

Report of Director of City Development

Report to Development Plan Panel

Date: 16th April 2019

Subject: Local Plan Update

Are specific electoral wards affected? If yes, 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 Leeds Local Plan provides the strategic and spatial planning framework for Leeds. Central to this approach is the integration of a range of economic, environmental and social policy objectives and the advancement of key aspects of the Best Council Plan (BCP) 2019/20 – 2020/21.
2. It has been an ambition of the Council to achieve full Plan coverage under the new planning system and the plan-led system advocated by the National Planning Policy Framework (introduced in 2012). This is programmed to happen in the summer, when the Core Strategy Selective Review and Site Allocations Plan are scheduled to be adopted. In the meantime significant weight may be attached to the CSSR and SAP because of the advanced stages that they are at.

Recommendations

3. Development Plan Panel is invited to note this report.

1. Purpose of this report

- 1.1 The purpose of this report is to update Members on the individual elements of the Local Plan and the weight to be attached to them. This provides a context for decision taking. It will also assist future Development Plan Panel meetings, which will discuss the work programme, including how the Local Plan is to be updated.

2. Background information

- 2.1 The statutory Local Plan in Leeds is not a single 'Plan' but the name given to a portfolio of documents (individually known as Development Plan Documents (DPDs)). This approach allows greater flexibility to respond to changing circumstances. Together the DPDs for Leeds, as follows:

DPD	Adopted	Comment
Unitary Development Plan	2006	<ul style="list-style-type: none">• 51 saved policies in operation mainly for detailed Development Management and site requirements (saved in SAP)
Natural Resources and Waste Local Plan	2013	<ul style="list-style-type: none">• 36 policies covering climate change, air quality and flood risk as well as minerals and waste
Core Strategy	2014	<ul style="list-style-type: none">• 58 policies setting out the vision, spatial strategy, quantities of development and strategic policies
Core Strategy Selective Review	TBC est. 2019	<ul style="list-style-type: none">• 3 new and 5 revised policies on housing requirement and policies for housing quality• Pending Adoption (est. Sept 2019)
Aire Valley Leeds Area Action Plan	2017	<ul style="list-style-type: none">• New allocations for 9 mixed use sites, 7 sites of general employment land; 10 housing sites, 12 mixed use sites, 2 sites for schools and 33 greenspaces.
Site Allocations Plan	TBC est. 2019	<ul style="list-style-type: none">• New allocations for 28 mixed use sites, 20 sites of general employment land; 16 sites for offices; 161 housing sites, 17 sites for schools; 1,690 green spaces and 69 retail centres.• Pending Adoption (est. July 2019)
Site Allocations Plan Review	TBC	<ul style="list-style-type: none">• Commitment as part of the Site Allocations Plan• Scope to be discussed at future DPP• Provide allocations to meet CSSR targets up to 2033
Neighbourhood Plans	2017- 2019	<ul style="list-style-type: none">• 13 Made Neighbourhood Plans

- 2.2 All adopted and made DPDs can be afforded full weight in the determination of planning applications. However, keeping plans up to date - by considering whether they need to be reviewed every 5 years - is a key feature of revised national guidance. Plans in preparation, such as the CSSR and SAP, can be afforded weight dependant on their stage of preparation (see section 3 below).
- 2.3 The Local Plan is supported by non-statutory Supplementary Planning Documents (SPDs). These provide supplementary advice and guidance, which are material considerations in the determination of a planning application. A separate report on the status of SPDs, Supplementary Planning Guidance (SPGs) and related guidance is provided to Panel Members at this meeting.

3. Main issues

- 3.1 The Council is at a stage where it will soon have a full Local Plan in place. This will be a key milestone. The NPPF was published in 2012 and has since been updated¹. Only half of all local authorities benefit from a post-NPPF strategic plan and far fewer have a site allocations plan in place.
- 3.2 Paragraph 48 of the NPPF makes clear that the amount of weight given to relevant policies in emerging plans relates to: (a) how advanced the emerging plan is, (b) the extent to which there are unresolved objections to relevant policies and (c) the degree of consistency of those policies with the NPPF.
- 3.3 Taking these factors into consideration it can be considered that for the plans in preparation significant weight should be attached to them as follows:
- 3.3.1 The **Core Strategy Selective Review (CSSR)**, has been through hearing sessions in February and March, where objections to the plan were heard by the Inspector and publication of the Inspector's Main Modifications (MMs) is expected imminently.
- 3.3.2 At the time of writing some weight can be attached to the CSSR policies on the basis that they have been submitted and subject to hearing sessions. Moreover, the scope of the Inspector's post-hearing further actions clarifies that there are no fundamental issues of soundness being raised on the principle of the CSSR policies.
- 3.3.3 Upon publication of the MMs it is considered that the CSSR will have significant weight because: (a) it is at an advanced stage having been through hearing sessions and publication of MMs, (b) MMs are considered necessary to make the Plan sound, having had regard to all the objections to the Plan. MMs are a response to resolving objections, relating to soundness. Therefore it is reasonably clear at publication of MMs stage what the final form of the plan will be, subject to consultation on MMs and the Inspector's final report, and (c)

¹ A revised NPPF was published in 2018 and Members were made aware of the main updates at the 11th September 2018 meeting of DPP. Following some further minor changes it was re-published in February 2019. These changes involved slightly amending the definition of 'deliverable', clarity on the Habitats Regulation Assessment and clarity that justified alternative approaches to the standard method for calculating housing needs are allowed.

consistency with the NPPF has been addressed by the Inspector in the Main Modifications.

