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## Report of the Head of Governance and Scrutiny Support & Director of City Development

### Report to Scrutiny Board: (Infrastructure, Investment and Inclusive Growth)

Date: 17th Feb 2021

Subject: Planning and Green Space – Explanation of Procedure

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

### Summary of main issues

1. This report is in response to matters in relation to Green Space raised by Cllr Illingworth through Cllr Scopes. The report sets out the Policy approach taken by the Local Planning Authority to the provision and protection of Green Space, as set out in the adopted Local Plan for Leeds. It notes that former policies did not consistently deliver new Green Space on-site. This position has now been remedied as part of a selective review of the Core Strategy in 2019. It also sets out that the emerging Local Plan Update is intended to focus on a series of key topics, including Green Infrastructure (also comprising Green Space). This provides an opportunity for further clarifying the role that Green Space plays in the climate, health and well-being and inclusive growth agendas.
2. Scrutiny Boards are encouraged to clearly identify desired outcomes linked to their recommendations to show the added value Scrutiny brings. As such, it is important for the Scrutiny Board to also consider whether its recommendations are still relevant in terms of achieving the associated desired outcomes.

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3. The Scrutiny recommendation tracking system allows the Scrutiny Board to consider the position status of its recommendations in terms of their on-going relevance and the progress made in implementing the recommendations based on a standard set of criteria. The Board will then be able to take further action as appropriate.

## **Recommendations**

Members are asked to note and comment on this report.

### **1. Purpose of this report**

- 1.1 This report sets out the current approach to the provision of new Green Space through the Planning System and in relation to the City Council's adopted Local Plan. In reflecting the issues which have been raised. It also addresses the issues around enhancement and protection.

### **2. Background Information**

- 2.1 National Planning Policy and the City Council recognises the importance of Green Space and the role of the planning system in ensuring its protection, enhancement and delivery. The National Planning Policy Framework (NPPF) (Chapter 8) recognises the importance of Green Space to healthy communities and requires that local authorities should measure and, where necessary (based on evidence), seek to create, extend and protect Green Space.
- 2.2 The Council's policy approach to Green Space is set out in the adopted Core Strategy (2014) and was partly amended as part of a selective review of the Plan in 2019. In accordance with the Budget and Policy Framework the proposals for the Core Strategy were developed through Development Plan Panel and considered by Scrutiny Board (at the time both Sustainable Economy and Culture and Health and Wellbeing and Adult Social Care Scrutiny Boards considered and commented on the proposals) and their comments were reported to both the Executive Board and subsequently Council at an earlier stage in the process. The selective review policies were developed through Development Plan Panel at a meeting of Scrutiny Board (Infrastructure, Investment and Inclusive Growth) on 20th June 2018.
- 2.3 Leeds currently defines what types of Green Space will be measured, and what standards in terms of distance, amount and quality is expected (Policy G3 of the Core Strategy as Amended (2019)). This allows a surplus and deficiency of Green Space to be calculated on a Ward by Ward basis. For ease of understanding an example is given below of the Moortown Ward. The data is taken from the Site Allocation Plan (SAP). It shows there are deficiencies in Allotments and Outdoor Sports typologies. This work was supported by the Leeds Open Space and Recreation Assessment (2011) ([here](#)) captured and categorised all 1,600+ Green Spaces across Leeds and through consideration and consultation updated this in the SAP Green Space Background Paper (May 2017).

