

**Report of Chief Planning Officer**

**Report to Development Plan Panel**

**Date: 19<sup>th</sup> January 2021**

**Subject: Local Plan Update**

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, name(s) of ward(s): ALL		
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 Local Plan sets the land use and spatial planning framework for how Leeds will develop. The current Leeds Local Plan is a set of five Development Plan Documents (DPDs) mainly covering the period between 2012 and 2028, but with some policies covering up to 2033. The Local Plan and 17 Neighbourhood Plans together form the statutory Development Plan, which is used, alongside the National Planning Policy Framework, to help direct decisions on planning applications in Leeds.
2. The main driver for an update of the Local Plan is the declaration of a Climate Emergency in Leeds. Within the context of national planning guidance, evidence and local priorities, it is crucial therefore that the Local Plan is kept up to date and subject to regular review, to ensure it remains fit for purpose in providing certainty for communities and investors within the context of reducing carbon emissions and ensuring that the City is resilient to the impacts of a changing climate.
3. At the meeting of Development Plan Panel on the 3<sup>rd</sup> November 2020, Local Plan Update topics relating to carbon emissions, renewable energy, green infrastructure, biodiversity, and place-making, were presented and considered. This report seeks to present the remaining topics of flood risk, sustainable infrastructure (including HS2, digital connectivity, mass transit and the airport) and strategic place-making.

4. Comments are sought on these topics with a view to bringing final drafts of the consultation material to DPP on the 2<sup>nd</sup> March before seeking approval from Executive Board on 17 March to undertake (Regulation 18) consultation on the Local Plan Update. It is then anticipated that consultation will commence after the Local Government Elections in May.

### **Recommendations**

5. Panel Members are asked to:
  - (i) Consider and provide comments on the topics presented within this report.

## 1. Purpose of this report

- 1.1 This is the latest update report on the Local Plan Update (LPU). This report seeks to provide Panel members with the emerging position on possible future policy approaches within the LPU on topics that have so far not been considered. These topics include flood risk, sustainable infrastructure (including HS2, digital connectivity, mass transit and Leeds Bradford Airport) and strategic place-making. Information is set out within the main body of the report including relevant policy background, possible future policy approaches and questions to be raised at consultation.
- 1.2 It is then proposed to bring together the draft consultation material together, in time for the March meeting of Development Plan Panel, in a consolidated suite of consultation papers, covering the following topics:

Consultation Paper	Topics Covered
Emissions from Buildings and Renewable Energy	<ul style="list-style-type: none"><li>• Whole life carbon costs</li><li>• Reducing carbon emissions from buildings</li><li>• Sustainable construction</li><li>• Renewable energy generation</li><li>• Heat networks</li><li>• Energy storage</li></ul>
Flood Risk	<ul style="list-style-type: none"><li>• Flood risk</li><li>• Sustainable Urban Drainage</li></ul>
Green Infrastructure	<ul style="list-style-type: none"><li>• Tree Planting</li><li>• Tree Replacement</li><li>• Biodiversity</li><li>• Green space</li></ul>
Place-making	<ul style="list-style-type: none"><li>• Strategic Place-making (previously known as 'Locations for Growth').</li><li>• Local Place-making</li></ul>
Sustainable Infrastructure	<ul style="list-style-type: none"><li>• High Speed 2</li><li>• Leeds City Station</li><li>• Mass Transit</li><li>• Digital Infrastructure</li><li>• Leeds Bradford Airport</li></ul>

- 1.3 The consultation will not fully prescribe what the LPU should conclude on a particular matter as, at this initial formal stage in the plan making process, it will use consultation to clarify the scope, seek support for particular options and continue to develop an evidence base to justify the Council's preferred options in due course. The work that has informed this report therefore does not seek to prejudge consultation on the scope of the LPU, rather it serves to help inform it.

- 1.4 Whilst it was agreed in November 2020 that a full suite of consultation documents would be brought before Panel for this January meeting, it has been considered that it would be more beneficial to ensure that Members are able to consider the new topics of flood risk, sustainable infrastructure and strategic place-making, in detail, consistent with how issues relating carbon emissions, renewable energy, green infrastructure and local place-making were considered in November 2020. This is not considered to impact on future timescales with a full suite of consultation papers proposed to be presented to Panel on the 2<sup>nd</sup> March, before seeking approval for consultation at Executive Board on the 17<sup>th</sup> March 2021. It is then anticipated that consultation will commence after the Local Government Elections in May.

