

Report of the Chief Planning Officer

Report to Development Plan Panel

Date: 17 March 2020

Subject: Local Plan – Review of Extant Policies

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 Planning Authority has a legal obligation to undertake a review of its Local Plan every five years in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and further set out in paragraph 33 of the National Planning Policy Framework, (NPPF, 2019). This report relates to the first review that Leeds has undertaken under the new legislation. The use of the word “review” by Government in this context is to consider policies every 5 years and see whether they need to be updated; not the process of such an update.
2. The Leeds Local Plan is a part of the overall Development Plan for Leeds and is comprised of a number of adopted documents: the saved policies in the Unitary Development Plan (2006); Core Strategy (2014 and amended 2019); the Natural Resources and Waste Development Plan Document (2013 and revised 2015); the Aire Valley Leeds Area Action Plan (2017); the Site Allocations Plan (2019). Each of the documents cover slightly different plan periods.
3. The focus of the review of Local Plan policies is not on those policies that have been recently adopted as they are not yet 5 years old. Instead the focus is on the saved policies of the UDP (2006), policies in the Core Strategy (2014) which

were not part of the Selective Review in 2019 and the Natural Resources and Waste DPD (2013 and revised 2015).

4. Once approved by the Chief Planning Officer this review will be placed on the Council's web-site.

Recommendation

5. Development Plan Panel is invited to comment on the conclusions and recommendations of the Review of the Local Plan policies prior to the Chief Planning Officer approving it.

1 Purpose of this Report

- 1.1 The purpose of this report is to provide Members of the Development Plan Panel with an update on the Review of the extant policies of the Local Plan and the conclusions reached on whether these policies need to be updated, amended or superseded. Decisions as to when and how the policies that require updating are to be updated will follow in future DPP papers. One such paper is the Local Plan Update which is the following agenda item.

2 Background Information

- 2.1 All local planning authorities are required to review and, if necessary, update their Local Plan policies within 5 years of adoption, in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This report relates to the first review undertaken by Leeds City Council under these provisions. A separate exercise to update the Leeds Statement of Community Involvement (SCI) has already started and an update on progress was reported to Members in February with a further update scheduled for the May DPP.
- 2.2 The aim of this report is to demonstrate that the review of the Leeds Local Plan has been undertaken in a robust and objective way. The approach taken is to follow the guidance in the MHCLG Guidance on “plan-making” (2019). This provides details on what reviews should address; namely changes in National Policy or local circumstances. Where a Local Planning Authority needs to amend one or more policies, it should update its Local Development Scheme to set out the timetable for when these amendments will be consulted upon and examined. The LDS was updated and considered by DPP at its meeting in January. It signalled a Local Plan Update (LPU) to begin in 2020.
- 2.3 In undertaking a review of the Local Plan it allows us to understand which policies remain up to date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the Plans continue to be effective in addressing the specific local issues that are identified in them. This in turn helps to focus on whether and to what extent, an update of the policies is required.
- 2.4 Emphasis has been placed on the documents of the Local Plan where the plan period has expired and where the 5 year review period (post adoption), as required by the NPPF, has been reached. This focuses attention on the Saved Policies of the UDP (2006-2016) (policies saved by the Secretary of State in 2007 and 2009), the Natural Resources and Waste DPD (2013-2028) and the Core Strategy (2014-2028). There are a total of 185 policies across these three documents and an assessment of each one has been undertaken. Whilst this excludes the Core Strategy Selective Review (CSSR), Site Allocations Plan (SAP) and the Aire Valley Leeds Area Action Plan (AVLAAP) from the review because they are all less than 5 years old, the guidance is clear that should significant changes occur, a need for a review may be triggered before 5 years has elapsed.
- 2.5 In that context the LDS notes that there is provision under Policy HGR1 of the

recently adopted SAP, to undertake a SAP update for housing and safeguarded land, which will be subject of its own plan-making process. A separate report on the scope of the SAP review will be presented to a future DPP meeting. Similarly, the LDS notes that there is a need to undertake an update of the adopted AVLAAP in relation to the High Speed 2 rail line and the city station interchange.

- 2.6 The assessment of the policies in the Leeds Local Plan has been captured in a database. The outcomes have been translated into the table in **Annex 1** of this report. This provides a summary of whether the policy is considered to be up-to-date; in line with the NPPF (2019); still relevant and effective and whether there is any change to the evidence. A short commentary is included within the table which in turn has fed into the conclusion on whether the policy needs to be updated/amended or not.
- 2.7 The MHCLG Guidance states that if a local planning authority decides, as a result of the review, that they do not need to update their policies, they must also publish the reasons for this decision within 5 years of the adoption date of the plan. The table in **Annex 1** identifies those policies within the scope of the current review, that in the Council's opinion do not need updating as well as identifying those that require update/amendment.
- 2.8 This process and its conclusions are important in considering the weight to be given to policies in the Local Plan in decision making. It is important to note that not all policies become out of date or ineffective by the passage of time as this will depend on local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method of ensuring that a plan and the policies within it remain effective. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It remains the case (in line with the National Planning Practice Guidance) that it is up to the Local Planning Authority to decide the weight to give to planning policies.
- 2.9 Neighbourhood Plans form a part of the overall statutory development plan for Leeds but not the Local Plan. They are subject to their own review and update process, which will be driven by local Neighbourhood Planning groups and supported by the Council.