	Population (2014 mid-year estimate)	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Population (0-16 year olds)	Children & Young People Equipped Play	Allotments	Natural				
Standard		1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people		2 facilities/ 1000 children	0.24ha/ 1000 people	Population (MUA and major settlements)	0.7 hectares/1000 people (main urban area and major settlements)	Population (other areas)	2ha/1000 people (other areas)	
Moortown	22,251	Surplus 10.90ha	Deficiency -7.12ha	Surplus 19.14ha	4,458	Surplus 0.09	Deficiency -3.78ha	22,173	Surplus 3.33ha	78	Surplus 9.18ha	1

- 2.4 There will only be an adequate supply of Green Space, where the needs of the existing community are satisfied in all space types as set out in Policy G3, and there is an additional capacity of 10% of the total accessible Green Space. With this in mind none of the Wards in Leeds achieves this, and this lack of Green Space underpins some of the justification for the Policies G4 and G5 which create new Green Space to both meet the needs of new developments and of existing communities.
- 2.5 Policies G4 and G5 require Green Space as a result of residential development outside the City Centre and Residential and Commercial development in the City Centre (both within certain criteria). It should be noted that the Policy for outside the City Centre (Policy G4), was recently updated in the Core Strategy Selective Review (CSSR) as a result of development in Leeds not being able to meet the quantum sought. Monitoring of the previous policy for the period 2018/19 revealed that there were 45 applications permitted where either G4 or G5 applied and of these half used a contribution in lieu (totalling £3,100,884.06 cumulatively), a quarter provided Green Space on site (totalling total permitted area of new Green Space created is 5.33 Ha) and a quarter provided neither Green Space nor a contribution lieu due to viability concerns.
- 2.6 In line with national guidance and a local economic viability study (which cumulatively assessed the burdens on development including affordable housing), the policy was revised to ensure a justified and effective approach based on number of bedrooms and density of schemes. As a result it now better reflects the burden that population growth places on existing Green Space across different parts of Leeds.
- 2.7 The ability to measure the efficacy of revised CSSR Policy G4 since adoption in September 2019 has been impacted by the pandemic. This data will be brought promptly up to date when feasible for the monitoring year April 2020 to March 2021.
- 2.8 Finally, Policy G6 is the Policy used to Protect Green Space. This Policy has discrete criteria against which the loss of Green Space is considered acceptable.

### 3. Main issues

- 3.1 The role of planning is mainly in creating Green Space associated with new development in order to mitigate the burden placed on existing Green Space

<sup>1</sup> Pages 81 onwards of May 2017 Green Space Background Report - ([LINK](#))

by the extra population that the development creates and protect existing Green Space where there is justification to do so. It is important to note that it is not the purpose of Planning or the Policies above to use the development process to remedy the existing Green Space deficiencies in Leeds and provide sufficient Green Space for all residents against standards. In so doing policies need to be deliverable and justified within a balance of competing objectives e.g. for affordable housing, climate efficiency policies and green space. In the same way that affordable housing contributions gained through S106 cannot meet the full needs for affordable housing in the City, new development will not address Green Space deficiencies on its own. Moreover, the planning system does not control the management of the Major Parks<sup>2</sup> and Local Parks<sup>3</sup> which are delivered and maintained by Parks and Countryside.

- 3.2 The Green Spaces that result from development are often attached to the residential development and are relatively small in scale, although they are public spaces for all local users to enjoy and are encouraged to also form multiple roles e.g. for wider Green Infrastructure purposes.
- 3.3 The Local Plan specifically seeks to create Green Space on site. However, each planning application must be dealt with on its merits and individual characteristics and in some cases On Site Contributions in Lieu of on-site may be taken, in accordance with the Local Plan Policy. This may occur when an application for a new housing scheme may be adjacent to a large amenity area and/or nearby a playground in considerable disrepair. As part of the Green Space negotiation with the developer, solutions that help address local qualitative deficiencies may be considered acceptable as an overall net gain for Green Space in the locality, especially if sites do not lend themselves to on-site provision.
- 3.4 It is also important to note that as with other policy areas and in line with national guidance, where schemes demonstrate viability concerns Green Space burden is a planning gain which may be reduced or waived entirely in line with national guidance. In these case the planning report will clearly set out the Policy requirements and the reasons why in the balance of making a planning recommendation they have been off set.
- 3.5 Members should also note that within the operation of national policy on significantly boosting the supply of housing wider considerations such as Green Space can have less weight if authorities do not have a 5 year housing land supply. This was the case for Leeds up until the Adoption of the Site Allocations Plan in July 2019.
- 3.6 Ultimately National Policy dictates that any s106 Contribution has be 'directly related'<sup>4</sup> to the development. For green space Leeds takes the approach that this should be focussed within the Ward where possible. This allows local