## 2. Background information

- 2.1 The Leeds Local Plan sets the land use and spatial planning framework for how Leeds will develop. The current Leeds Local Plan is a set of five Development Plan Documents (DPDs) mainly covering the period between 2012 and 2028, but with some policies covering up to 2033. The Local Plan and 17 Neighbourhood Plans together form the statutory Development Plan, which is used, alongside the National Planning Policy Framework, to help direct decisions on planning applications in Leeds.
- 2.2 The Core Strategy DPD sets the overall strategic framework for development in Leeds and is underpinned by other DPDs covering Natural Resources and Waste and site allocations as well as saved policies in the Unitary Development Plan. A number of years have passed since the Core Strategy (CS) was adopted in 2014. It was subject to an update in 2019, which was selective and focussed largely on housing, leaving much of the remainder untouched. The Natural Resources and Waste DPD was adopted in 2013.
- 2.3 Within the context of national planning guidance, evidence and local priorities, it is crucial therefore that the Local Plan is kept up to date and subject to regular review and update, to ensure it remains fit for purpose in providing certainty for communities and investors. Members will recall that all policies across the Local Plan were reviewed to see if they needed to be updated and at a meeting in July 2020 (postponed from March 2020) DPP agreed a scope for the Local Plan Update which focussed initially on the Climate Emergency in Leeds.
- 2.4 Following the declaration of the Climate Emergency in March 2019, in September 2019 Council approved that: *“To reflect the Council’s declaration of Climate Emergency ... Council commits to including measures to address the Climate Emergency in subsequent Core Strategy Reviews. This should include a strategic plan to deliver more trees in the city, a greater emphasis on how new housing developments are accessed i.e. not solely by the private car and a clear commitment to review Spatial Policy 12 of the Core Strategy relating to growth at Leeds Bradford Airport, as a matter of urgency, and notes that the Council has already committed to bringing a timetable to Development Plan Panel this Autumn”.*
- 2.5 Having set the broad scope of the Local Plan Update on 3<sup>rd</sup> November 2020 Members of DPP considered potential future policy approaches on topics related to climate change and renewable energy, green infrastructure and

place-making. Issues relating to flood risk, infrastructure and strategic place-making are raised with Panel members for the first time as part of this report.

- 2.6 The first regulatory milestone in the preparation of a Development Plan Document such as the LPU, is an initial stage of public consultation ('Regulation 18' consultation) which, as Members were advised in July 2020, is scheduled to start in Spring 2021 (subject to the necessary approvals being in place). The purpose of this stage is to ascertain views on what matters the LPU will need to consider and address i.e. its scope. The relevant regulations specify that, as part of the plan preparation process, we must invite representations on what the Local Plan ought to contain. Whilst being mindful of the need to not pre-judge the outcome of that consultation, it is considered that it would be helpful to respondents and speed up the process if the Council's general preferred scope of policies (with initial detail of what they are to contain) was used as a means of generating responses to the Plan at that early stage. This would help shorten the timescale for preparation, focus comments and in due course help clarify the tests of soundness that are required by national policy.
- 2.7 As the LPU is a statutory plan-making process it is important to note that issues raised during forthcoming formal consultation stages, in addition to the focused input of specialist bodies (for example infrastructure providers and the West Yorkshire Combined Authority - WYCA), will also inform the future direction and content of the LPU. The preparation of the LPU is an iterative process and possible options will narrow and refine in response to emerging information and evidence as work on the plan progresses. This work will also need to take into account new evidence and Government legislation as it emerges.

### **3. Main issues**

#### The Scope of the Plan

- 3.1 From the City Council's perspective, it has been considered at both July and November 2020 sessions of Development Plan Panel, that the Council's preference for the scope of the Local Plan Update should be on the Climate Emergency. It was considered also that this should include policies directly related to carbon emissions, as well as topics directly related to the climate emergency such as the effects of climate change (including flood risk), the infrastructure that is required to enable sustainable travel and sustainable locations for growth.

#### National Context

- 3.2 It is recognised that local policy must sit within (and be in accordance with) a national policy context as set by legislation and national guidance and that this current framework is being subject to significant changes (including the proposals set out in the Planning White Paper). Consequently, these changes (to the planning system and building regulations) may impact on the ability of local authorities to establish bespoke climate agenda measures within their Local Plans. At present it is considered that the NPPF has not necessarily reflected the Government's aspirations to meet net zero carbon emissions by 2050 and plans for how this agenda is embraced within a new planning system are not yet clear. As such, the Council is proposing to advance work on its LPU to help meet the climate agenda in Leeds, whilst recognising that responding to

future changes to the planning system will be crucial in any future Local Plan preparation.

### Topic Areas and Policy Exploration

- 3.3 Below is presented summary information on the policy topic areas of flood risk, strategic place-making and sustainable infrastructure, to compliment the topics considered by members of DPP on the 3<sup>rd</sup> November.
- 3.4 **Flood Risk**
- 3.5 In summary, the Council has rigorous processes in place to ensure that development avoids flood risk where ever possible and that development is only approved when there is adequate mitigation in place. In cities which have developed historically on the floodplain, it is important to consider other factors alongside flood risk, specifically the need to focus investment in the urban area and reduce pressure for release of Green Belt land. The Council has a strategy for managing flood risk in the form of the Strategic Flood Risk Assessment. This defines the levels of flood risk throughout the whole district and gives detailed advice on how to manage it.
- 3.6 The National Planning Policy Framework requires planning authorities to avoid siting development in flood risk areas, however it acknowledges that this is not always possible because of the nature of places and so where development is necessary, planning authorities should be sure that it will be safe without increasing flood risk elsewhere by carrying out an “Exceptions Test”.
- 3.7 Leeds and its outlying settlements grew historically around the rivers Aire and Wharfe. It is therefore challenging to avoid development in the flood plain as this meets many other planning objectives for prioritising brownfield land, accessibility and inclusive growth and the need to take into account other policy considerations such as protecting the Green Belt. The planning system therefore has to balance competing conflicts in enabling investment and growth whilst having regard to the effects of climate change.
- 3.8 Where applications in the urban area have passed the “Exceptions Test” by demonstrating wider sustainability benefits that outweigh the risk, for example the need for regeneration, efficient use of brownfield land or to ensure our centres remain viable, approvals for planning permission are granted when there is adequate mitigation in place. This includes ensuring buildings are built to flood resilient standards and that sustainable drainage systems are incorporated where ever possible. Developers are also encouraged to lay out development so that open uses are located in the most risky parts of the site and the built development avoids those areas. For sites with flood risk issues or any site which is over 1 hectare in size a Flood Risk Assessment (FRA) is required to be submitted with the planning application. The FRA is assessed by colleagues in the Council’s Flood Risk Management section who advise whether the development will be safe.
- 3.9 This has been the strategic approach that has underpinned the Core Strategy and Natural Resources and Waste DPDs as well as setting the framework for the allocation of land. The Council has worked closely with the Environment Agency in seeking to draft policies and deliver safe development.

