

**Report of Director of City Development**

**Report to Development Plan Panel**

**Date: 15<sup>th</sup> May 2019**

**Subject: Leeds Core Strategy Selective Review Modifications**

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. Preparation of the Core Strategy Selective Review (CSSR) commenced early 2017 and is now nearing completion. Following the hearing sessions in February, the Inspector appointed to examine the plan (Claire Sherratt DIP URP MRTPI) has published a set of main modifications (MMs) that are considered necessary to make the CSSR sound. The Inspector's MMs are contained in the Executive Board Report (**Appendix 1**). In summary their overall effect is to refine and strengthen the clarity and effectiveness of the CSSR, rather than fundamentally changing Policy intentions.
2. There is a requirement for the MMs to be subject to further public consultation for 6 weeks. Further Sustainability Appraisal (SA) has also been carried out to understand the effects of the MMs. The principal finding is that in the majority of cases the MMs do not significantly change the original assessment of the SA, aside from in two cases where it is assessed that objectives are better addressed as a result of the modifications. Executive Board will consider the MMs at its meeting on 16<sup>th</sup> May and an update of the DPP meeting will be provided.

**Recommendation**

3. Development Plan Panel is invited to consider this report, including the Executive Board Report and its appendices (at **Appendix 1**) and recommend to Executive Board that it approves the schedule of modifications (**Appendix 1 of the Executive Board report**) and Sustainability Appraisal addendum (**Appendix 2 of the Executive Board report**) for 6 weeks public consultation.

## 1. Purpose of this report

- 1.1 The purpose of this report is to ask Development Plan Panel to recommend that Executive Board approve the Inspector's main modifications (MMs) to the Core Strategy Selective Review for public consultation subject to any comments that Development Plan Panel may have, which will be provided as an update to Executive Board.

## 2. Background information

- 2.1 Regular reports have been presented to Development Plan Panel over the course of preparation of the Core Strategy Selective Review during 2017 and 2018. Development Plan Panel has advised Executive Board on necessary approvals of the CSSR, including scoping, publication and submission.
- 2.2 The report to Development Plan Panel of March 2019 provided an overview of the CSSR examination hearings, which took place over 2 weeks during February. This meeting considered a range of issues, which are now reflected formally as MMs to the Plan. The proposed MMs derive from the conclusions of the examination hearings, but also consolidate the changes to the Publication version of the CSSR (Feb 2018) proposed and agreed by the Council for the Submission version of the CSSR (July 2018).
- 2.3 All the relevant material is contained in Appendix 1 of this report, which contains the Executive Board Report and the following appendices:
- Appendix 1 Schedule of Main Modifications
  - Appendix 2 Sustainability Appraisal Addendum
- 2.4 The MMs in **Appendix 1** are presented as a schedule of numbered tracked changes, which when read alongside the CSSR Publication Draft 2018, are considered necessary, subject to any consultation responses, to make the CSSR legally compliant and/or sound. The reasons as to why the modifications are considered necessary is also included. These relate to tests of soundness or legal compliance. The [CSSR Publication Draft](#)<sup>1</sup>, February 2018 is referenced as CD2/1 in the Core Documents list<sup>2</sup>.

## 3. Main issues

- 3.1 The Inspector proposes twenty seven MMs in the schedule of Main Modifications. In summary their overall effect is to refine and strengthen the clarity and effectiveness of the CSSR, rather than fundamentally changing Policy intentions. The modification to delete changes to Policy EN1 is an exception to that, as subsequent to the Council submitting the Plan for examination, national planning policy changed significantly. This meant that the proposed policy would no longer accurately reflect national policy. To that

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<sup>1</sup><https://www.leeds.gov.uk/Local%20Plans/Publication%20Draft%20Plan%20Supporting%20Documents/3.Core%20Strategy%20Selective%20Review%2C%20Publication%20Draft%2C%20Proposed%20policy%20and%20paragraph%20changes.pdf>

<sup>2</sup><https://www.leeds.gov.uk/Local%20Plans/Core%20Strategy%20Review/Core%20Document%20List.pdf>

end, the Council has sought, and the Inspector has proposed, a MM to delete CSSR Policy EN1, the effect of which will be that Core Strategy Policy EN1 remains.

- 3.2 Paragraphs 3.2 to 3.11 of the Executive Board Report at **Appendix 1** summarise the MMs and their implications for the individual policy areas of the CSSR.
- 3.3 The proposed MMs have been subject to further Sustainability Appraisal, which concludes that the MMs do not result in a substantive change to the SA effects arising from the Submission draft CSSR. In two cases it has been assessed that the modifications lead to improved effects on sustainability objectives. Further detail on this is included in paragraphs 3.12 to 3.14 of **Appendix 1**.

#### Next Steps / Timetable

- 3.4 Subject to Executive Board's approval, it is proposed to undertake a 6 week period of public consultation on the MMs and Sustainability Appraisal from 17<sup>th</sup> March to 28<sup>th</sup> June, in accordance with the Local Plan Regulations and the Council's Statement of Community Involvement.
- 3.5 Any representations arising from the consultation will be sent to and considered by the Inspector before she produces her final conclusions as to whether the Plan is considered legally compliant and sound. The Inspector must conclude that all of the above matters are satisfied (with or without modifications) before it can be adopted by the Council. Whilst there is no statutory requirement for the LPA to adopt a plan, if the LPA proceeds to adoption, the MMs recommended by the Inspector in her report would need to be made to meet the statutory requirements.
- 3.6 In due course the MMs recommended by the Inspector as part of her final report will be brought to Executive Board seeking a recommendation to Full Council for the adoption of the CSSR (this is anticipated September 2019).

