

**Report of the Chief Planning Officer**

**Report to Executive Board**

**Date: 26<sup>th</sup> June 2019**

**Subject: Leeds Local Plan – Adoption of the Site Allocations Plan**

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 Local Plan for Leeds takes forward Best Council Plan priorities for regeneration, economic growth, high quality housing, sustainable infrastructure, and environmental enhancement; having a key role to play in shaping the future form, location and overall pattern of development across the entire Metropolitan District (MD). The Local Plan is also one of the main ways that local authorities can use their planning powers to tackle climate change. The Council has a statutory duty to prepare a Local Plan, which contains strategic policies and land allocations. This can be one document or in Leeds' case separate documents. The preparation of a Site Allocations Plan (SAP) for Leeds has been a significant undertaking for the City Council and involved a lengthy and complex process of drafting, public consultation and examination.
2. The Plan is now at a stage where it may be adopted by Council. This is a major step in having a Local Plan in place, which helps to prevent speculative developments (through a plan-led approach) and provides clarity for investors and local people about the type, quality and location of development within local communities.
3. The SAP provides the future planning framework to guide the development of housing (including for Gypsies and Travellers and Travelling Showpeople), employment and retail proposals and to protect and enhance green space. This is a key strategic Plan for Leeds MD and the City Region as a whole, providing

for 51,863 homes (identified and new allocations), 830,000 sqm of office space, 245ha of employment land, as well as over 1,600 green spaces and 63 retail designations.

4. Once adopted, it will ensure full plan coverage of the whole of the Leeds area, alongside the Unitary Development Plan, Natural Resources and Waste Plan (adopted in 2013), the Core Strategy (adopted in 2014) and the Aire Valley Leeds Area Action Plan (AVLAAP) (adopted in 2017). The adoption of the SAP is a major achievement for a place the size and complexity of Leeds and puts in place a portfolio of allocations across the District for the homes and jobs needed for inclusive growth. Linked to this the SAP also plans for sustainable infrastructure (including school places) and through the management of flood risk, ecology and public transport measures, contributes to the mitigation of and adaptation to climate change, as part of a co-ordinated approach. The SAP therefore makes an important contribution to taking forward the cross cutting objectives of the Best Council Plan and also the actions needed to respond to the Climate Emergency (declared by the City Council in March 2019). The preparation of the SAP has involved extensive collaborative working with highways, environmental bodies, schools place planning, health, younger and older persons and colleagues both within and outside of the Council as well as close working with neighbouring authorities through the statutory Duty to Co-operate process.
5. Upon Adoption the sites allocated in the Plan will also provide the City Council with a housing land supply position in excess of 5 years. This is necessary to ensure that full weight can be applied to all Development Plan policies and cease the run of planning appeals relating to unallocated or protected sites, which has involved the allowance by the Secretary of State and Planning Inspectors of 11 sites for housing development (for 1,500 homes). Although it is noted that 3 appeals were dismissed (for 1,400 homes).
6. In February 2017 Executive Board recommended that Full Council submit the Plan to the Secretary of State for independent examination. Following approval at Full Council in March 2017, the SAP was submitted in May 2017. Two independent Inspectors were appointed to carry out the Examination in Public into the Plan. Hearing sessions were held in two stages. Stage 1, held between 24th to 27th October 2017, covered retail, employment, provision of sites for Gypsies and Travellers and Travelling Showpeople and green space. Stage 2, held between 9th July to 3rd August 2018, covered housing, including new housing allocations and the provision of safeguarded land designations. Throughout the hearings, the Inspectors considered whether the SAP meets the legal requirements (i.e. is legally compliant), the tests of soundness, provides evidence of a continuous process of engagement, collaboration and cooperation with neighbouring authorities and other prescribed bodies (the 'Duty to Cooperate'), an appraisal of the Plans effects on environmental, social and economic objectives (Sustainability Appraisal [SA/SEA Directive]) and the Habitats Regulations.
7. On 14th January 2019 Executive Board approved Main Modifications (MMs), recommended by the Inspectors as necessary to make the Plan sound, be subject to public consultation. This took place between 21st January and 4th March 2019. Following consideration of representations received during the

consultation period, the Inspectors have issued their final Report, which was received by the Council on 7th June 2019. The Inspectors' Report confirms that the Submission Draft (2017) version of the Plan as amended by the recommended MMs is sound. The City Council is now in a position to formally adopt the Plan.