- 3.10 The Council has delivered Flood Alleviation Schemes which reduce the risk and impact of flood events. Future schemes are also programmed in to reduce flood risk across many areas in Leeds. The Council's Strategic Flood Risk Assessment (SFRA) 2007 supplements the Environment Agency maps of flood risk and maps areas of flood risk from watercourses as follows:

Flood risk in the UK is divided into different zones according to the probability of flooding. These flood zones do not take account of any defences and they don't include the possible impacts of climate change. The flood zones are as follows:

Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river flooding.
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding;
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding;
Zone 3b The Functional Floodplain	Land where water has to flow or be stored in times of flood. Usually with a 1 in 20 probability of river flooding

The functional floodplain is shown in appendix 1.

### 3.11 Rationale for an Enhanced Policy Framework

- 3.12 MET Office statistics show that winters in the UK have got 12% wetter over the last 60 years and they predict that rainfall is likely to rise by a further 20% by 2070, with an increase in rainfall intensity leading to 20% more flash flooding. In short, we know that climate change is getting worse and we know that flood risk events are increasing. As such, it is important to explore how new planning policy could address and respond to this issue, in order to ensure that the balance between development and flood protection is right.

### 3.13 Leeds SFRA

- 3.14 Leeds Strategic Flood Risk Assessment (SFRA) was completed in 2007 and provides a comprehensive overview of the river and drainage systems across the district and associated flood risks. Since the SFRA was completed there have been significant changes, such as the delivery of the Flood Alleviation Scheme (FAS), as a consequence the document needs to be updated. This is a significant and technical piece of work and the updated version will be used to inform the policies in the Local Plan Update. It is anticipated that this should be available by early summer 2021. The updated SFRA will provide further technical advice on dealing with the flood risk issues listed below. Until it is available we have sought to scope what the issues are without providing a detailed range of policy options at this stage.

### Avoiding Development in Flood Risk Areas

- 3.15 The National Planning Policy Framework requires that planning authorities take a sequential approach to allocating sites in our Local Plans and to planning applications for sites that are not allocated in the development plan. When development is proposed in a flood risk area, the applicant has to demonstrate that they have passed the 'Sequential Test', this shows that they have looked for other reasonable, alternative sites in a lower flood risk zone and they can only proceed if they have shown that there are no other alternatives. If the site is in a high flood risk zone (zone 3a), they may also have to pass an Exceptions Test, which shows that the development will have sustainability benefits that outweigh the flood risk and that it will be safe for the lifetime of the development with safe access and egress.
- 3.16 The aim is to minimise development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3a be considered, taking into account the flood risk vulnerability of the proposed land use and other policy considerations.
- 3.17 If the site is proposed for a 'more vulnerable' use such as residential and is in a high flood risk zone (zone 3a), it may also have to pass an Exceptions Test, which shows that the development would provide wider sustainability benefits to the community that outweigh the flood risk and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 3.18 This approach forms the basis of flood risk policy in our current policies in the Natural Resources and Waste Local Plan (NRWLP), the Core Strategy and Supplementary Planning Guidance. However, in the context of an increasing threat of flood risk as a result of climate change, it is important that we consider our existing policy framework and how it balances the needs for sustainable development. The Local Plan Update provides an opportunity to bring all the flood risk policies together with policies for sustainable drainage and review their effectiveness in the light of climate change and the updated SFRA.
- 3.19 Proposed Draft Questions for Regulation 18 consultation:
- Is the current policy approach to balancing new development and flood risk correct, so that development meets needs in the right places?

#### Functional Floodplain

- 3.20 The NPPF requires that we should manage flood risk by 'safeguarding land from development that is required, or likely to be required, for current or future flood management'.
- 3.21 Policy in the NRWLP is to safeguard land for flood storage, in zone 3b, as shown in the SFRA. In those areas only water compatible uses and essential infrastructure is permitted. We are currently updating the SFRA and this will have a critical role to play in defining and identifying functional floodplain, zone 3b. This includes taking account of revised guidance from the Environment Agency and considering the impacts that that has on all parts of Leeds. It is noted that FAS 2 is also looking for opportunities to store flood water.



### 3.22 Proposed Draft Questions for Regulation 18 consultation:

- Do you have a view on the role of the functional flood plain within urban areas and how it should be managed?

