future. However, within the limitations of Government requirements and legislation, Planning does provide an opportunity to shape the character of places and to help influence and coordinate investment decisions.

5. Main Issues

- 5.1 From a Planning perspective, the focus for the delivery of sustainable development is guided through national planning guidance (National Planning Policy Framework), which provides the context for 'plan-making' (the development plan) and decision taking via the Development Management process. In the UK local planning authorities have the responsibility for the preparation of the Local Plan

(Development Plans with a 15 year time frame and the determination of planning applications via the Development Management process. In Leeds the Local Plan is comprised of a series of documents including the Core Strategy (adopted 2014), the Natural Resources and Waste local plan (adopted 2013), the Aire Valley Leeds Area Action (adoption anticipated November 2017) and the Site Allocations Plan (adoption anticipated 2018). Once 'made', Neighbourhood Plans will also form part of the development plan.

5.2 The NPPF emphasises the importance of infrastructure. This encompasses transport, cultural, telecommunications and green infrastructure. With regard to plan-making paras.156 and 157 describes the need for Local Plans to focus on strategic priorities relating to:

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities;
- plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework.

5.3 Within this overall context it should be noted that whilst the NPPF outlines the role of Planning in identifying and delivering infrastructure, the wide ranging nature of infrastructure is such, that other aspects of infrastructure planning and delivery (whilst broadly related to) are outside the direct scope of the planning process. However, integral to the Council's approach via the plan-making process, is to take a collaborative and partnership approach to infrastructure planning. Given the range of bodies, agencies, legal responsibilities, Government priorities, funding mechanisms, the characteristics of Leeds (and it's communities), the level of existing infrastructure and the need for additional infrastructure to support growth, whilst presenting opportunities - this is a particular challenge for the District.

Leeds Core Strategy

5.4 In providing a strategic framework for the overall scale and distribution of growth (2012-2028), the adopted Core Strategy (2014), contains strategic and thematic policies which are seeking to align the need for regeneration and development with infrastructure. These include: transport, community infrastructure (e.g. school places) and Green Infrastructure. The Plan is underpinned by an Infrastructure Delivery Plan (IDP), setting out a comprehensive package of planned, programmed and proposed infrastructure, to support the proposals set out. The Core Strategy also includes specific Policies relating to Implementation and Delivery (ID1 & ID2). The focus of this approach is to ensure that the Plan makes best use of a variety of mechanisms, initiatives and investment decisions to achieve its aims and ambitions.

Leeds Site Allocations Plan (SAP)

5.5 In taking this approach forward the Site Allocations Plan (SAP), is also underpinned with an up dated IDP. The SAP identifies infrastructure requirements reflected via the Schools Background Paper, Transport Background Paper and the IDP. The IDP is a 'living' document which means it is necessary to review it over time. The

SAP Infrastructure Background Paper (submission draft, May 2017), is structured around 5 key sections. These are: Introduction, Physical Infrastructure, Social and Community Infrastructure, Green Infrastructure & Green space and the Leeds Infrastructure Schedule. The contents page of the document is attached as Appendix 1, for information.

- 5.6 It identifies as far as possible the currently planned infrastructure provision in Leeds MD, including the critical infrastructure necessary for the delivery of the SAP and Aire Valley Leeds Area Action Plan (AVLAAP), within the context of the Core Strategy up until 2028. It provides an overarching framework for other service providers' plans and programmes, to bring them into one place and to ensure that all providers are planning for the predicted locations of future growth as set out in the allocation Plans. The IDP (and related Background Papers) has therefore been prepared concurrently with the Plan and made available for public consultation at each key stage. An updated version of the IDP was prepared for the SAP submission (May 2017).

Aire Valley Leeds Area Action Plan (AVLAAP)

- 5.7 In relation to the adopted AVLAAP, an IDP was prepared to support the Publication Draft version of the Plan and subject to public consultation (September 2015). This was then revised and updated to support the submission of the Plan for examination in September 2016. The schedule was again updated further during the examination of the Plan at the request of the Inspector.
- 5.8 The IDP provides a framework for the Council's and other service providers' plans and programmes within the AVLAAP area to co-ordinate the infrastructure investment that will deliver and support the scale of development proposed in the Plan. The IDP focuses on strategic level investments taking into account and setting out infrastructure projects to address the cumulative impacts of development in the Plan and where appropriate proposals in the SAP.
- 5.9 The IDP provides a schedule of infrastructure projects across the following broad types of infrastructure:
- Public transport (rail and buses)
 - Cycle / Pedestrian network – local initiatives, including Core Cycle network and improving pedestrian priority with city centre
 - Highway infrastructure (Strategic Road Network with Highways England)
 - Park and ride
 - School provision (e.g. 2 form entry primary school and through school with 2FE primary school and 4FE secondary school)
 - Green infrastructure (city park, green spaces, children's play equipment)
 - Waste Management
 - Flood defences and management
 - Superfast broadband network
- 5.10 The schedule distinguishes whether the infrastructure is crucial for the delivery of the development proposed in the AVLAAP, or whether it is desirable and future funding. It also includes major infrastructure projects that lie within the AVLAAP area but are not essential to deliver the development proposed in the plan and but support other Council key priorities, for example, the recycling and energy recovery

facility at Cross Green. The schedule outlines the approximate cost, funding sources and partners and delivery dates. The intention is to update the IDP periodically to support the implementation of the AAP.