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<sup>2</sup> Council Website – Major Parks - ([LINK](#))

<sup>3</sup> Council Website – Local Parks - ([LINK](#))

<sup>4</sup> NNPF – 2019 – Paragraph 56 ([LINK](#))

knowledge e.g. from ward members to help inform the process of where s106 monies are best spent which can also involve considerations of surplus and deficiencies as identified in G3.

- 3.7 Members will also be aware that the Council is in the early stages of a Local Plan Update. The members of Development Plan Panel and Climate Emergency Advisory Committees have endorsed a proposed scope for policy update as follows. It is currently anticipated that this will be considered by Executive Board on 17<sup>th</sup> March, with a view to public consultation after the local elections. Executive Board will be asked to recommend a scope as follows: carbon reduction (including from buildings, renewable energy and heat generation); flood risk; place making; sustainable strategic infrastructure and green infrastructure. For the latter Green Infrastructure element the Local Plan Update intends to:
- ensuring a strong, clear and consistent approach to the delivery of new green infrastructure as well as the enhancement and protection of existing GI alongside a better understanding of the roles and benefits of individual GI attributes e.g. for play, for well-being, biodiversity (through hedgerow plating), opportunities for local food growing and more attractive routes to encourage less car use;
  - ensuring stronger protection for trees for example, through new land for trees, tree retention and replacement which focuses on the carbon sequestration value rather than just their numbers;
  - 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;

- 3.8 Scrutiny Board will be specifically consulted on this during the consultation period and its views will help shape the formation of policies. This provides an opportunity to consider any suggested improvements to the Policy or its implementation mechanisms put forward by Cllr Illingworth and Cllr Scopes.

## **4. Corporate considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The extant and proposed plans that make up part of the Local Development Framework are all governed by very strict consultation and engagement processes laid down by law. Many of these (including those above) are tested by the Secretary of State in an Examination in Public. Any document will have to be adopted by the Council.

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

#### **4.2.1 Green Planning Policies:**

Age: reasonable supposition as it effects everyone, but is likely to have a positive impact on aspects of the particulars of this protected characteristic.  
Disability: Directly related mental health benefits.

All Other PC's: Beneficial effects for all users in terms of physical and mental health. However with regard to the particulars of the protected characteristic no direct link.

#### **4.3 Council Policies and City Priorities**

- 4.3.1 Adopted Planning Documents takes forward the spatial objectives of the Vision for Leeds and the priorities set out in the best Council Plan, particularly in relation to promoting sustainable, inclusive economic growth, health and well-being and Leeds declared Climate Emergency. This is supported through identified land in the adopted Site Allocations Plan (adopted 2019) and Aire Valley Leeds Area Action Plan. Green Space provision, enhancement and protection is a key element of this process.

#### **4.4 Resources and Values for Money**

- 4.4.1 No implicit resource or Value for money concerns

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 This report does not contain any exempt or confidential information.

#### **4.6 Risk Management**

- 4.6.1 This section is not relevant to this report.

### **5. Conclusions**

- 5.1 The approach outlined in this report is in response to matters in relation to Green Space raised by Cllr Illingworth through Cllr Scopes. The report has set out the Policy approach taken by the Local Planning Authority to the provision and protection of Green Space, as set out in the adopted Local Plan for Leeds. Looking forward, the Local Plan Update is intended to focus on a series of key topics, including Green Infrastructure (also comprising Green Space). This will provide an opportunity for further clarifying the role that Green Space plays in the climate, health and well-being and inclusive growth agendas.

### **6. Recommendations**

- 6.1 Members are asked to note and comment on this report.

### **7. Background Documents**

- 7.1 None.