#### Surface Water Flooding and Sustainable Drainage

- 3.23 Sustainable drainage systems (SuDS) are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. One of their uses is to reduce the causes and impacts of surface water flooding (sometimes referred to as flash flooding). SuDS include a number of different practices or mechanisms designed to drain or soak up surface water in a more sustainable (and natural) approach to the conventional practice of draining water run-off through a pipe into a sewer. Practical examples include soakaways (draining water through permeable surfaces into the ground) and ponds (draining water into a surface water body).
- 3.24 SuDS capture rainfall, allowing as much as possible to evaporate or soak into the ground close to where it fell, then conveying the rest to the nearest watercourse to be released at the same rate and volumes as prior to development. This also has the benefit of reducing pollutants, such as metals and hydrocarbons from roads and car parks. Water entering a local watercourse is therefore cleaner and does not harm wildlife habitats. SuDS can provide a valuable amenity asset for local residents and create new habitats for wildlife. Any problems with the system are quicker and easier to identify than with a conventional system and are generally cheaper and more straightforward to rectify. SuDS can also provide passive cooling which helps to mitigate the effect of temperature rise due to climate change.
- 3.25 The NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (para 164 c)). This is the approach taken in NRWLP Policy Water 7 and echoed in Section 12 of the Sustainable Construction SPD which seek SuDS 'wherever possible'.
- 3.26 The NPPG gives further guidance on what "inappropriate" means: '*The decision on whether a sustainable drainage system would be inappropriate in relation to a particular development proposal is a matter of judgement for the local planning authority. In making this judgement the local planning authority will seek advice from the relevant flood risk management bodies, principally the lead local flood authority, including on what sort of sustainable drainage system they would consider to be reasonably practicable.*'
- 3.27 The judgement of what is reasonably practicable should be made by reference to the technical standards published by the Department for Environment, Food and Rural Affairs and take into account design and construction costs.
- 3.28 The NPPG goes on to set out that expecting compliance with the technical standards is "unlikely to be reasonably practicable if more expensive than complying with building regulations". Similarly, a particular discharge route would not normally be reasonably practicable when an alternative would cost less to design and construct.

- 3.29 This means that, at present, we cannot ask for sustainable drainage if the developer can show that a traditional system will be cheaper.
- 3.30 Given the many benefits of using SuDS against traditional systems, the Local Plan Update needs to consider how the existing policy could be strengthened to make the use of SuDS a firmer requirement for new development given its benefits in addressing climate change, biodiversity and health and wellbeing objectives. One option is to map infiltration rates to identify the areas that are most suitable for SuDS and this would support delivery of SuDS in those locations. Policy should also ensure that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing maintenance.
- 3.31 Another way to help manage surface water flooding is to identify the ‘source’ locations where heavy rainfall can lead to flooding at a downstream ‘receptor’ location. Additional measures to reduce the speed of surface water run off at the source location, such as tree planting, can avoid the need for mitigation downstream.
- 3.32 Proposed Draft Questions for Regulation 18 consultation:
- Do you agree with our suggested approach to increasing the use of sustainable drainage systems in new development?
  - Do you think identifying and implementing additional measures at source locations would be a fair and effective approach to managing surface water run off?
- 3.33 Permitted Development Rights and Management of Water and Nature
- 3.34 The paving over of front gardens can result in increased flood risk caused by surface water runoff which is unable to drain naturally. Additionally, the loss of vegetation (e.g. hedges) can contribute to loss of biodiversity and increased air pollution in urban areas and can affect the character and appearance of traditional streetscapes. It will be important to ensure that where landscaping measures are introduced through new development these are not subsequently lost through permitted development rights. Therefore the LPU will explore how to limit permitted development rights for new development.
- 3.35 Proposed Draft Questions for Regulation 18 consultation:
- Is it appropriate to consider how planning policy may limit permitted development rights e.g. to maintain the use of porous materials and soft and natural landscaping in new developments?
  - Whilst not subject of a grant of planning permission should the Council consider how to control paving over front gardens and loss of soft and natural landscaping in existing development?
- 3.36 **Strategic Place-making**
- 3.37 Previously referred to as ‘locations for growth’, this topic area seeks to explore the sustainable pattern of development in Leeds by engaging with concepts such as the 20 minute neighbourhood.

- 3.38 The intention of the Local Plan Update is to adopt new planning policy that takes Leeds toward carbon neutrality by 2030. For patterns of growth this means guiding new development to locations that offer the best opportunity for active travel (by foot or cycle) and by public transport so that travel by car is greatly reduced. Seeking the “best opportunity” expresses the desire to optimise carbon reduction through control of the location of new development, use of appropriate density, efficient use of land and the creation of cohesive neighbourhoods:
- 3.39 Objective: *to minimise carbon emissions by guiding new development to locations that offer the best opportunity for active travel, for use of public transport and for minimal use of private motor vehicles.*
- 3.40 Current Policy
- 3.41 All DPDs have sought to provide a framework for sustainable and healthy communities, having regard to quality of life and to protect and enhance the environment. This is achieved through a strategic and spatial approach and a suite of policies relating to the overall scale and distribution of development, location, layout and fabric of places. Primarily, (through the Core Strategy) the greatest levels of development are directed to the existing main urban area (including the City Centre) and major settlements to avoid travel by private car, as sustainable locations because these places have access to a range of services via public transport and walking.
- 3.42 Current Core Strategy policy is structured around a Settlement Hierarchy of City Centre, Main Urban Area, Major Settlements and Smaller Settlements; through this, new development is channelled toward the urban areas. Policy SP1 is the principal policy which guides development toward previously developed land, town centre uses to centres and economic development towards identified and suitable locations. It also expects regard to be given to the character of place and the role of infrastructure including waterways, and protection of European environmental designations.
- 3.43 Existing site allocations DPD already provide for a range of housing and employment allocations and these “in principle” locations for development will not be amended through the Local Plan Update. However, Policy H2 sets locational criteria for non-allocated (i.e. windfall) housing sites. It expects new development to be of a scale appropriate to the capacity of local infrastructure and is to be read alongside Policy T2 which sets accessibility requirements for new development with particular standards set out in Table 1 of Appendix 3 of the Core Strategy. Additional criteria are applicable to green field sites concerning the intrinsic value of the sites.
- 3.44 For new employment uses, Policy EC1 sets out preferential locational criteria to guide the making of allocations for general employment land. These follow Policy SP1 in giving priority to urban areas of the settlement hierarchy, to regeneration areas, to existing employment areas and to complement housing in major urban extensions. Policy EC2 sets out locations for offices, which focusses on the City Centre and town centres, in accordance with national policy recognising office as a town centre use.
- 3.45 The 20-minute Neighbourhood