8. MMs to the Submission Draft Plan are outlined at paragraphs 3.9 to 3.11, including summaries for each of the 11 Housing Market Characteristic Areas across Leeds

### **Recommendation**

9. It is recommended that Executive Board recommends that Council:
  - i) Notes the Inspectors' final Report of the Leeds Site Allocations Plan and accepts the Main Modifications of the Inspectors' as detailed in their Report (June 2019) at **Appendix 1**;
  - ii) Adopts the draft Site Allocations Plan (version for Adoption) at **Appendix 2** with effect from 10th July 2019, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended); and,
  - iii) Notes the deletion of saved UDP policies that will be superseded by the Plan (as set out in Appendix 3 of the Plan at **Appendix 2**).

## **1 Purpose of this Report**

- 1.1 The purpose of this report is to seek Executive Board's recommendation that Council notes the Inspectors' final Report on the Submission Draft 2017 Site Allocations Plan (SAP) and accepts the Inspectors MMs and adopts the Plan (subject to any further non material additional modifications being made in advance of consideration by Council).

## **2 Background Information**

- 2.1 The Leeds Core Strategy, which sets the overall strategic planning framework for Leeds, was adopted in November 2014 and this included a housing requirement of 70,000 (net) new homes between 2012 and 2028, of which 66,000 homes were to be identified as allocations through the SAP and the Aire Valley Leeds Area Action Plan (AVLAAP).
- 2.2 Concurrently, alongside the SAP and taking account of up to date evidence on housing needs and the need to update policies on housing standards, the Council has progressed a Core Strategy Selective Review (CSSR). This was submitted to the Secretary of State in July 2018. This flexible approach to preparing and updating plans (in response to changing circumstances) is reflected in national guidance and planning regulations. However, for the purpose of examining the SAP, the Council and Inspectors have made clear from the start of the process that it must be compliant with the Adopted Core Strategy and not any plans in draft form. That said, the SAP is complementary to the draft CSSR and its lower housing requirement.

## **3 Main Issues**

### **Preparing the Plan**

- 3.1 Council considered and supported the policies and proposals of the Submission Draft version of the SAP at its meeting in March 2017. The initial submission of the SAP was in May 2017 and the process was paused between Stage 1 and Stage 2 to allow for amendments (i.e. significant reductions) to the proposed release of land for new housing allocations from the Green Belt. This reflected a lower trajectory of housing growth on the basis of new evidence and the publication of revised Government consultation (*'Planning for the right homes in the right places'*) in September 2017.
- 3.2 The Plan has been subject to extensive and ongoing consultation and engagement, entailing six stages of public consultation (focussed through a marketing and communications strategy) including: drop in sessions, ward member briefings and workshops, together with targeted consultation with hard to reach groups, such as Gypsies and Travellers. At each stage of that consultation process summaries of consultation have been provided to Development Plan Panel members and with the consultation activity undertaken in the preparation of the plan incorporated into the SAP Report of Consultation.

### **Examination of the Plan**

- 3.3 Stage 1 hearings examined allocations for employment, retail, green space

and accommodation for Gypsies and Travellers and Travelling Showpeople, legal compliance and the Duty to Cooperate and were held at the Civic Hall from 24th to 27th October 2017.

- 3.4 Stage 2 hearings examined all outstanding matters including housing and mixed-use allocations and were held at the Civic Hall over 4 weeks from 9<sup>th</sup> July until 3<sup>rd</sup> August 2018. The hearings involved 470 participants, 36 Council witnesses and up to 60 people “around the table” at any one time. Throughout the hearings, the Inspectors considered whether the SAP meets the legal requirements (i.e. is legally compliant), the tests of soundness (i.e. for the Plan to be Positively prepared, Justified, Effective and Consistent with national policy), provides evidence of a continuous process of engagement, collaboration and cooperation with neighbouring authorities and other prescribed bodies (the ‘Duty to Cooperate’) and an appraisal of the Plans effects on environmental, social and economic objectives (Sustainability Appraisal (SA/SEA Regulations)) and the Habitats Regulations. The SAP hearings provided an opportunity to those who wished to raise issues with the Council about the Plan at a round table discussion. The Inspectors have also taken account of all written representations made to the Plan. The SA is an iterative process and the SA documents and addenda prepared throughout the process are available on the Council’s web-site [here](#). The SA process will be set out in an SA Adoption Statement which the Council, in line with the Regulations, is required to prepare once the SAP is Adopted. This will be placed on the web-site.
- 3.5 On 21<sup>st</sup> January 2019 the Inspectors issued their proposed MMs to the Plan. MMs are those which the Inspectors recommend as being required to make the Submission draft Plan sound. Executive Board previously approved consultation on these MMs in January 2019. In response to this consultation a total of 696 submissions comprising 2,400 representations were received and considered by the Inspectors in preparation of their final report. These included comments by neighbouring councils, statutory consultees, Historic England, Environment Agency, Natural England and others including the Coal Authority, Yorkshire Gardens Trust, Leeds Bradford Airport, neighbourhood planning forums, civic societies and the Home Builders Federation, which did not raise any fundamental issues regarding the soundness of the modifications.