Community Infrastructure Levy (CIL)

- 5.11 As discussed previously through this Scrutiny Inquiry, the City Council has introduced a CIL Charging schedule (April 2015). As set down in national regulation and guidance, the purpose of CIL is not to cover the costs of infrastructure in its entirety but to provide a source of 'gap funding', in contributing to overall costs.
- 5.12 Executive Board in February 2015 made key decisions around spending of the future CIL income, directing it into two main funding streams; a Strategic Fund, and a Neighbourhood Fund, plus up to 5% for administrative costs. The Neighbourhood Fund is 15% in an area without a Neighbourhood Plan, and 25% in an area with an adopted Neighbourhood Plan. In Town and Parish Council areas it is to be passed directly to those local Councils, as required by national CIL regulations. In non-parished areas the decisions about spending are delegated to the relevant Leeds City Council Community Committee (CC), and the CIL neighbourhood fund ring fenced by the City Council for that purpose.
- 5.13 Executive Board agreed that the Strategic CIL Fund will be 70-80% of the total CIL received, and that priorities for its spending will be decided on an annual basis as part of the Council's budget setting process, in line with the Regulation 123 List, and taking into account the impact of specific and cumulative infrastructure needs arising from new development. In terms of spending of Strategic Fund this can only be in relation to items of strategic infrastructure which are identified on the Regulation 123 list. Appendix 3 sets the current list this sets out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the Community Infrastructure Levy (CIL). In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution or agreement cannot then be made towards an infrastructure item already on the List.

Infrastructure Delivery (Issues, Risks and Opportunities)

- 5.14 Notwithstanding the preparation of the above Development Plans and the accompanying IDPs, the delivery of infrastructure continues to be a major opportunity and challenge.

Within this context, a number of key risks can be identified which include:

- Ability to deliver investment priorities,
- Funding shortfalls in meeting current and future infrastructure needs,
- Ability to work collaboratively via a coordinated strategy and implementation programmes (including adopted Core Strategy, SAP and AVLAAP),
- Ensuring that infrastructure requirements are necessary and proportionate,
- Limitations of the planning system to meet infrastructure shortfalls, such as Adult Social Care,
- The Government are expected to review the CIL but has been subject to delay,

- The complexity of capturing a range of changing and dynamic funding streams at a national to local level and linking these to a planned and structured programme of delivery.

5.15 Despite such risks, the Development Plans and IDPs set out in this report, provide a comprehensive framework to infrastructure planning in the District, in conjunction with a wide range of partners. Infrastructure planning and delivery is by its very nature complex. The economic climate, shifting priorities and changing mechanisms can create a level of uncertainty. However, the focused and proactive approaches set out in this report are aimed to ensure that Leeds is able to make the best use of available resources and through its influence and collaboration with partners secure agreed priorities.

6 Corporate Considerations

6.1 Consultation and Engagement

The board may undertake consultation should it be deemed appropriate in order to conduct the inquiry or gather necessary evidence.

6.2 Equality and Diversity / Cohesion and Integration.

6.2.1 Equality Improvement Priorities have been developed to ensure our legal duties are met under the Equality Act. The priorities will help the council to achieve its ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.

6.2.2 Equality and diversity will be a consideration throughout the Scrutiny Inquiry and due regard will be given to equality through the use of evidence, written and verbal, outcomes from consultation and engagement activities.

6.2.3 The Scrutiny Board may engage and involve interested groups and individuals (both internal and external to the council) to inform recommendations.

6.2.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity, conducting impact assessments where it is deemed appropriate.

6.3 Council Policies and City Priorities

This inquiry will support objectives as defined in The Vision for Leeds 2011 – 2030 and the Best Council Plan 2015-20

6.4 Resources and Value for Money

There is no resource or value for money implications relating to this report. At the conclusion of the inquiry any identified impact will be reported in the final inquiry report.

6.5 Legal Implications, Access to Information and Call In

None

6.6 Risk Management

There are no risk implications relating to this report. At the conclusion of the inquiry any identified risk will be reported in the final inquiry report.

7 Recommendations

The Scrutiny Board (Infrastructure and Investment) is recommended to:

- a) note the information contained within this report and provided at the meeting and make recommendations as deemed appropriate.

8 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.

Appendix 1.

Leeds Site Allocations Plan – (Submission Plan, May 207)

LEEDS INFRASTRUCTURE DELIVERY PLAN

Contents

1. Introduction

- i) Purpose of the Infrastructure Delivery Plan
- ii) Developing the SAP Infrastructure Requirements
- iii) Developing the Aire Valley Leeds AAP Infrastructure Requirements
- iv) Developing the IDP
- v) Infrastructure Delivery
 - a) Site Specific Requirements
 - b) Neighbourhood Plans
 - c) The Community Infrastructure Levy and Section 106 Agreements
 - d) Leeds City Region Deal and the West Yorkshire Plus Transport Fund
 - e) Other Funding Sources

2. Physical Infrastructure

- i) Transport
 - a) Public Transport Major Schemes
 - b) Buses
 - c) Railways
 - d) Cycling
 - e) Pedestrians
 - f) Airport
 - g) Highways
- ii) Utilities
 - a) Energy – Electricity, Gas, Renewable Energy, District Heating
 - b) Water and Waste Water
 - c) Broadband
- iii) Flood Defences
- iv) Waste Management
- v) Minerals

3. Social and Community Infrastructure

- i) Education
 - a) Early Years
 - b) Primary Education
 - c) Secondary Education
 - d) Further and Higher Education Health
- ii) Community Centres and Libraries
- iii) Emergency Services
 - a) Police
 - b) Fire and Rescue
 - c) Ambulance Service

4. Green Infrastructure and Green space

5. The Leeds Infrastructure Schedule

April 2013 Infrastructure Delivery Plan Projects Now Completed
Planned Infrastructure Projects 2017 Onwards