3.3.4 The **Site Allocations Plan (SAP)**, has been through hearing sessions in October 2017 and July 2018, MMs were published in January and subject of consultation between 21 January and 4 March.

3.3.5 It is considered that the SAP has significant weight because: (a) it is at an advanced stage having been through hearing sessions and publication of and consultation on MMs, (b) MMs are considered necessary to make the Plan sound, having had regard to all the objections to the plan. MMs are a response to resolving objections, relating to soundness. Therefore it is reasonably clear at publication of MMs stage what the final form of the Plan will be, subject to consultation on MMs and the Inspector's final report, and (c) consistency with the NPPF has been addressed by the Inspector in the Main Modifications.

3.4 This means that even though the CSSR and SAP are not in a final format or formally adopted, significant weight can be attached to them². Whilst the first consideration when determining planning applications remains whether they accord with the adopted Development Plan, weight will now also be given to the highly advanced CSSR and SAP. Where no MM is proposed for a Policy more weight can be given to it (as the Inspector considers no changes are required to make it sound).

3.5 In practice this means that the Council may now give significant weight to:

- Allocations for housing, mixed-use, general employment, offices and green space in the SAP
- Designations of safeguarded land
- The housing requirement of 51,952 homes between 2017 and 2033, which has the effect of strengthening the Council's case that it can comfortably demonstrate a 5 year housing land supply and thus be more insulated from national penalties and speculative development occurring in Leeds
- Policies on quality housing including accessible homes, housing standards and more affordable homes in the inner area and city centre
- Policies on water efficiency and electric vehicle charging points

3.6 The weight to be given in decision taking will need to have regard to when current development proposals are to be determined and how advanced negotiations on these are.

Next Step / Timetable

3.7 The CSSR and SAP are at the end of the plan making process and their next steps are proposed and anticipated as follows:

² Pending publication of MMs on the CSSR

Core Strategy Selective Review

Stage	Date 2019
Inspector Publishes Main Modifications	April
Executive Board endorse consultation on MMs	May
Consultation for 6 weeks	May/June
Inspector's report issued	Est. July
Executive Board endorse adoption of CSSR	July
Full Council adopts CSSR	Sept

Site Allocations Plan

Stage	Date 2019
Inspectors issue their report	May
Executive Board endorse adoption of CSSR	June
Full Council adopts SAP	July

3.8 Upon Adoption of SAP and CSSR the Council has committed to commencing a review of the SAP. Scoping this plan will be the subject of a future DPP in the Summer.

3.9 As noted, when Members were updated about the provisions of the revised NPPF, there remains a need to keep plans up to date and in line with national guidance. Future meetings of DPP will look at arrangements for this.

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation occurs on each individual plan as it is prepared in accordance with the Statement of Community Involvement.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality is an integral part of the preparation of the Local Plan, with Equality Impact Assessment screenings undertaken at key stages to ensure that policies are embedded in equality considerations.

4.3 Council Policies and Best Council Plan

4.3.1 The Best Council Plan (2018/19 – 2020/21) is highly relevant to all aspects of the Local Plan in terms of its priorities for Good Growth, Health & Wellbeing, Resilient Communities, Better Lives for People with Care & Support Needs and Low Carbon.

4.4 Resources and Value for Money

4.4.1 The cost of preparation of Plans is met from existing budgets.

4.5 Legal Implications, Access to Information, and Call-In

- 4.5.1 The preparation of the Local Plan is carried out in compliance with the provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
- 4.5.2 The Local Plan falls within the Council's budget and policy framework. It is not the subject of call in.

4.6 Risk Management

- 4.6.1 Risks of speculative development are limited at this highly advanced stage of the Local Plan. There remain risks of legal challenge or holding directions once Adopted which would affect the weight to be attached to Plans. However, the Plans have been carefully prepared and modified to be in line with national guidance and legal requirements, thus the process itself limits against such challenges.

5. Conclusions

- 5.1 The Council is very close to a position of complete Plan coverage and can, upon receipt of the Inspector's Main Modifications for the CSSR, place significant weight on both the SAP and CSSR. This is a significant achievement and follows on from a very resources intensive process.
- 5.2 This helps improve the Council's 5 year housing land supply position, resist speculative development, help provide certainty for investors and the community and enables the Council to focus on the implementation of the Policies of the Local Plan, including the provision of quality homes in the right places.

6. Recommendations

- 6.1 Development Plan Panel is invited to note this report.