### **Inspectors’ Report and Adoption**

- 3.6 The Inspectors’ final Report was received on 7th June 2019. The Inspectors’ found the Plan to be legally compliant and “sound” and capable of adoption, subject to a number of MMs being made (see Appendix 1 of their Report). The recommended MMs are acceptable in improving the clarity and effectiveness of the Plan and the majority are in line with the Council’s suggested modifications discussed at Examination.
- 3.7 The Adoption version of the Plan (**Appendix 2**) comprises the SAP agreed by Council for Submission to the Secretary of State (29<sup>th</sup> March 2017) as amended by the Inspector’s MMs and any additional modifications made as a result of factual and/or consequential changes.

3.8 In providing a commentary of the soundness of the SAP, the Inspectors Report focusses upon seven key issues. These are:

- i. Whether the SAP meets the legal process and requirements,
- ii. Whether the SAP gives effect to and is consistent with the CS (Core Strategy),
- iii. Is the Council's approach to the Green Belt Review robust and consistent with the CS,
- iv. Whether the Council's approach to Green space protection and designation is sound,
- v. Whether the necessary infrastructure will be in place to support the planned development,
- vi. Are the site allocations justified by a robust process of site selection within the context of the CS, and,
- vii. Whether the generic policies and specific site requirements for allocated sites are sound.

3.9 In relation to these issues, the main conclusions reached by the Inspector are summarised as follows:

- i. The Plan has been assessed under the transitional arrangements of the revised NPPF (2019) which means that the Plan must be compliant with the NPPF (2012).
- ii. Any consideration of whether the housing requirement figure in the CS remains appropriate or what any new requirement should be is beyond the purpose of the SAP and the remit of the Examination (para 7).
- iii. The Plan provides an appropriate basis for the planning of the area of Leeds excluding the Aire Valley (covered by the AVLAAP) provided that a number of recommended MMs are made to it (see Appendix 1 of the Inspectors Report).
- iv. The Inspector has concluded in reference to the Duty to Co-operate that the Council has been proactive and has engaged constructively, actively and on an on-going basis in preparation of the SAP (with relevant adjoining authorities and Agencies, including Bradford, Harrogate, the Highways and the Environment Agencies). This has ensured that the Council complies with the legal duty, soundness test and that there are no unresolved strategic matters.
- v. The Plan provides a delivery mechanism to ensure that the development required to implement the Core Strategy is appropriately located, of the right scale and adequately supported by the required physical and green infrastructure. With regard to infrastructure the Inspectors specifically conclude, *'the process of identifying the infrastructure requirements arising from the proposed allocations set out in the SAP is sound and*

*will ensure that the necessary infrastructure will be in place to support the planned delivery of development'* (para. 95).

- vi. The Plan is consistent with national policy, in particular with aims to boost significantly the supply of housing and support sustainable economic development. Subject to the modifications, the Plan appropriately addresses the spatial implications of economic, social and environmental change and, as demonstrated by the Sustainability Appraisal (which has met the test of adequacy), will achieve net gains across all three social, economic and environmental dimensions of sustainable development.
- vii. Subject to the recommended modifications, the allocations in the Plan are consistent with national planning policy on flood risk.
- viii. Viability and delivery issues within the Plan area have been appropriately addressed and in delivering over 51,000 homes and 245 ha of employment land the Plan will provide sufficient flexibility to respond to changes in circumstances over its lifetime.
- ix. Mechanisms such as the Strategic Housing Land Availability Assessment, the Employment Land Review and Assessment, and the Sustainability Appraisal have enabled a thorough testing of the proposed allocations against reasonable alternatives, with clear methodologies used for the comparative and cumulative analysis of potential allocations. With regard to site selection, the Inspectors have specifically concluded that, *'the site selection process, including Green Belt releases, is clear and based on a sound process of SA and testing of reasonable alternatives...The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement'* (para.111).
- x. The scale and mix of housing proposed by the Plan is justified and there is a reasonable prospect for its effective delivery over the plan period, which will positively address the identified needs of different groups in the community.
- xi. The allocation of Green Belt sites for housing to meet needs to 2023, ensures that the majority of sites in the Green Belt that had been proposed for housing in the Submission Draft Plan are deleted via the MMs. (32 sites initially proposed for housing are deleted). The Inspectors are satisfied that there are no reasonable alternatives to the allocations proposed and the housing requirement provides the exceptional circumstance necessary to support the release of a reduced number of Green Belt sites, subject to the necessary infrastructure and site requirements being applied.
- xii. With regard to the selection and allocation of employment sites, the inspectors conclude that, the site selection process is sound ensuring that the allocated employment and office sites are the most reasonable having regard to the alternatives assessed (para. 123).