- 3.46 The 20-minute neighbourhood concept has become a focus for a new vision of locational growth. The purpose of the concept is to ensure that neighbourhoods support strong communities and local economies, recognising that easy and safe walking and cycle access to services/facilities is good for health, and that physical activity and less reliance on the private car reduces air pollution. This approach to local growth and place making around service centres and hubs is gathering support across the world and is an easily understood way of planning for the way places change.
- 3.47 The Council's draft Transport Strategy, as well as the Government's recently launched Active Travel Fund presents a real opportunity to create a lasting change to how people move around Leeds. Installing infrastructure that supports safe cycling and walking will not only have a positive impact on health and wellbeing, it will also reduce emissions and be a transformative step towards a more sustainable future. City Development and Public Health are currently working on the development of a walking action plan for the city covering key environmental priorities, and has led to the initiation of work to start mapping walking routes across the city and partnership working to deliver walkable/low-traffic neighbourhood schemes in priority neighbourhoods with the aim to create safe, healthy spaces where communities can connect and walking and cycling is the easiest most attractive option of movement.

#### Future Policy Options

- 3.48 For Leeds to meet its objective of minimising carbon emissions it is considered that spatial growth, in line with the emerging Leeds Transport Strategy, should follow a pattern of concentration particularly around the City and town centres and with less development in relatively unsustainable locations, and promote walkable neighbourhoods. It is also considered that this should also apply to the location of general employment in appropriate locations.
- 3.49 It is therefore our preferred approach to introduce a new policy framework which either alters SP1 and H2, or introduces a new strategic policy on this topic. It is not considered necessary to alter policies relating to the making of allocations. It is considered that the review of these policies would be best to take place when new allocations are required.
- 3.50 Proposed Draft Questions for Regulation 18 consultation:
- What does a '20-minute neighbourhood' mean to you? Do you agree that Leeds should aim to create 20 minute neighbourhoods?
  - How might Leeds' planning policy support living in a City where you do not need to own a car? Should Leeds introduce a presumption against car-dependent development?

#### **3.51 Sustainable Infrastructure**

- 3.52 This topic covers the issues of HS2 and Leeds City Station, digital infrastructure, mass transit and Leeds Bradford Airport. These topics are directly related to the climate emergency as they relate to carbon emissions from travel.

#### High Speed 2

- 3.53 The railway network is key strategic infrastructure as part of the Leeds economy, and in the decarbonising of transport. Over the next two decades passenger numbers at Leeds Station are due to double, as more people choose to travel by more sustainable forms of transport (NB pre-Covid-19 statistics). Leeds Station will see significant investment, and High Speed 2 (HS2) and Northern Powerhouse Rail have the potential to transform our intercity connections.
- 3.54 We want to use the planning system to help us maximise the benefits that this investment presents for Leeds and minimise any potential adverse impacts. As many of the decisions lie outside of the Council's direct control, this isn't something that local planning policy alone can achieve and needs therefore to be delivered as part of wider partnerships. The principle of developing HS2, the line that route takes, and the mitigation measures that are put in place as part of its development are all matters that will be decided nationally. However, we believe that local planning policy can have an important part to play in helping to shape the development of Leeds Station and integrating the HS2 line into our city. Good progress has already been made in taking this forward.
- 3.55 Whilst HS2 is referenced within various policy documents within the current Local Plan, there is no specific policy in place to directly steer the development of HS2 or land affected by the construction of the line. Similarly, whilst the important role of Leeds Station is recognised within the current Local Plan, existing policy does not reflect the latest proposals for significant development to occur at the station.
- 3.56 Consequently, a new planning policy is proposed, which focusses particularly on the redevelopment of Leeds Station and on the implications that HS2 would have for the use of land. It is suggested that could help guide the growth and development of Leeds Station, identify the development opportunities associated with the new HS2 line, highlight opportunities for new green and public spaces to be created alongside HS2, seek to ensure HS2 maximises the potential contribution to climate change, outline the importance of supporting and enhancing pedestrian, cycle and bridleway routes when developing HS2 and consider the opportunities for temporary 'meanwhile' uses to occur within the HS2 construction boundary.
- 3.57 It is important therefore to support the role of Leeds Station as a key part of the City Centre and in the longer term, realise the potential it holds to: enhance the experience of those using the station, incorporating the new HS2 line and Northern Powerhouse Rail upgrades and supporting the expected growth in the number of passengers choosing to use more sustainable forms of transport. We want to see the station form a 'world class' and welcoming entrance to our City, which improves connectivity north-south and east-west across the city centre, and complements the offer of the rest of the City Centre and the South Bank. We want the energy efficiency of the station to be maximised, in line with our overarching objective to address the climate emergency.
- 3.58 In addition, it is important to ensure that the potential social, environmental and economic benefits of HS2 for Leeds, and the areas and communities around the line, are capitalised on, and that any potential adverse impacts are avoided wherever possible, and minimised or mitigated where not. We want to use the

planning system to help support this where possible, recognising that consent for the HS2 line itself would be granted through the hybrid Bill process.

