

Report of Chief Planning Officer

Report to Development Plan Panel

Date: 11th December 2020

Subject: Leeds Site Allocations Plan - Consultation on Remittal of 37 Policies to the Secretary of State

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s): Guiseley & Rawdon, Otley & Yeadon, Horsforth, Cross Gates & Whinmoor, Temple Newsam, Rothwell, Alwoodley, Adel & Wharfedale, Horsforth, , Kippax & Methley, Farnley & Wortley, Morley North, Morley South, Ardsley & Robin Hood, Calverley & Farsley, Pudsey	
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number: Appendix number:	

Summary

1. The Leeds Site Allocations Plan (SAP) was adopted by Full Council on 10th July 2019. The SAP was challenged by the Aireborough Neighbourhood Forum in relation to allocations on Green Belt land proposed for housing within Aireborough, on 7 grounds. The High Court found that 3 grounds constituted errors of law (within the independent Inspectors' Report) and has ordered that they be resolved. Furthermore, 2 grounds were not granted permission to proceed and 2 grounds were granted permission to proceed but were not upheld. None of the 3 upheld grounds found that that the City Council itself proceeded unlawfully or took a legally flawed approach to the SAP.
2. The Court has ordered that the Council send back 37 Green Belt sites (including one mixed use allocation) to the Secretary of State and the Planning Inspectorate for further examination against up to date evidence and policy. This process is known as remittal.
3. The Council's Strategic Housing Land Availability Assessment (SHLAA) has been updated to 1st April 2020 and shows that there is currently 6.8 years' worth of housing land supply and a district wide surplus of approximately 11,000 units to 2028 when measured against up to date Core Strategy requirements. Informed by this evidence, the recommended proposal for remittal to the

Secretary of State is to delete all 37 allocations and retain each as Green Belt in the SAP, which has a plan period from 2012 to 2028. This can be achieved through Main Modification to the SAP. This proposal is because the Council can meet housing requirements in the Core Strategy from non-Green Belt land, without a need for Green belt release.

4. Subject to the views of Development Plan Panel, and in turn Executive Board approval, the proposed Main Modifications and supporting documents will be subject to 6 weeks public consultation (week beginning 4th January 2021) and subject to any duly made representations received, remitted to the Secretary of State for further examination.
5. The policy objectives of, and vast majority of the sites within, the Adopted SAP remain and are not within the scope of this remittal process. The revised approach in respect to the 37 Green Belt allocations only reflects the updated housing supply evidence since SAP adoption and maintains the focus of development on more accessible locations and rebalances the mix of brownfield and greenfield housing land supply.
6. The proposed approach aligns with the Council's Best Council Plan in so far as it continues to deliver growth to meet housing needs in the most sustainable parts of the City and where existing infrastructure can be utilised. Given the district wide surplus of housing and the high bar test of national guidance, it is judged unlikely that the necessary exceptional circumstances can be justified for these specific sites at this time. However, it is recognised that the approach has some potential dis-benefits, such as fewer affordable homes being delivered in the outer areas. There is potential for this to be mitigated through other means and there will be a need to review and update the Plan to meet needs beyond 2028; so any dis-benefits will be time limited.

Recommendations

7. Panel Members are requested to:
 - a) note the contents of this report and the reasons for the Main Modifications, and
 - b) recommend to Executive Board that they approve the Main Modifications for public consultation, along with the supporting Sustainability Appraisal Addendum and all necessary technical background documents

1. Purpose of this report

- 1.1 The purpose of this report is to inform Development Plan Panel of the work undertaken since the High Court Judgment relating to the Site Allocations Plan statutory challenge, and the requirements for the remittal of a specific number of SAP policies to the Secretary of State for re-examination. The report also sets out indicative timescales. On this basis, the report recommends that Members recommend to Executive Board that approval be given to commence consultation on the proposed Main Modifications to the SAP (**Appendix 7**).

2. Background information

The Adopted SAP

- 2.1 The Leeds Site Allocations Plan (SAP) was adopted by Full Council on 10th July 2019. The Adopted SAP initially provided site allocations and requirements that helped to deliver the Adopted Core Strategy (CS) 2014, ensuring that sufficient land was available in appropriate locations to meet the targets set out in the CS for housing (including Gypsies, Travellers and Travelling Showpeople), employment, retail and greenspace.
- 2.2 Upon adoption, the housing provision in the SAP was below the existing CS 2014 housing target. This was because the Council and the Inspector had taken steps to reflect a known downward housing trajectory (which was being advanced in its Core Strategy Selective Review and, reduce (by over half) the amount of Green Belt land to be allocated. This resulted in a reduction in the number of Green Belt sites that were originally intended to be allocated in the final Adopted SAP.
- 2.3 To account for the (then) subsequent adoption of the CSSR, the SAP Inspectors introduced SAP Policy HGR1 which requires that once the new CS housing target (introduced into the CS on adoption of the Core Strategy Selective Review (CSSR)) was adopted, the Council would undertake a review to consider the need for additional housing allocations and safeguarded land designations to deliver the new CS housing target.
- 2.4 The CSSR was adopted on 11th September 2019 and amended the housing requirement and Plan period, from 70,000 (net) between 2012-2028 (in the 2014 Adopted CS) to 51,952 (net) between 2017-2033.