- xiii. *'Subject to the MMs the Council's approach to Green space to ensuring that sites are protected and the manner in which sites have been designated is sound'* (para. 87).
- xiv. The approach to designating boundaries for the retail centres identified within the CS, including primary (and where appropriate secondary frontages), is sound (para. 122).
- xv. *'The Council's efforts to engage the Gypsy and Traveller community in the process provide an exemplary example'* (para. 125).
- xvi. In relation to the generic and specific site requirements relating to individual sites, the Inspectors conclude that subject to the MMs, they are 'justified and effective', *'clearly expressed so they can be applied in day to day decision-making and consistent with national policy'* and that, *'the evidence demonstrates that the delivery and viability of the allocated sites is not prejudiced by the site requirements'* (para. 224)
- xvii. The Plan appropriately recognises and reflects the significance of designated and non-designated heritage assets and takes into account the contribution they make to their environment.
- xviii. *'The CS (Core Strategy) includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is further supported through individual site requirements in the SAP such as those relating to flood risk, ecology, and public transport measures'* (para. 230).
- xix. The detailed wording of MM19 (Section 2 Housing Overview – Gypsy and Traveller needs throughout the plan period) has been amended by the Inspector. The focus of this is to clarify overall pitch requirements throughout the plan period and for these requirements in turn to be subject to monitoring and review, subject to any deficit.
- xx. The Plan complies with the relevant legal requirements including: the Planning Act (and Regulations), Local Development Scheme, Statement of Community involvement, Duty to Cooperate, Sustainability Appraisal, Habitats Regulations and the aims of the Equality Act (2010)

3.10 The overarching MMs to the Submission Draft Plan 2017 which have been recommended by the Inspectors are summarised in para 3.11 below. Two policies for subsequent review of the Plan are included:

- i. the Plan only allocates housing sites needed up to 2023 and in tandem contains a policy (Policy HGR1) which requires a review of housing allocations within the plan period. The Main Modifications delete 32 Green Belt sites which the Council initially proposed as allocated sites. This is on the basis that these are not considered necessary to deliver housing up to 2023 (when measured against the Adopted Core Strategy). This outcome is one which has been devised by the Inspectors as a means of ensuring that the SAP can be adopted now, whilst complementing the revised lower housing requirement proposed

in the draft Core Strategy Selective Review which is also at an advanced stage of preparation. This ensures that at this stage land for housing is not needlessly released from the Green Belt.

- ii. Policy HGR2 allows for monitoring of sites for Gypsy and Traveller provision, and a review should delivery of sites be under the requirement

3.11 The Inspectors have noted that it is not necessary for them to refer to each and every site, and reference is made exceptionally.

3.12 The specific MMs to the Submission Draft Plan 2017, which have been recommended by the Inspectors, are summarised for each HMCA as follows:

3.12.1 Aireborough:

- Deletion of 4 housing allocations: HG2-3 Shaw Lane, Banksfield Mount, Yeadon (capacity 234), HG2-5 Coach Road, Guiseley (capacity 83), HG2-10 Gill Lane, Yeadon (capacity 155), HG2-12 Woodlands Drive, Rawdon (capacity 25)
- Amendments to site requirements on 2 sites: HG2-2 Wills Gill, HG2-9 Victoria Avenue, Yeadon
- Deletion of all safeguarded land designations (4 sites: HG3-1 Ings Lane, Guiseley, HG3-2 Land to west of Knott Lane, Rawdon, HG3-3 Land at Rawdon, HG3-4 Layton Wood, Rawdon)
- Amendment to capacity and area of identified employment site EG1-1 Coney Park, Harrogate Road, Yeadon
- Inclusion of land at Carlton Moor adjacent Leeds Bradford Airport as employment allocation EG2-24 with associated site requirements
- New paragraph to reflect the conclusions of the Habitats Regulations Assessment

3.12.2 City Centre:

- Deletion of identified site MX1-9 Sovereign Street
- Deletion of 1 mixed use allocation (under policy HG2 and EO2): MX2-30 Water Lane Triangle (capacity 171)
- Amendments to site requirements on 7 sites: HG2-208 Globe Quay, Globe Road, Holbeck, HG2-209 The Faversham, Springfield Mount, MX2-15 LGI Great George Street, MX2-19 Westgate, Leeds International Swimming Pool, MX2-20 Westgate, Brotherton House, MX2-32 Water Lane, Westbank, MX2-35 Temple Works
- Amend number of pitches on Gypsy and Traveller site HG6-2 Kidacre Street

