

**Report of the Chief Planning Officer**

**Report to Development Plan Panel**

**Date: 11<sup>th</sup> 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 3<sup>rd</sup> 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 10<sup>th</sup> 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 3<sup>rd</sup> 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 23<sup>rd</sup> March 2018, in line with the resolution of Council on 10<sup>th</sup> 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 14<sup>th</sup> August with a consultation period expiring on 11<sup>th</sup> 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 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 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:

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