The Legal Challenge to the SAP

- 2.5 Following the adoption of the SAP, it was subject to a legal challenge by the Aireborough Neighbourhood Development Forum in August 2019 on 7 grounds. The case was heard at the High Court in February 2020 with Judgment being handed down on Monday 8th June 2020. The Judge, Mrs Justice Lieven DBE, allowed the Claim on 3 out of the 7 grounds raised. These 3 grounds related to 3 legal errors, namely legally deficient reasons given, in the Inspectors' Report on: justifying the release of the specific Green Belt sites and site selection process; and an error of fact relating to the calculated increase in supply of housing (mainly in the city centre) during the process. It should be noted that the Judge did not find that Green Belt sites could not properly be released and nor did she find that the site selection process was in error.

The High Court Relief

- 2.6 The Order for Relief was handed down on 7th August 2020. The Judge concluded at paragraph 24 that, “It does however seem to me to be appropriate to remit this matter to the Secretary of State, and through him the Inspectorate, rather than quash either the whole or parts of the SAP. It seems reasonable to start from the position that the process should be taken back to the stage where the error of law occurred rather than back to the beginning through quashing.”
- 2.7 The Judge further stating that “If the matter is remitted then the Council will have to decide what, if any, modifications it intends to propose to the Inspectors. That is a matter of planning judgement for the Council and it is not for me to adjudicate on what approach the Council takes to exceptional circumstances for GB release once the matter is remitted”, (paragraph 26). She also explains that once the SAP is remitted it is for the Secretary of State to make the appropriate arrangements and it is not essential that the matter should be put before different Inspector(s) (but this is a matter for the Planning Inspectorate to determine).
- 2.8 Paragraph 31 of the relief judgement concludes: “The remittal of all GB allocations to the Inspectors will, I accept, cause delay and will impact upon the Council’s ability to show a 5YLS. However, those are not grounds not to remit if that is the only way to remedy the illegality that I have found. The planning judgements that follow, in terms of conformity with the NPPF and whether the tests for GB release are met, are matters for the Council and the Secretary of State and not for the court.”

Implications of the High Court Relief

- 2.9 In summary, the effect of this relief concerns sites for housing (including a mixed use site) that, before the adoption of the SAP were in the Green Belt (37 sites). These sites are to be remitted back to the Secretary of State and the Planning Inspectorate for further examination.
- 2.10 During this remittal process these 37 housing sites are considered as not adopted and as such are returned to the Green Belt until re-examined. The remainder of the SAP remains adopted and carries full weight. The 37 sites are listed at **Appendix 1** with a plan showing their location at **Appendix 2**.
- 2.11 It is noted that whilst the 37 sites are now designated as Green Belt, as they were immediately before the Adoption of the SAP, there has nevertheless been activity on some of the sites through the planning application process, where schemes have been considered by Plans Panel. This reflects that the Council is required to determine any planning application that is submitted to it in line with relevant material considerations at any time. The sites include:
- Horsforth Campus (HG2-43) where a planning application for the development of 152 affordable dwellings (C3) with associated access and landscaping was considered by City Plans Panel on 1 October 2020. The panel resolved that development of the site was accepted in principle (on the basis of policies within the National Planning Policy Framework) and deferred the application to allow further detailed discussions on design to

take place, before the application is brought back to Panel on completion of those discussions.

- Scarcroft Lodge, Scarcroft (HG2-26) where a planning application and listed building application was considered by North and East Plans Panel on 22nd August 2019 for approval subject to a legal agreement to secure developer obligations. The development comprises a care community comprising 172 units of accommodation with associated communal facilities through demolition of existing office buildings with part conversion and extension of Scarcroft Lodge together with new build accommodation and conversion of Woodlands into five apartments. The site remains in the Green Belt and was determined in line with the National Planning Policy Framework. The legal agreement is set to be signed for the formal approval of the scheme in December 2020.

3. Main issues

Scope of the SAP Remittal

- 3.1 The High Court Order requires that a targeted remittal procedure now be undertaken, the scope of which would focus on the 37 sites only.