### 3.12.3 East:

- Amendments to site requirements on 4 sites: HG2-119 Red Hall, HG2-120 Manston Lane Cross Gates, HG2-123 Colton Road East, Colton (this site also has an amended site capacity), MX2-38 Barrowby Lane, Manston

### 3.12.4 Inner:

- Deletion of identified site HG1-259 Tong Road
- Deletion of housing allocation HG2-201 York Road, Richmond Hill (capacity 121)
- Deletion of 2 green space designations: G1076 Phil May Court, G1696 Grafton School

### 3.12.5 North:

- Deletion of 3 identified sites: HG1-68 Silk Mill Drive, HG1-99 Low Fold Garage, New Road Side, Horsforth, HG1-119 Belmont House, Wood Lane, and addition of flood risk footnote to site HG1-500 Corn Mill Fold, Low Lane Horsforth
- Deletion of 2 housing allocations: HG2-41 South of A65 from Horsforth roundabout to crematorium (capacity 777), HG2-49 Off Weetwood Avenue, Headingley (capacity 30)
- Amendments to site requirements on 6 sites: HG2-36 Alwoodley Lane, Alwoodley (and change in site capacity), HG2-37 Brownberrie Lane, HG2-43 Horsforth Campus, HG2-46 Horsforth former waste water treatment works, HG2-234 Kirkstall Forge, HG2-236 West Park Centre
- Deletion of 1 green space designation: G1111 Cragg Hill Farm and addition of 1 green space designation: G1718 Shire View, Headingley

### 3.12.6 Outer North East:

- Deletion of 1 identified site: HG1-36 Moor End, Boston Spa
- Deletion of 2 housing allocations: HG2-24 Keswick Lane, Bardsey (capacity 10), HG2-25 Farfield House, Bramham (capacity 14) and 1 mixed use allocation (under policy HG2 and EG2): MX2-39 Land at Parlington (capacity 1,850)
- Amendments to site requirements on 2 sites: HG2-26 Scarcroft Lodge, Scarcroft, HG2-226 East of Wetherby
- Deletion of 2 safeguarded land designations: HG3-8 Leeds Road Collingham, HG3-10) Grove Road, Boston Spa (both of which are now identified sites)

### 3.12.7 Outer North West:

- Deletion of 2 housing allocations: HG2- 15 Green Acre Moor Road, Bramhope (capacity 42), HG2-16 Creskeld Lane, Bramhope (capacity 23)
- Amendments to capacity on HG2-18 Church Lane, Adel
- Amendment to area and capacity of safeguarded land designation HG3-5 Old Pool Bank, Pool in Wharfedale
- New paragraph to reflect the conclusions of the Habitats Regulations Assessment

### 3.12.8 Outer South:

- Deletion of 1 identified site: HG1-404 Marsh Street, Rothwell
- Deletion of 5 housing allocations: HG2-173 Haighside, Rothwell (capacity 578), HG2-179 Fleet Lane Oulton (capacity 40), HG2-181 Leadwell Lane, Robin Hood (capacity 60), HG2-184 Westgate Lane, Lofthouse (capacity 50), HG2-185 Church Farm, Lofthouse (capacity 188)
- Amendments to site requirements on 3 sites: HG2-175 Bullough Lane, Haigh Farm Rothwell, HG2-182 Main Street and Pitfield Road, Carlton, HG2-186 Main Street, Hunts Farm, Methley, and capacities of 2 sites: HG2-180 Fleet Lane, Methley Lane, Oulton, MX2-14 Aberford Road, Oulton
- Deletion of 2 safeguarded land designations: HG3-27 Church Lane, Mickletown, HG3-28 Pinfold Lane, Mickletown
- Deletion of Policy HG5 relating to school allocations
- Inclusion of MX2-14 Aberford Road, Oulton within Policy EG2
- Deletion of 1 green space site: G870 Rothwell Pastures

### 3.12.9 Outer South East:

- Deletion of 1 identified site: HG1-317 Brigshaw Lane, Allerton Bywater
- Deletion of 5 housing allocations: HG2-124 Stourton Grange Farm South, Garforth (capacity 2,314), HG2-127 Newtown Farm, Micklefield (capacity 42), HG2-128 Selby Road/Leeds Road, Kippax (capacity 40), HG2-131 Whitehouse Lane, Great Preston (capacity 40), HG2-132 Brigshaw Lane, Kippax (capacity 76)
- Deletion of 1 safeguarded land designation: HG3-19 Moorgate, Kippax (now an identified site)
- Revised capacity of 2 identified employment sites: EG1-35 North