3.59 Any future policy would not be about the principle of rail infrastructure investment, nor the proposed HS2 scheme, its line of route or the mitigation measures that HS2 Ltd are proposing. The LPU consultation will not provide an opportunity to debate this as these matters are not determined by the Local Plan. Instead, it will ask for people to consider how we use the planning system to maximise the benefits that the redevelopment of Leeds Station and the HS2 line present for Leeds (and the wider sub-region) and minimise any potential adverse impacts.

3.60 Proposed Draft Questions for Regulation 18 consultation:

- Do you agree with the proposed way forward for a new policy on HS2 and Leeds Station?
- Should the policy consider issues such as development opportunities, integration with the green space network and pedestrian and cycle routes?

#### Mass Transit

3.61 As reflected in the draft Transport Strategy, it is acknowledged that for the scale of growth forecast in Leeds over the next 10-15 years there is insufficient urban transport capacity to enable urban communities in the Leeds City Region to access employment opportunities.

3.62 Transport infrastructure investment that increases peak capacity to the city centre can help overcome this. Mass transit can fill the gap in public transport provision between bus services and heavy rail, adding capacity to the key corridors within the city region, making it easier for more people to access more jobs. A city region mass transit solution will deliver the right blend of technology, priority and capacity to move high volumes of people in the parts of our transport network where demand is greatest. This is a crucial missing element of our transport investment pipeline for corridors where heavy rail is not an option and the capacity of bus network solutions is insufficient. As such, mass transit can support the region's aims of raising productivity, delivering inclusive growth, and addressing the climate emergency through clean growth, all of which are underpinned by a 21<sup>st</sup> Century transport system.

3.63 Whilst Mass Transit is not a planning initiative it will important that up to date local policy is in place to ensure that Mass Transit can be supported and delivered effectively, especially as it relates to key transport hubs and link between neighbouring authorities, and that other associated benefits, such as integration with the green space network and pedestrian and cycle routes are factored in.

3.64 Proposed Draft Questions for Regulation 18 consultation:

- Do you agree that the Local Plan Update should include a policy on Mass Transit?

#### Leeds Bradford Airport

- 3.65 Leeds Bradford Airport is a major economic driver for the Leeds City Region. Current passenger numbers are approximately 4 million passengers per year and the Department for Transport forecasts the passenger numbers to rise to 7 million passengers per annum (mppa) by 2030 (NB pre-covid predictions).
- 3.66 Leeds Bradford Airport (LBA) is already subject to a number of policies relating to the designation of land and acceptable uses.
- 3.67 The airport is located within the Green Belt (Policy N32 of the Unitary Development Plan) which is overlain by the Airport Operational Land Boundary (AOLB) (Policy site proposal T30 14.2.7). Policy T30A of the UDP identifies the development and uses considered to be acceptable in principle within the AOLB "...subject to normal development control considerations for the operational efficiency of the airport...". This includes runways; staff, visitor and passenger car parks; passenger and cargo terminal buildings; and administrative accommodation for the airline companies. This development and the uses listed by Policy T30A are acceptable in principle, notwithstanding the Green Belt location of the airport.
- 3.68 Anticipating future growth of the airport, the Core Strategy (adopted in 2014) provides a policy specifically relating to managing this growth. At the time of writing the Core Strategy, the Airport Masterplan prepared by LBA as a requirement of the Civil Aviation Authority sets out future passenger growth projections and associated plans for the expansion of the airport in response to these growth figures. Spatial Policy 12 of the CS was prepared as a policy mechanism to manage that growth to ensure that future planning application/s are prepared and assessed through identifying a criteria of considerations outlined in the policy. The Airport Masterplan and associated Airport Surface Access Strategy were revised in March 2017 following the CS adoption ("Route to 2030: Strategic Development Plan and Surface Access Strategy).
- 3.69 Spatial Policy 12 provides clear criteria for assessing applications against considerations which remain relevant and up to date since the policy was adopted in 2014. However, views on whether the policy should be updated to take more explicit account of the relationship between the airport and the Leeds Climate Emergency are invited. Similarly, the way in which the airport fits with the most recent national infrastructure guidance, which Government has committed to update can be explored. Finally, the nature of the wider area, with the neighbouring employment allocation and prospective rail halt are contextual factors, which could be considered within an up to date policy.
- 3.70 In summary, whilst Spatial Policy 12 remains up to date and it is considered to be fit for purpose as a planning policy for assessing applications for airport development it is considered that there is value in seeking views on how it may be amended against an updated context.
- 3.71 Proposed Draft Questions for Regulation 18 consultation:
- Do you agree that Spatial Policy 12 is fit for purpose or do you think it needs to be updated and how?