The need for a revised position on the 37 housing sites

- 3.2 There is a need to reflect an up to date position on evidence. As noted in (para 2.4 above) the CS housing target was lowered as part of the Core Strategy Selective Review (CSSR, 2019) but as Members will recall, the SAP Inspector was clear that the SAP should not at the time be aligned with this lower figure. Instead, the lower trajectory of growth helped justify the reduced Green Belt contribution and fact that the SAP on Adoption was below the previous Core Strategy requirements.
- 3.3 The Judge in her Order notes that “The passage of time may well require the council to update its evidence, and potentially, to invite the Inspector to recommend modification to policies”. This is the case.

Updated Housing Supply Evidence

- 3.4 In arriving at an accurate picture of housing land supply to inform the Council’s proposed recommendations for the SAP remittal, it is necessary to have an up to date evidence base. A Strategic Housing Land Availability Assessment (SHLAA) was commenced in September 2020 with the final report (**Appendix 3**) together with accompanying five year housing land supply statement (**Appendix 4**) to be published in December 2020.

Summary of the Strategic Housing Land Availability Assessment

- 3.5 The SHLAA (**Appendix 3**) provides a technical database of all known sites which are allocated, identified through planning permissions/applications or submitted for assessment for housing. The assessment is in terms of their availability (any known ownership constraints), suitability (in terms of site assessment including topography, flood risk and other considerations) and deliverability (whether the site is likely to deliver housing in the short (0-5 years),

medium (5 to 10 years) or long term (10+ years) potential housing sites, including those in the adopted SAP and any other unidentified (windfall) sites that have arisen since.

- 3.6 The SHLAA determines whether there is an adequate supply of deliverable housing land at any point in time. The preparation of a SHLAA is an annual requirement of the National Planning Policy Framework (NPPF). This update takes account of new planning permissions and construction activity to a base date of 1 April 2020. The update is informed by recent national planning policy announcements, current market adjustments and any challenges posed to housing delivery by Covid-19.
- 3.7 As required by national guidance, the Council has worked with key stakeholders (throughout September and October 2020), in particular house builders (including the Home Builders Federation) and local agents, so that they can help inform the availability and deliverability of sites. Market conditions that may affect economic viability have also been taken into account. This has helped confirm availability and delivery timescales for sites with planning permission and allocated for development in the SAP and Aire Valley Leeds Area Action Plan.
- 3.8 The SHLAA also confirmed the continued availability of the 37 remitted sites, SHLAA sites not allocated in SAP and new site submissions. It is important to remember that the SHLAA does not allocate sites or determine that they are suitable for development. New site submissions also fall outside the scope of this remittal process and any site proposals remain on the SHLAA database until such a time as they need to be considered through updates to the SAP and/or through the Development Management process.
- 3.9 The results of the SHLAA conclude that more planning permissions have been granted for housing over the past five years than at any previous time, including a record breaking level in 2018/19 of nearly 10,000 units in a single year. The number of homes approved are well above the City's housing requirement figures. During this period, the Council has consistently made a clear priority to maximise the use of brownfield land in meeting the need for new homes across the district and we are actively engaged with incentivising the bringing back into use of brownfield sites. 75% of all planning approvals in the last 5 years have been on brownfield sites and completions remain overwhelmingly on previously developed land, which is reflective of the Council's overall strategy for sustainable growth focused in the city centre and main urban area.
- 3.10 The pipeline of sites both under construction and with planning permission granted, but where development is yet to commence remains healthy, and at 1 April 2020 there was outstanding capacity for approximately 29,000 new homes on sites with planning permission. There was capacity for a further 26,000 units on sites yet to obtain planning approval that are allocated in the SAP and AVLAAP. There are over 100 outlets operating district-wide with more than 5,000 individual plots actively being built across all markets and locations.
- 3.11 At 1 April 2020, the long term pipeline of planning permissions and allocated supply was approximately 55,000 units, although it is noted that some of this housing land supply falls outside of SHLAA sites in the SAP plan-period. Of the overall pipeline, the SHLAA identifies a total of 35,235 units deliverable on

sites up to 2028, the majority of which have planning permission in place. The stock of almost 29,000 new homes with planning permission is reflective of the greatest level of outstanding capacity in over a decade. This includes increases to capacity of sites to those indicatively set out in the SAP and AVLAAP as well as the granting of planning permissions on sites not in the SAP. These new sites to SHLAA have come forward after the SAP was prepared. They are across the whole district but particularly in the city centre where a recent expansion of office to residential developments and large-scale purpose built student accommodation schemes has emerged. It is recognised that the current housing land supply picture is strongly supported by allocations and planning permissions within the City Centre and Inner HMCAs, which include Purpose Built Student Accommodation and Build to Rent schemes.