### 3.12.10 Outer South West:

- Deletion of 2 identified sites: HG1-327 Barkly Road, HG1-344 Albert Road, Morley
- Deletion of 5 housing allocations: HG2-144 Westfield Farm, Drighlington (capacity 17), HG2-145 Bradford Road/Wakefield Road, Gildersome (capacity 393), HG2-147 Highfield Drive/Harthill Lane, Gildersome (capacity 76), HG2-148 Gelderd Road/M621, Gildersome (capacity 203), HG2-170 Land off High Moor Road (capacity 41)
- Amendments to site requirements on 6 sites: HG2-149 Lane Side Farm, Morley, HG2-150 Churwell, HG2-153 Albert Drive, Morley, HG2-155 Joseph Priestley College, HG2-158 Tingley Mills, Morley, HG2-167 Old Thorpe Lane, Tingley (and amendment to area and capacity), HG2-168 and HG2-169 Haigh Wood, Ardsley, HG2-171 Westerton Road, East Ardsley (and amendment to area and capacity)
- Addition of school site HG5-9 Birchfield Primary School to policy HG5
- Deletion of 2 safeguarded land designations: HG3-21 Gelderd Road, Wortley, HG3-24 Bradford Road, East Ardsley (HG3-24 is now an identified site).
- Amendment of area of Gypsy and Traveller site HG7-1 West Wood Dewsbury Road, Tingley
- Deletion of 1 identified employment site: EG1-55 Charists Way, Morley and revised area and capacity of 1 site: EG1-48 Gelderd Road, Wortley
- Deletion of 1 employment allocation: EG2-20 Fall Lane, East Ardsley
- Amendments to site requirements of 1 employment allocation: EG2-19 Topcliffe Lane, North of Capitol Park, Morley
- Deletion of 1 green space site: G655 Main Street

### 3.12.11 Outer West:

- Deletion of 3 identified sites: HG1-155 Elder Road/Swinnow Road, HG1-157 Elder Road, HG1-163 Vernon Place
- Deletion of 6 housing allocations: HG2-54 Upper Carr Lane, Calverley (capacity 18), HG2-55 Calverley Lane, Calverley (capacity 18), HG2-56 Rodley Lane, Calverley Lane, Calverley (capacity 53), HG2-59 Land at Rodley Lane (capacity 17), HG2-76 Hough Side Road, Pudsey (capacity 200), HG2-80 Acres Hall Avenue, Pudsey (capacity 62)
- Amendments to site requirements on 6 sites: HG2-204 Wood Nook, Pudsey, HG2-205 Stonebridge Mills, Farnley, HG2-206 Heights Lane, Armley and amendment to capacity of HG2-72 Tyersal Court, Tyersal

- Deletion of 3 safeguarded land designations: HG3-16 Off Gamble Lane, HG3-17 Low Moor Side, New Farnley (now an identified site), HG3-29 Off Gamble Lane
  - Amendment to site requirement on Gypsy and Traveller site HG7-2 Tong Road, Lakeside Road, Wortley
  - New paragraph to reflect the conclusions of the Habitats Regulations Assessment
  - Deletion of 1 green space site: G1430 Chaucer Avenue
- 3.13 The full schedule of MMs is set out in **Appendix 1** to this report as an appendix to the Inspector's Report. These modifications reflect those which Executive Board resolved be subject to consultation in January 2019 except for 2 further changes recommended by the Inspector. The first of these relates to the detailed wording to MM19, on the need for a review of Gypsy and Traveller provision. This reflects a need for positive decision taking in the District to take place, in order to increase the number of pitches granted permission and remedy the current deficit between allocated sites and needs for private provision. The policy clarifies that monitoring will take account of this and that a review will be triggered if sufficient sites have not been granted permission. The second further MM relates to a minor wording change in MM152 site HG2-129 Ash Tree Primary School, Kippax, regarding the non-designated Heritage Asset.
- 3.14 The Plan has been determined by the Inspectors to be justified, effective, consistent with national policy, legally compliant and positively prepared to deliver sustainable development that meets Leeds' needs as set out in the adopted Core Strategy, subject to a number of MMs explained above (and at Appendix 1 of their Report).
- 3.15 In accordance with section 20(8) of the Planning and Compulsory Act 2004 ("the Act") and Regulation 25 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) the Inspectors' report was published on the Council's website on 18th June, and made available at the Council's main offices and local libraries. All relevant people who were involved in the Examination were also informed that the Inspector's report was published.