- 3.72 Access to reliable, high-speed data at work, at home and whilst in transit is important for the continued success of Leeds. Studies suggest that digital connectivity is now viewed by residents and businesses as being as important as good transport links. Best City Priorities include the provision of 'Sustainable Infrastructure', which includes digital infrastructure and increasing digital inclusion.
- 3.73 The Leeds Inclusive Growth Strategy also identifies Leeds as a digital city in particular promoting and growing the digital sector. The Strategy recognises that digital connectivity is an essential part of the modern economy and increasingly people are working in more flexible ways and that a smart digital city provides one solution to congestion challenges. Leeds City Council has set out an ambition to have the best connectivity in the UK and for all premises across the district both residential and commercial to be able to access gigabit capable services.
- 3.74 National guidance is supportive of improving digital connectivity, and guidance notes are also issued to telecoms cable providers. Paragraphs 112 and 113 of the NPPF set out support for improved connectivity as part of development sites;
- 112. 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'*
- 3.75 It is important to recognise that permitted development rights in relation to existing sites largely for mobile phone coverage, are wide ranging and it is likely these will be further widened.
- 3.76 The Core Strategy Spatial Policy 8 (SP8): Economic Development Priorities provides an existing general hook supporting high quality communications as below;
- 3.77 SP8 (ix) Support the advancement of high quality communications infrastructure to foster sustainable economic growth and to enhance business links subject to landscape, townscape and amenity considerations
- 3.78 SP8 is supportive of high quality communications infrastructure, however a new single complementary policy which sets out criteria for new developments is required to encourage digital infrastructure is considered and designed sympathetically at an early stage, as part of site development.
- 3.79 It is important that new development sites are designed and built with good connectivity from the outset, and this is not introduced later or at the end of a development. Also that digital infrastructure is sympathetically designed as part of site development as essential infrastructure. A connectivity plan as part of a planning application is encouraged. The proposed policy would focus on



improving digital connectivity for new sites and new developments only, the main focus being full fibre or gigabit connection. However where new sites are being developed all digital connectivity provision including mobile phone coverage should be considered and designed as part of site development from the outset.

3.80 Executive Board in December 2019 agreed the Full Fibre Network Programme for Leeds to go through a new procurement process for a partner to build and deliver full fibre connectivity to ensure the provision of the greatest amount of coverage, coupled with the opportunity to extend connectivity further with commercial investment within LCC's financial envelope. Development of a gigabit capable network provides the Council with an opportunity to influence the digital infrastructure position of the city which will have positive effects for businesses and residents across the district.

3.81 Questions for Regulation 18 consultation:

- Do you agree that the LPU should contain a policy on digital infrastructure?
- Should the policy focus on residential development or include commercial development as well?

### **Conclusions**

3.82 These topics above supplement those previously brought to Panel in November. As a whole they set a scope and a draft direction of travel, which helps address the following 5 headline objectives:

**(1) Reduce emissions and increase renewable and low carbon heat and power:** For new development, Leeds will have minimised energy demand and met all demands for heat and power without increasing carbon emissions, to allow Leeds to meet its climate emergency commitment of zero carbon by 2030. This is supported by topics concerning:

- reducing Carbon Emissions from Buildings (discussed at 3<sup>rd</sup> November DPP) for example, by requiring all development to be built to a zero carbon standard;
- ensuring Sustainable Construction (discussed at 3<sup>rd</sup> November DPP) for example, through setting clear standards;
- Renewable Energy and heat generation and storage infrastructure (discussed at 3<sup>rd</sup> November DPP) for example, through consideration of mechanisms to increase the generation and storage of low carbon and renewable heat and power both through stand-alone generation and within new developments.

**(2) Place-making:** Leeds will have worked in the public interest, prioritising the safety and well-being of people within a framework of long-term sustainable development by allowing development that promotes safe, healthy and resilient places, reflects the issues associated with inclusive growth and an environment which leaves a positive legacy for all people. This is supported by topics concerning:

- ensuring a sustainable strategic pattern of development that helps adapt to the impacts of climate change and balances development needs with environmental constraints (discussed above) for example, through policies on 20-minute neighbourhoods;
- ensuring high quality design of places (discussed at 3<sup>rd</sup> November DPP) for example, through good practice, standards and design guides that helps ensure better quality, form and layout.

**(3) Green Infrastructure and Biodiversity:** Leeds will create new Green Infrastructure (GI) (including Green Space and Natural Environment) through the planning process, and identify, improve, protect and extend existing GI to address the challenges of climate change and create a healthy city. This is supported by topics concerning:

- ensuring that local wildlife sites and nature conservation designations are effective at protecting species and habitats and that new development delivers appropriate levels of net gain for biodiversity (discussed at 3<sup>rd</sup> November DPP);
- ensuring a strong, clear and consistent approach to the delivery of new green infrastructure as well as the enhancement and protection of existing (discussed at 3<sup>rd</sup> November DPP) for example, through clearer definitions of the types of GI expected to be delivered e.g. nature conservation areas, trees, re-wilding, places for play, places for food growing, roof gardens and hedges and how they work together;
- ensuring stronger protection for trees (discussed at 3<sup>rd</sup> Nov DPP) for example, through new land for trees, tree retention and replacement which focuses on carbon value rather than number of trees.

**(4) Flood Risk:** Leeds will ensure that new developments are located and designed to avoid, reduce and mitigate flood risk, increase biodiversity and reduce the carbon footprint of risk reduction schemes through natural flood solutions. This is supported by topics concerning:

- ensuring that the Council's policies are supported by up to date evidence on flood risk (discussed above);
- avoiding development in flood risk areas (discussed above) and managing the functional flood plain;
- reducing the speed of surface water run off through more sustainable and natural drainage systems (discussed above) for example, through standards and limits to the paving over of front gardens.