- 3.12 At this stage it is too early to tell what the long term impacts of the Covid-19 pandemic will be on the supply and delivery of housing. Whilst construction inevitably slowed during the initial lockdown months of March to July, there are signs that this is now quickly recovering and Government has put in place measures to stimulate the house building sector including increased permitted development rights for new housing which may further boost the picture of supply. The Council has undertaken the detailed process of looking at individual sites and seeking to determine suitability, availability, achievability, start dates and build out rates through a review of planning and construction activity and the collation of evidence through consultation and on-going dialogue and consultation with landowners, agents and developers in accordance with NPPF and NPPG.

Summary of the Five Year Housing Land Supply Statement

- 3.13 The SHLAA assessment helps calculate the updated five year housing land supply position to be 6.8 years against the current annual requirement. This is supported by a Five Year Housing Land Supply Statement (**Appendix 4**).
- 3.14 This is a positive figure and has improved as a combined result of the reduction in the housing target, the Adoption of the SAP and the amended provisions of the Government's Housing Delivery Test. The overwhelming majority of sites deliverable in the short term period are either under construction or benefit from detailed planning permission. This is a healthy position and one which will enable the Council to resist inappropriate speculative development proposals.

Housing Requirement and Housing Supply

- 3.15 The CS housing requirement is 51,952 between 2017 and 2033 of which 46,352 should be identified in the SAP. However, the SAP plan period is 2012 to 2028 and the SAP remittal does not provide the scope to amend that period. Through the SAP remittal it will be necessary to ensure that sufficient land for housing is allocated so as to comply with CS housing requirements. Therefore it is necessary to identify what proportion of the CS housing requirements should be delivered for the period 2017 to 2028 (i.e. the remaining period of the SAP that is affected by the updated CS housing requirement). This is set out in Table 1 below.

Table 1: Core Strategy requirement and SAP requirement

Core Strategy Housing requirement to 2033 (Policy SP6)			
CS Requirement 2017 - 2033	CS Requirement to allocate 2017 - 2033	CS Requirement to allocate per annum	
51,952	46,352	2,897	
Allocations required in the SAP up to 2028			
CS Requirement 2017 – 2028 (11 years x 2,897)	Completions 2017 - 2020	SHLAA Supply	Balance (Completions + Supply – Requirement)
31,867	7,900	35,235	+11,268

3.16 Table 1 shows that the SAP is required to allocate sites for 31,867 new homes up to 2028. Of these, 7,900 have already been delivered on sites completed between 1st April 2017 and 31st March 2020. This means land for around 23,967 new homes is needed from 1 April 2020 up to the end of the plan period in 2028. The supply (excluding remitted sites) in the 2020 SHLAA update determines 35,235 new homes as being deliverable across 429 sites up to 2028. This represents a surplus in the plan period of some +11,268 units.

3.17 The table below reflects the most up to date position on an HMCA basis.

HMCA	Policy P7 % Requirement	Housing requirement 2017-2028	Completions 2017-2020	2020 SHLAA Supply to 2028	Balance
Aireborough	3%	956	187	276	-493
City Centre	16%	5,099	1,930	11,733	8,564
East Leeds	17%	5,417	485	4,242	-690
Inner Area	15%	4,780	1,759	8,790	5,769
North Leeds	9%	2,868	858	1,940	-70
Outer North East	8%	2,549	500	1,333	-716
Outer North West	3%	956	234	931	209
Outer South	4%	1,275	385	403	-487
Outer South East	7%	2,231	385	1,167	-679
Outer South West	11%	3,505	669	2,555	-281
Outer West	7%	2,231	508	1,865	142
Total	100%	31,867	7,900	35,235	11,268

Options for SAP Remittal

3.18 Taking into account the housing land supply evidence in paras 3.4 to 3.8 above alongside the matters set out in the Judgment, the High Court Order and an overriding objective to Adopt a revised SAP within the existing plan period to 2028, three reasonable alternative options have been identified for remittal:

Option 1: Propose all 37 Green Belt sites as allocations in the SAP

This would require no Main Modifications to the SAP in respect of the Green Belt sites and the Inspector would be required to examine whether allocating the sites and removing them from the Green Belt is sound

Option 2: Propose none of the 37 Green Belt sites as allocations in the SAP

This would require 37 Main Modifications to the SAP, one for each Green Belt site to delete the sites as allocations and retain in the Green belt

Option 3: Propose some of the Green Belt sites as allocations in the SAP on the basis that they would help address housing shortfalls within individual Housing Market Characteristic Areas

This would require some Main Modifications to the SAP, one for each of the Green Belt sites not being proposed for allocation (namely those in Aireborough, East, North, Outer North East, Outer South, Outer South East and Outer South West).