### **Next Steps**

- 3.16 In accordance with the Act, the Plan can only be adopted if it includes all of the MMs recommended by the Inspectors'. Once adopted, the Plan will form part of the statutory Leeds Local Plan and will be a material consideration when determining planning applications. Within this context, the Council will need to have regard to para. 224 of the Inspectors Report regarding the generic and specific site requirements relating to individual sites. The Inspectors have concluded that subject to the MMs, that they are 'justified and effective', 'clearly expressed so they can be applied in day to day decision-making and consistent with national policy', noting also that, 'the evidence demonstrates that the delivery and viability of the allocated sites is not prejudiced by the site requirements'.

- 3.17 Once adopted the Plan will supersede some of the policies in the Unitary Development Plan (UDP) which currently comprises of “saved” policies. On adoption of the SAP a number of UDP saved policies which currently form part of the Leeds Local Plan will be superseded. Appendix 3 of the Plan sets out those policies.
- 3.18 Following adoption the Council will publish the adoption documents and Adoption Statement, in accordance with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will notify all persons on the Local Plan database and send a copy of the Adoption Statement to the Secretary of State for Communities and Local Government.
- 3.19 Upon Adoption of the SAP the Council will publish on its web-site a Policies Map, which is a spatial expression of the policies and site boundaries within the Plan.
- 3.20 In addition to the MMs recommended by the Inspector, a number of additional modifications are required, which do not materially affect the policies set out in the Plan and simply serve to correct typographical and factual errors identified in the Submission Draft version of the Plan or other minor updates such as the naming of sites. The Schedule of Additional Modifications has been published on the Council’s web-site. These modifications have not been considered or recommended by the Inspector nor consulted upon as they do not relate to the issues of the soundness of the Plan but rather are to ensure the Plan is factually correct and reads correctly. Some of these additional modifications were previously agreed by Council when the Plan was submitted for examination in September 2016. They have been incorporated into the adoption version of the Plan at **Appendix 2**.
- 3.21 Leading up to Adoption of the Plan by Council officers will carry out briefings with ward members. Upon Adoption of the Plan by Council officers will hold internal officer training sessions on implementation of the Plan.
- 3.22 The SAP Policy HGR1 requires that once the CSSR is adopted the Council will undertake a review and look again at whether there is a need for additional land allocations after 2023. This matter is programmed for discussion at a meeting of the Council’s Development Plan Panel in October 2019, pending adoption of the CSSR.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 A comprehensive Report of Consultation accompanied the submission of the Plan. Further MMs were subject to public consultation between 21<sup>st</sup> January and 4<sup>th</sup> March 2019. In addition a draft schedule of additional modifications was made available on-line. The Inspectors’ Report has been published in accordance with s20(8) of the Planning and Compulsory Purchase Act 2004 (as amended) and is available on the Council’s website, at the Council offices and local libraries and any person who has requested to be notified of the publication of the Inspectors’ report has been notified.

4.1.2 As summarised in para. 3.8 above and in para. 125 of the Inspectors' Report, the City Council's approach to positively and effectively engage with the Gypsy and Traveller community are described as "exemplary". The Draft SAP (Adoption Version) (available [here](#)) comprises the Submission Draft Site Allocations Plan (2017) and MMs which are considered necessary by the Inspectors' to make the plan sound and legally compliant.

4.1.3 Throughout the process of consultation and engagement the Council has carried out (as noted in para 3.4 above) an iterative Sustainability Appraisal. These documents are available [here](#). It should be noted that upon Adoption it will be necessary to provide a final consolidation statement of the SA which sets out the process in total.

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

4.2.1 In the preparation of the SAP, 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.

4.2.2 In assessing the Legal Compliance of the SAP, the Inspectors have concluded that the Plan has due regard to the aims expressed in S149 (1) of the Equality Act 2010.

#### 4.3 Council Policies and Best Council Plan

4.3.1 The SAP 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 (2019/20 – 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 21st 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 UDP, Core Strategy, the Aire Valley Leeds Area Action Plan and the Natural Resources and Waste Plan and any made neighbourhood plans.

#### 4.4 Climate Emergency

4.4.1 A Climate Emergency was declared by the City Council on 27<sup>th</sup> March 2019. It is therefore critical that the statutory plan-making process, contributes to the

future proofing of the District to mitigate and adapt to the consequences of climate change (including the need for carbon reduction to meet agreed targets).