3 Main Issues

- 3.1 The assessment of 185 policies has identified a number of policies that require update / amendment of varying scale and degree. The level of update / amendment required can be grouped into three broad categories, as a result of the following:
- changes in evidence base: which requires refreshed evidence that may lead to a potential need for a policy update;

- changes in national policy and local circumstances: particularly to align with updates to the NPPF, 2019. These may lead to a potential need for a policy update;
- changes in local circumstances: particularly to align with priorities in relation to the Climate Emergency Declaration, Inclusive Growth Strategy, health and well-being and infrastructure. These may lead to a potential need for a policy update.

3.2 The table in **Annex 1** is relatively self-explanatory but the paragraphs below aim to set out the general scale of policies that the review concludes need amending. As stated earlier in this report this is a technical exercise and no decision is being made as to when or how policies are to be updated following their consideration through this review.

3.3 There are **83** of the 185 policies that do not need to be updated (either by amendment or superseding). These will be reviewed again in five years. In line with the NPPF, if there are changes in national policy and local circumstances before the next review then an earlier review will be undertaken.

3.4 There are **102** policies that need to be considered for update. It should be noted that the majority of these are non-strategic policies and any policy updates would be to provide minor or contextual updates to be consistent with the wording in the NPPF, but the general policy intent remains in general conformity with the NPPF and can continue to be applied in the determination of planning applications, albeit, as necessary with NPPF as context. The summary responses set out in **Annex 1** illustrate the policy by policy nuances in this regard. In addition there are a number of strategic policies, including some of the Spatial Policies of the Core Strategy where the evidence base has changed or needs refreshing (i.e. the employment land assessment; strategic flood risk assessment, retail needs study) or where changes in local circumstances related to the Council Priorities around the Climate Emergency, Leeds Inclusive Growth Strategy, Health and Well-being and infrastructure (e.g. HS2) need to be reflected.

4 Next steps

4.1 This is a technical exercise undertaken as part of the legal requirement to undertake a five year review of the local plan post adoption of policies. The next steps are to consider the policies which are identified as being in potential need of update.

5 Corporate Considerations

5.1 Consultation and engagement

5.1.1 This review of Local Plan policies to see if they need to be updated is a technical exercise with judgements made in the opinion of the planning authority. Key services who make decisions in line with the Local Plan have been consulted. The review will be made available on the Council's web-site and help steer the scope and content of future plan-making.

5.2 Equality and diversity / cohesion and integration

5.2.1 An EDCI is not required for this report. Appropriate EDCI screenings / assessments will be undertaken in the course of any changes to Development Plan Documents.

5.3 Council policies and the Best Council Plan

5.3.1 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. A key aspect of this review has been consideration of the alignment of policies with the Council's key strategies of Health and Well-being Strategy, Climate Emergency, and Inclusive Growth Strategy.

5.3.2 Planning is relevant to the delivery of all the priorities in the Best Council Plan and these strategies and it is therefore important that they form a key part of any review of policies.

5.4 Resources, procurement and value for money

5.4.1 There are no specific implications to this report. However, any future Local Plan Update and accompanying evidence base will be a resource intensive endeavour. In general costs will be met from within existing budgets.

5.5 Legal implications, access to information, and call-in

5.5.1 There are no legal implications for the contents of this report.

5.6 Risk management

5.6.1 The risk of not undertaking a review of policies in accordance with the provisions of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and further set out in paragraph 33 of the National Planning Policy Framework, (NPPF, 2019), is that there is an increasing likelihood that policies contained within the Local Plan will be considered to be out of date. Under existing policy within the NPPF, should the most important policies for determining planning applications be found to be out of date, the presumption in favour of sustainable development dictates that decision-making will be in accordance with the NPPF, rather than the Local Plan. This review helps ensure that relevant policies for the determination of planning applications continue to have weight.

6 Conclusion

6.1 All local planning authorities are required to review and, if necessary, update their Local Plan policies within 5 years of adoption, in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. A first review undertaken by Leeds City Council under these provisions has been carried out.

6.2 Not all Local Plan policies have been reviewed now because some of them do not meet the criteria for being over 5 years old. Of those reviewed 45% are

considered to be in line with national guidance and not in need of updating and 55% are considered to require further consideration as a result of either a need to bring them more fully in line with the Council's priorities, refresh their evidence base or reflect changes to national policy.

- 6.3 This technical assessment does not establish when and how policies potentially in need of update will be updated. This will be established through plan-making processes such as the Local Plan Update, which is considered in the following agenda item.

7 Recommendation

- 7.1 Development Plan Panel is invited to comment on the conclusions and recommendations of the Review of the Local Plan policies prior to the Chief Planning Officer approving it.