3.19 The advantages and disadvantages of each option are considered below:

Option 1

3.20 The retention of the 37 allocations in the SAP would ensure that housing sites are distributed across the whole of the District, and specifically across the outer Housing Market Characteristic Areas (HMCAs) and would more closely align with distribution amongst HMCAs as set out in the Core Strategy (Spatial Policy 7), by providing a wider choice of housing sites across some but not all outer areas.

3.21 However the evidence from the updated SHLAA shows a significant over provision of housing land above the Core Strategy requirement (Spatial Policy 6). This position is unlikely to support the high bar test for demonstrating exceptional circumstances for Green Belt land release, and it is unlikely that in such circumstances the test would be met. The National Planning Policy Framework (para.136) requires that “*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans*”. Before concluding that exceptional circumstances exist, all other reasonable options for meeting identified need for development have to be investigated, including making as much use as possible of brownfield sites and underutilised land (para.137).

3.22 This option is therefore not justified on the basis of evidence nor is it considered to be in line with national policy.

Option 2

3.23 In the context of the high bar test for demonstrating exceptional circumstances, the removal of the 37 allocations from the SAP and retaining the sites as Green Belt would meet the housing land requirements of CS Spatial Policy 6 due to the significant over provision of housing land the District now has to 2028.

- 3.24 However, this option would result in an under provision of housing supply in several HMCAs when measured against CS Policy SP7, which seeks to distribute homes across the City. There would be correspondingly less provision of homes to meet specific needs, including affordable. It would provide a less diverse housing land supply with less choice of housing sites (especially greenfield sites in high market areas) specifically in the outer areas.
- 3.25 The removal of the allocations would include the deletion of 5 school allocations, however, as noted below, the need for these school allocations arose directly from the new houses created and therefore their deletion would not give immediate rise to school place shortages.
- 3.26 The positive benefits of this option would be the reliance upon development in sequentially more sustainable locations and the environmental benefits (for example landscape, ecology and agricultural land) by retaining Green Belt land.
- 3.27 This option is therefore justified on the basis of evidence and is considered to be in line with national policy.

Option 3

- 3.28 This option to retain some of the allocations would help to address the shortfalls in some HMCAs (Aireborough, East, North, Outer North East, Outer South, Outer South East, Outer South West), however as with the Adopted SAP (2019) the CS Policy 7 shortfall would remain, particularly in Outer South East. The distribution is intended as a guide rather than rigid targets and as with Option 1, the test for demonstrating exceptional circumstances for Green Belt release would be difficult to justify based on the local housing land needs alone given the overall City needs are exceeded.
- 3.29 This option is therefore not justified on the basis of evidence nor is it considered to be in line with national policy.

Summary of the Sustainability Appraisal of the Options

- 3.30 It is a necessary legal requirement to assess all “...*reasonable alternatives taking into account the objectives and geographical scope of the plan..*”. (The Environmental Assessment of Plans and Programmes Regulations 2004 (Part 3 12(2)(b)). All 3 options have been subject to a sustainability appraisal to assess the effects of each option upon the SA objectives. This is contained in a Sustainability Appraisal Addendum to the SAP at **Appendix 5**.

Conclusions of Sustainability Appraisal of Option 1

- 3.31 In summary, the positive effects on SA objectives of option 1 in relation to housing, green space and energy & resource efficiency arising from the construction of new housing and the mixed use housing/employment allocation, are outweighed by the larger number of negative effects relating to the environment and transport, which affects biodiversity/geodiversity, landscape & townscape quality and efficient and prudent use of land arising from the development of Green Belt land; and accessibility, transport network and air quality impacts relating to the relatively less sustainable location of the allocations. As a whole this option is judged to be less sustainable than Option 2.

Conclusions of Sustainability Appraisal of Option 2

- 3.32 In summary this option has neutral effects for the majority of SA objectives reflecting the fact that the deletion of the allocation sites will not affect the majority of the objectives. There are 4 positive effects relating to environmental objectives (efficient & prudent use of land (SA9), biodiversity & geodiversity (SA10), flood risk (SA13) and landscape & townscape quality (SA21) as the Green Belt land will remain undeveloped. There is a negative impact on employment (SA1) due to loss of a mixed use allocation which includes 10 ha of employment land and loss of jobs in the construction and employment sector. The effect on the housing objective (SA6) is neutral overall as district wide housing delivery will be maintained by this option, however there will be less provision for meeting local housing needs arising from the deletion of housing sites in the outer areas (HMCAs) with Green Belt and fewer affordable houses in those areas (as Policy H5 requires between 15% and 35% affordable housing in these areas dependent on local housing needs of the HMCAs). As a result of a reduction in the potential number of housing coming forward a negative effect is identified for energy and resource efficiency; as it removes the potential for new more energy efficient housing in some areas. A negative effect is also identified provision of green space, sports and recreation since the lack of housing investment would not bring those benefits alongside new homes. As a whole, on balance, this option is judged to be the most sustainable.