- 4.4.2 Taken as a whole, the Leeds Local Plan (and Supplementary Planning Documents and Guidance), including the emerging, Core Strategy Selective Review (at an advanced stage), have a positive impact on reducing carbon emissions and protecting and enhancing biodiversity. A consequence of not having these plans in place is poorly planned, uncoordinated and ad hoc development proposals, being determined on their individual merits outside an integrated planning framework.
- 4.4.3 A fundamental purpose of a plan-led approach, is to plan the spatial and inclusive growth of the District, with regard to the longer term strategic imperatives of Sustainable Development and Climate Change. Consequently, the integration of land use allocations and transport planning, the provision of renewable energy and sustainable infrastructure for new development, the protection and enhancement of green infrastructure and the management of waste flows and the consumption of natural resources, are integral to adopted plans. This therefore provides a robust policy framework for influencing investment decisions and the determination of planning applications.
- 4.4.4 Within this overall context, the SAP allocates land for new homes and jobs and local centres, in locations which the independent Inspectors have found to be sound and sustainable, consistent with the overarching framework of the Core Strategy. Significantly also, the SAP protects 1,600 green space sites (totalling 6,111 ha) as designations in their own right. These green space sites not only serve to provide important resources for local amenity and recreation but form part of a wider green infrastructure and habitats network, which in turn contribute to urban cooling – mitigating the effects of climate change.
- 4.4.5 More specifically, the allocations identified in the SAP are underpinned by a comprehensive evidence base, including transport modelling, an Infrastructure Delivery Plan, Site Assessments, flood risk assessment, Habitats Regulation Assessment and Sustainability Appraisal. This material translates also into the identification of ‘site requirements’ for individual sites where particular local issues have been identified. These include flood risk mitigation, landscaping, the protection of biodiversity and on site green space provision, consistent with and necessary in response to climate change issues.
- 4.4.6 As outlined in para. 2.8 above in relation to climate change the Inspectors have concluded that, *‘The CS (Core Strategy) includes policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change. This is further supported through individual site requirements in the SAP such as those relating to flood risk, ecology, and public transport measures’* (para. 230).
- 4.5 Resources and value for money
- 4.5.1 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 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.

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

4.6.1 The SAP has been prepared in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country (Local Planning) Regulations 2012 as well as the Council's Statement of Community Involvement.

4.6.2 As a development plan document the SAP falls within the Council's Budget and Policy Framework and therefore the report is not subject to call-in.

#### 4.7 Risk Management

4.7.1 Without up-to-date allocation plans, 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 essential to enable the Council to demonstrate that sufficient land will be available when needed to meet the Core Strategy targets (and the failure to meet these targets is of risk to the Council in being able to demonstrate a five year supply of housing land in in meeting the housing needs across the District for the people of Leeds. Without an up to date development plan, the 'presumption in favour of sustainable development' by the Government means that any development in conformity with national policy will be presumed to be acceptable, regardless of any previous positions of the authority.

4.7.2 Adoption of the Plan by Council will trigger a six week challenge period within which any person aggrieved by the decision to adopt the Plan, may make an application to the High Court under section 113 of the Act on the grounds that either (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with. The adoption of the Plan can only be challenged on legal grounds and not simply because a person disagrees with the Inspectors' recommendations.

### **5 Conclusions**

5.1 The Inspectors' Report on the SAP examination concludes that the Plan is sound and capable of adoption subject to a number of MMs recommended by the Inspectors.

5.2 The adoption of the SAP will be a significant step in supporting our ambition to strengthen the economy in a compassionate way as set out in the Best Council Plan through inclusive economic growth, widening access to economic opportunities, improving housing growth and standards, the provision of sustainable infrastructure and mitigating of and adaptation to the

consequences of climate change.

## **6 Recommendations**

6.1 It is recommended that Executive Board recommends that Council:

- i) Notes the Inspectors' final Report of the Leeds Site Allocations Plan and accepts the Main Modifications of the Inspectors' as detailed in their Report (June 2019) at **Appendix 1**;
- ii) Adopts the draft Site Allocations Plan (version for Adoption) at **Appendix 2** with effect from 10th July 2019, pursuant to Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended); and,
- iii) Notes the deletion of saved UDP policies that will be superseded by the Plan (as set out in Appendix 3 of the Plan at **Appendix 2**).

## **7 Appendices**

7.1 **Appendix 1:** Inspector's Report and Schedule of Main Modifications

7.2 **Appendix 2:** Site Allocations Plan (version for Adoption (June 2019))

7.3 **Appendix 3:** Equality, Diversity, Cohesion and Integration Screening Report

## **8 Background documents<sup>1</sup>**

8.1 None.

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<sup>1</sup> 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.