## **4. Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The consultation on the scope of the CSSR was carried out for 6 weeks from June until July 2017. Consultation on the proposed Submission Draft policies ("Publication Draft "stage) was undertaken from February to March 2018. Consultation on the MMs is proposed following Executive Board approval for 6 weeks.

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

- 4.2.1 Equality has been an integral part of the preparation of the CSSR. Due regard has been given to the equality characteristics and an equality screening has been prepared. Equality diversity, cohesion and integration has been an important part of the formulation of policies of the Core Strategy Selective Review. Equality Impact Assessment screenings have been undertaken at key

stages of the process to ensure that policies are embedded in equality considerations.

### **4.3 Council Policies and Best Council Plan**

4.3.1 The Best Council Plan (2019/20 – 2020/21) is relevant to the CSSR in terms of its priorities for Housing, Inclusive Growth, Health & Wellbeing, Sustainable Infrastructure, Child-friendly Leeds, Age-friendly Leeds, and Safe & Strong Communities.

4.3.2 The quantity of homes that Leeds plans for will have ramifications for inclusive economic growth by ensuring that Leeds is supported by the right number of new homes of the right type to meet the needs of a growing population. The CSSR will also provide the ability to improve the range and quality of dwellings delivered to ensure the needs of particular groups such as the elderly are met, and that health and wellbeing of residents is improved. Proposed Policy H10 (Accessible Housing Standards) should be of particular benefit to households with mobility issues including the elderly and support self-care, choice and control. In terms of public health and wellbeing, there are important linkages between the CSSR policies. Improved Space and Access Standards, the provision of Affordable Housing (in meeting housing needs), together with the protection and provision of green space make an important contribution to local amenity and quality of life across the District.

### **4.4 Climate Change Emergency**

4.4.1 A climate emergency was declared at Council meeting 27<sup>th</sup> March 2019. It is therefore important to understand the effects of proposed changes to planning policy on climate change.

4.4.2 As outlined in the report (section 3) and set out in Appendix 1, the Inspector has proposed a number of Main Modifications to the CSSR which are relevant to climate change and are complementary to the Council's strategic direction on this issue. Key points to note are the modification to Policy EN1, which retains the existing policy expecting new buildings to meet standards of design and use materials that reduce carbon emissions. Significantly the proposed modification means that the Council can require major housing development to be built to energy efficiency standards which are 20% better than the building regulations standard. In addition Policy EN8, concerning electric vehicle charging points in new development has been enhanced by the Inspector's modification to anticipate future infrastructure expansion.

4.4.3 Overarching to the specific points addressed above, all of the policies have already been subject to Sustainability Appraisal. This assessed impact on 23 sustainability objectives including sustainability objective SA11 "Climate Change Mitigation (Greenhouse gas emissions)". This took place in 2018 before the CSSR was submitted for examination.

4.4.4 The subject of this report is the inspector's proposed modifications to the CSSR policies and supporting text considered necessary to make the plan "sound".

Most of the modifications are adjustments that provide greater clarity of intention or adjustments to create improved consistency with national planning policy.

- 4.4.5 In summary the CSSR has been under preparation for the last 2 years and whilst the Council is constrained by national policy and planning regulations, the Inspector's modifications are considered to positive contribute towards tackling climate change.

#### **4.5 Resources and Value for Money**

- 4.5.1 The cost of preparation of the CSSR will be met from existing budgets.

#### **4.6 Legal Implications, Access to Information, and Call-In**

- 4.6.1 The preparation of the CSSR as a development plan document is 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).
- 4.6.2 As a development plan document the CSSR falls within the Council's budget and policy framework and therefore the recommendations within this report are not subject to call-in.

#### **4.7 Risk Management**

- 4.7.1 The Risk to the Council of not having up to date Plans in place, exposes the District to speculative, potentially unsustainable development and a lack of certainty for investors. This is detrimental to communities and to the provision of co-ordinated and well planned infrastructure. In addition, with the Local Plan in place, the Council is better able to establish and defend a five year housing land supply position and to take a plan led approach to growth and investment, consistent with the requirements of national planning guidance.

### **5. Conclusions**

- 5.1 As a result of the public examination process (including the hearing sessions) and matters raised by the Inspectors, a schedule of proposed MMs to the Plan have been published by the Inspector in order to make it 'sound'. The MMs have been subject of an updated Sustainability Appraisal which confirms that the MMs either do not change or improve the SA objectives. The Executive Board Report is attached as **Appendix 1** to this report and contains the schedule of Main Modifications and the Sustainability Appraisal addendum as individual appendices.

### **6. Recommendation**

- 6.1 Development Plan Panel is invited to consider this report, including the Executive Board Report and its appendices (at **Appendix 1**) and recommend to Executive Board that it approves the schedule of modifications (**Appendix 1 of the Executive Board report**) and Sustainability Appraisal addendum (**Appendix 2 of the Executive Board report**) for 6 weeks public consultation.