Conclusions of Sustainability Appraisal of Option 3

- 3.33 In summary, the positive effects on SA objectives of option 3 in relation to housing, green space and energy & resource efficiency arising from the construction of new housing and the mixed use housing/employment allocation, are outweighed by the larger number of negative effects relating to the environment and transport, which affects biodiversity/geodiversity, landscape & townscape quality and efficient and prudent use of land arising from the development of Green Belt land; and accessibility, transport network and air quality impacts relating to the relatively less sustainable location of the allocations. As a whole this option is judged to be less sustainable than Option 2.

Habitat Regulations Assessment

- 3.34 The proposed option to remove the 37 allocations and retain as Green Belt has been subject to consideration in line with the Habitats Regulations Assessment undertaken for the SAP. No changes are proposed to the SAP HRA as whilst the proposed deletion of the 37 sites lessens the likelihood of significant effects on European Nature Conservation designations it does not remove the risk entirely and so the provisions already a part of the SAP remain suitable.
- 3.35 It is concluded that there is a need to prepare a HRA Addendum to clarify this and consultation with Natural England has begun on this. The draft HRA Addendum is provided at Appendix 6.

Duty to Cooperate

- 3.36 The SAP Remittal will be discussed with neighbouring authorities and prescribed bodies through the Council's Duty to Cooperate meeting on 8th

December 2020 prior to the meeting and any considerations arising from that engagement will be brought to the attention of Panel Members at the meeting.

Conclusions on Options

Overall Conclusion on Preferred Option

- 3.37 The SA supports Option 2 because it has more positive effects and fewer negative effects than the other reasonable alternatives. Option 2 is also more in line with Policy SP1 and SP6 of the Core Strategy. These policies explicitly promote the development of previously developed land and urban growth by focussing on sustainable locations with least impact on the Green Belt. The key Core Strategy Policy which Option 2 does not help fully address is SP7 in relation to the distribution of housing land. However, it must be noted that neither Option 1 nor Option 3 would fully address SP7 either. Nevertheless, it is recognised that these options would be more in line with the indicative targets set out in SP7 than Option 1.
- 3.38 The Council's planning judgement in sum is:
- on the basis of up to date evidence the submitted version of the SAP (as it relates to the 37 sites) is not justified or in line with national policy
 - there is now sufficient non-Green Belt housing land from allocations and identified sites in the Adopted SAP, along with new permissions arising as windfall, that meet Policy SP1 and SP6 without the need for Green Belt release
 - it would not be evidenced, justified nor in accordance with national policy to seek to fully address Policy SP7, as this would require the release of Green Belt land and would not remedy SP7 in full
- 3.39 Based on the conclusions of the evidence and policy considerations, alongside the Sustainability Appraisal (**Appendix 5**) option 2 is therefore considered to be a sound approach to modification of the SAP as regards the 37 sites.
- a) whilst there may be some dis-benefits in not allocating the 37 sites for housing, it is considered that they are not sufficient to outweigh the high bar test for Green Belt release ('exceptional circumstances') when the Council has such a significant surplus of housing supply, and
 - b) the option is responsive to the findings of the High Court Judgement (updating the housing land evidence and inviting proposed modifications to the SAP accordingly)
- 3.40 In addition it is noted that this Option:
- a) enables a targeted remittal procedure, which can swiftly provide clarity and certainty on the Council's Adopted SAP up to 2028
 - b) enables further detailed implications of the Planning White Paper on setting housing numbers (e.g. the national algorithm) and area-based policies for growth to emerge outside of a live plan-making process
 - c) therefore allows for, in line with the NPPF requirement to review and update plans every five years, for the Council to look at housing allocations beyond

2028 in due course through a future update to the SAP

- 3.41 Whilst the housing supply currently in place enables the Council to meet its overall housing requirements and maintain a 5 year land supply, it does not allow for housing needs to be met in all places and there remains an imbalance in provision between the city centre and the inner area and the outer areas. This is even more concerning as in the high market outer areas the Council is able to seek higher levels of affordable housing to meet needs. It is as a result of the substantial efforts that the Council has put into promoting delivery of housing on brownfield and regenerating the City Centre and Inner Area through a variety of infrastructure, environmental and social schemes that markets that housing land supply has exceeded our expectations and resulted in a substantial surplus. These factors were acknowledged as part of the SAP Examination. However, the continued success of these markets, coupled with the fixed lower housing requirement of the revised Core Strategy and the high bar test for the release of Green belt in national guidance now mean that on balance it would be particularly challenging to demonstrate exceptional circumstances for release of Green Belt land for housing allocations on the 37 sites.