**(5) Sustainable Infrastructure:** Leeds will ensure the delivery of an accessible and integrated transport system which focuses on public transport and active travel, is worthy of its role at the heart of the Leeds City Region, and supports communities and inclusive growth. This is supported by topics concerning:

- preparing for and maximising the benefits that the national High Speed 2 rail infrastructure project may bring to the City, if built, for example (discussed above) through shaping the development of Leeds Station, integrating the HS2 line into our city and seeking opportunities for new green and public spaces to be created alongside HS2;
- preparing for any mass transit system that is provided in Leeds so that it can align with wider spatial priorities and deliver wider benefits (discussed above);
- preparing for the growth of Leeds Bradford Airport and access to it in a sustainable manner (discussed above);
- supporting reliable, high-speed data at work, home and whilst on the move, so that Leeds is a modern, resilient and efficient economy which can support increased remote working (discussed above);
- ensuring a sustainable strategic pattern of development that helps reduce the need to travel by private car and positively promotes active travel (discussed above) for example, through policies on 20-minute neighbourhoods and place-making.

### Next Steps

- 3.83 Subject to members views these topics will now be prepared for public consultation in 5 topic papers. At its meeting on 2<sup>nd</sup> March Panel Members will be asked to consider this material and recommend to Executive Board (at its meeting on 17<sup>th</sup> March) that public consultation begins in May.
- 3.84 Following that consultation, and taking on board comments received, detailed policies will be drafted for the next stage of the plan-making process i.e. the draft submission plan (otherwise known as Publication stage). This will be subject to further consultation before submission to the Secretary of State for independent examination. Members will note that at draft submission plan stage, policies can be given weight depending on the level of objection they receive.

## **4. Corporate Considerations**

### **4.1 Consultation and engagement**

- 4.2 The LPU is at an early stage of preparation and therefore consultation to date has been limited. However, engagement has taken place with Development Plan Panel, the Executive Member for Climate Change, Transport and Sustainable Development and Panel Chairs on the need for a LPU and its focus on the climate change emergency. In addition, as stated in para 2.4 above, Full Council have already agreed that the Local Plan Update will focus on policies which will assist Leeds in meeting its Climate Emergency objectives of being net zero carbon by 2030.

- 4.3 Members of Development Plan Panel attended a workshop in February on what policies are relevant to the climate emergency and how they may support the Council's trajectory to net zero by 2030. Following this, the initial scope of the

LPU was brought before DPP in July for their consideration, with further details on topic areas considered in November 2020.

4.4 It is the aspiration to consult on the scope of the Local Plan Update (as required by Regulation 18 of the Town and Country Planning (Local Planning) Regulations) in the spring 2021. It is recognised that such a consultation is likely to take place under some form of pandemic restrictions that will make face-to-face consultation and drop in events highly unlikely. In this eventuality it will be crucial to ensure that all other forms of engagement (predominantly digital) are maximised to ensure as high a rate of response as possible.

#### 4.5 **Equality and diversity / cohesion and integration**

4.6 An EDCI is not required for this report. Appropriate EDCI screenings / assessments will be undertaken in the course of the next steps noted in the report.

#### 4.7 **Council policies and the Best Council Plan**

4.8 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 it is anticipated that the LPU will help deliver against 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

4.9 Planning is relevant to the delivery of all the priorities in the Best Council Plan and this role will be appraised and maximised as policies in the LPU are progressed and implemented.

#### 4.10 **Resources, procurement and value for money**

4.11 There are no specific implications to this report. However, the Local Plan Update and accompanying evidence base is a resource intensive endeavour which incurs additional cost, in terms of evidence base preparation and consultation, at a time of increased budget pressure. In general, costs will be met from within existing budgets. It is likely that prioritisation of the Local Plan Update will require the re-prioritisation of other work within the work programme.

#### 4.12 **Legal implications, access to information, and call-in**

4.13 There are no legal implications arising from the recommendations in this report.

#### 4.14 **Risk management**

4.15 The risk of not updating policies following the 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 found 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.

4.16 Following the Council's climate emergency declaration in March 2019, there is an opportunity to enshrine the Council's desire to reach net zero carbon emissions by 2030 through new planning policies. However, without new policies as set through a LPU, the Council's ability to influence the carbon emissions of new developments, beyond the provisions of national policy and existing local policy may be limited.

4.17 The LPU needs to be based on up-to-date objective evidence which considers in detail the feasibility, deliverability and viability of the Council's policies. The service will need to commission technical evidence base in this regard, which is expected to be funded through existing budgets.

4.18 It is also recognised that there are risks to pursuing a Local Plan Update focussed on the climate agenda. Changes to the planning system as proposed within the Government's White Paper 'Planning for the Future' may result in national Development Management policies (as expressed through a revised NPPF) not giving local authorities flexibility to set their own policies on the matters proposed to be in scope for the Local Plan Update. In addition, proposed changes to the building regulations may result in local authorities having no scope to prescribe carbon emission rates from new development.

### 5. **Conclusions**

5.1 Following on from Development Plan Panel in November 2020, this report seeks to provide further material on the draft policy scope of the LPU by setting out policy topic areas and future policy options to help address the climate emergency. For this January meeting, officers have presented the topic areas of flood risk, sustainable infrastructure (including HS2, digital infrastructure, mass transit, and the airport), and strategic place-making (including patterns of growth and 20-minute neighbourhoods).

5.2 It is recognised that these policy areas and options are presented to aid consultation on the scope and policy extent of the LPU (Regulation 18 consultation) and that the results of that consultation will enable the Council to establish and finalise the scope of the document. Members are asked to give their views on the proposed policy areas contained within the report.

### 6. **Recommendations**

6.1 Panel Members are asked to:

(i) Consider and provide comments on the topics presented within this report.