Consequential Effects of Proposed Option

- 3.42 Not proposing the 37 sites as allocations and therefore retaining them as Green Belt will have a number of consequential effects on the SAP, which have been considered as follows:
- i) Schools
- 3.43 Five of the 37 allocations include school allocations: HG2-36 Alwoodley Lane, Alwoodley; HG2-17 Breary Lane East, Bramhope; HG2-180 Land between Fleet Lane & Methley Lane, Oulton; HG2-150 Land east of Churwell LS27; HG2-72 Land off Tyersal Court, Tyersal.
- 3.44 These sites (along with a number of other school allocations) were allocated to respond to the need for school places arising from the new housing proposed by the SAP. As a result of the 37 allocations being proposed to be removed (amounting to an indicative capacity of 4,070 units) Childrens Services have been consulted on the option to remove the school allocations. They have advised that the school allocations were identified to accommodate additional school places arising from the new housing. As such, should the housing sites not be allocated, the school allocations will not be needed. Where school place needs arising from other SAP housing allocations does occur, it is considered that existing schools capacity could accommodate the need for additional school places.
- 3.45 The site at Breary Lane East, Bramhope (HG2-17) has detailed planning permission for 319 dwellings, a convenience store and public open space and is currently under construction. A Section 106 Agreement attached to the outline planning permission (13/05134/OT) included the requirement for the submission of a plan to the Council identifying the proposed location for the primary school within the site. The location was subsequently identified as part of the landscape masterplan for the reserved matters approval (17/02312/RM).

The Council is currently considering its position with regards to primary school provision in Bramhope.

ii) Employment Land

- 3.46 One site was allocated as a mixed use allocation for housing and 10 ha of employment land at Barrowby Lane, Manston LS15 (MX2-38) in the East HMCA. It is noted that the Judgment made no determination on the suitability of the 37 sites but concluded that the release from Green Belt was to be dependent upon the re-examination of the policy status of need for sites to be released at this time based on district-wide requirement. Any future delivery on sites will depend upon the requirement for Green Belt sites to be developed taking into account all planning considerations including the need to meet updated housing or employment needs based on the land supply evidence as part of both SHLAA and Employment Land Review.

iii) Affordable Housing

- 3.47 As noted above the preferred option would not provide the distribution of housing land across the HMCAs as Option 1 would. However, this of itself would not satisfy the test of exceptional circumstances to remove land from the Green Belt. It is estimated that the effect of the proposed option would result in a reduction of affordable housing amounting to 904 units (applying the CS policy H5 requirements) in the HMCAs affected by the Remittal. In mitigating this impact it is noted that the Council's Core Strategy contains a policy on new housing development on non-allocated sites so as to help guide sustainable development in these locations. Moreover, there are opportunities for new sites for housing in the outer areas to be identified by Neighbourhood Plans (including through release of Green Belt sites). Should neighbourhood forums propose this sites could be for 100% affordable housing to meet local needs.

iv) Housing for older persons housing/independent living (HG4)

- 3.48 Three of the allocations are identified as potentially suitable for older persons housing/independent living (HG2-2 Wills Gill, Guiseley; HG2-183 Swithens Lane, Rothwell LS26; HG2-136 Whitehall Road, Harpers Farm) due to proximity of the sites to existing shops and facilities measured by 400m walking distance to a centre. However it is noted in the SAP at para.2.60 "*...the Plan is not prescriptive in allocating sites solely for this use. It should be emphasised that given the range of housing needs evident across the District, sites not specifically identified for this use may also be considered...*". Core Strategy Policy H4 requires that all residential applications provide an appropriate housing mix. This provides the opportunity to create a range of different housing types and sizes in different locations across the district. Moreover, there are opportunities for new sites for older persons housing in the outer areas to be identified by Neighbourhood Plans (including through release of Green Belt sites). Should neighbourhood forums propose this sites could be for 100% older persons housing to meet local needs.

SAP Review

- 3.49 Policy HGR1 of the adopted SAP requires a review to assess and address the need for additional housing allocations and safeguarded land designations post

2023 following the adoption of the Core Strategy Selective Review. Policy HGR1 states that the review will be submitted by the end of December 2021. The SAP Remittal evidence shows that there is sufficient land allocated for housing and identified for safeguarded land to comply with Core Strategy Housing (as amended by the CSSR) target to 2028. It is therefore anticipated that following this limited scope remittal, the Council will be in a position, as a result of updated evidence, to demonstrate that the Policy intention of HGR1 has been met without any additional allocations. A future review of required allocations from 2028 can be undertaken at a later date once the Local Plan update is formulated and the outcome of the Planning White Paper proposals have been confirmed.

Consultation on the Proposed Modifications

- 3.50 Based on the preferred option (2) not to propose any Green Belt sites for allocation and retain them as Green Belt to 2028, the Proposed Modifications to the SAP (to delete them) will be subject to public consultation for 6 weeks from early January to February. This will be accompanied by the evidence for the revised position including the SA Addendum, an addendum to the Habitats Regulations Assessment and a Background Paper to help people understand the process and options proposed.

Timescales

- 3.51 The next steps are proposed as follows:

Stage	Date
Public consultation for 6 weeks	Week beginning 4 th January 2021 to week beginning 16 th February
Representations considered	February
Executive Board recommendation to Full Council to approve Submission to the Secretary of State	March
Full Council Approval	March

- 3.52 Following submission, the Secretary of State will make appropriate arrangements, with regards to appointing Inspectors and dates and process for any future Examination proceedings.

4. Corporate Considerations

4.1 Consultation and engagement

- 4.1.1 The consultation on the SAP Remittal: Proposed Main Modifications will be subject to a 6 week consultation. Due to the current restrictions arising from COVID-19, it will not be possible to undertake face-to-face consultation. The Statement of Community Involvement (SCI) will be revised on an interim basis, in order to take account of the current and likely future restrictions. All consultation material will be publicised and made available digitally on the Council's website. Statutory consultees will be consulted in line with national regulations.

4.2 **Equality and diversity / cohesion and integration**

4.3 An EDCI is required for this report and is provided at Appendix xx.

4.4 **Council policies and the Best Council Plan**

4.5 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. In particular, the SAP overall contributes to the Council's key strategies, as follows:

- Health and Well-being Strategy – through policies including the design of places, quality of housing and accessibility and the integration of public health infrastructure
- Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings
- Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity

4.6 **Resources, procurement and value for money**

4.7 The consultation and remittal of the Plan has implications for resources in terms of cost, time and staffing, at a time of increased budget pressure. In general, costs will be met from within existing budgets.

4.8 Members are asked to note for contextual purposes that 4 sites out of the 37 are Council owned and these are set out below:

- HG2-119 Red Hall Offices and playing field (in East HMCA), capacity 50
- HG2-123 Colton Road East, (in East HMCA), capacity 17
- HG2-36 Alwoodley Lane, Alwoodley (in North HMCA), capacity 302
- HG2-159 Sissons Farm, Middleton (in Outer South West HMCA), capacity 222

4.9 **Legal implications, access to information, and call-in**

4.10 As a Development Plan Document, the SAP falls within the Council's budget and Policy Framework (B&PF). As such, this report is not subject to call-in.

4.11 This Remittal process remains an advanced part of the Examination of the SAP and there is no requirement under the B&PF for a further referral to Scrutiny Board.

4.12 The remittal of the SAP is being undertaken pursuant 113(7)(b) and section 113(7C)(a) of the Planning and Compulsory Purchase Act 2004

4.13 Following the consultation, Main Modifications will be finalised and will be subject to approval of Full Council before being submitted to the Secretary of State for Examination.

4.14 Risk management

4.14.1 The High Court decision and the relief ordered is a process that the Council is bound to follow. Now that the evidence has been updated, the next steps are to consult on the proposed SAP Remittal/Proposed Modifications. .

4.14.2 A further risk of the recommended approach to the SAP remittal is that insufficient housing may be delivered in the outer areas, including affordable housing. However new housing in particular affordable housing could be promoted through neighbourhood plans in areas with identified housing needs.

4.14.3 The implications of the Covid-19 are identified. The immediate effects have been taken into account in the technical work to reflect the impact on planning and construction activity this year, however, it is understood that we remain in a pandemic with no known end date. It is recognised that there is potential for the continuation of Covid-19 beyond this year, which would result in longer term effects.

5. Conclusions

5.1 Following the High Court Order and an update of evidence supporting the SAP, this report recommends Proposed Main Modifications with the effect that none of the 37 Green Belt sites are allocated in the SAP.

6. Recommendations

6.1 Panel Members are requested to:

- a) note the contents of this report and the reasons for the Main Modifications, and
- b) recommend to Executive Board that they approve the Main Modifications for public consultation, along with the supporting Sustainability Appraisal Addendum

7. Background documents¹

7.1 None.

8. Appendices

Appendix 1: List of allocations subject to SAP Remittal

Appendix 2: Map showing location of allocations subject to SAP Remittal

Appendix 3: SHLAA Main Report

Appendix 4: 5 Year Housing Land Supply Statement

Appendix 5: Sustainability Appraisal Addendum

¹ 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.

Appendix 6: Draft HRA Screening Assessment
Appendix 7: Proposed Main Modifications
Appendix 8: Equality Diversity Cohesion Integration Screening