

## Report of Chief Planning Officer

### Report to Development Plan Panel

Date: 2nd March 2021

### Subject: Submission of 39 Proposed Main Modifications to the Leeds Site Allocations Plan for reconsideration by 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, Rothwell, Kippax & Methley, Farnley & Wortley, Morley North, Morley South, Ardsley & Robin Hood, Calverley & Farsley, Pudsey.		
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

## Summary

### 1. Main Issues

- The Leeds Site Allocations Plan (SAP) provides the future planning framework to guide the development of housing (including for Gypsies and Travellers and Travelling Showpeople), employment and retail proposals and to protect and enhance green space. It is a key strategic Plan for Leeds MD and the City Region as a whole, providing for around 50,000 homes (identified existing and new allocations), 830,000 sqm of office space, 245 ha of employment land, as well as over 1,600 green spaces and 63 retail designations.
- The SAP was adopted by Full Council on 10th July 2019 and ensured full plan coverage of the whole of the Leeds area against the Government's National Planning Policy Framework. The adoption of the SAP was a major achievement for Leeds and put in place a portfolio of allocations across the District for the homes and jobs needed for inclusive growth; it also ensured that the Council had a 5 year housing land supply. The SAP also plans for sustainable infrastructure (including school places and highways infrastructure) and through the management of flood risk, ecology and public transport measures, contributes to the mitigation of and adaptation to climate

change, as part of a co-ordinated approach against the strategic framework of the Adopted Core Strategy (CS).

- The SAP was challenged by the Aireborough Neighbourhood Development 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 could not properly release Green Belt sites or that the site selection process was unlawfully or took a legally flawed approach to the SAP.
- The Court ordered that all 37 Green Belt sites (including one mixed use allocation) be treated as not adopted and be referred back to the Secretary of State for further examination by the planning Inspectorate, against up to date evidence and national and local policy. This process is known as remittal. It is limited to the 37 sites, which are now returned to the Green Belt pending consideration through this process. The rest of the SAP is untouched by the remittal process and remains fully adopted. At its meeting on the 16<sup>th</sup> December 2020, Executive Board approved proposed Main Modifications, to delete the 37 Green Belt allocations from the SAP, the result of which is that they will remain in the Green Belt. The proposals were supported by a Sustainability Appraisal and were Executive Board's preferred option when considered against the reasonable alternatives of retaining all of the sites as housing allocations or retaining some of them as allocations.
- A 6 week public consultation took place from the 5<sup>th</sup> January to the 16<sup>th</sup> February 2021 and the responses received are as follows:
  - 441 duly made representations were received from 249 respondents
  - 382 supported the Main Modifications
  - 49 objected to the Main Modifications.
  - 10 neutral
  - the majority of supporters are from local residents
  - the majority of objections are from developers and their agents.
- The representations have each been considered and those in support of the Council's approach welcome the protection of the Green Belt in these locations. Those in objection to the Council's preferred approach raise the following issues:
  - Impacts on delivery of affordable housing
  - Impacts on delivery of housing mix
  - Implications of reduced housing opportunities in the outer areas of the city
  - Impacts on safeguarded land
  - Robustness of the Council's 5 year housing land supply
  - Implications of the Government's recent changes to the Standard methodology
  - The potential loss of infrastructure (such as schools) from the 37 sites
  - The loss of employment land which had previously been found sound and has been removed from the plan on the basis of housing evidence rather than employment evidence.
- For the reasons set out in section 3 of the report below, and having considered all of the representations received, whilst these matters raised are fully acknowledged, it is not considered that any matters raised relating to housing allocations, either

individually or collectively, impact on the soundness, legality or conclusions that the Council has drawn in proposing the Main Modifications.

- However, it is considered that the representation submitted by the owners of site MX2-38, requesting its inclusion within the Plan wholly for general employment uses, amounts to an additional reasonable alternative to the Plan. When this option (option 4) was assessed it has been concluded that an additional MM is required. As set out in section 3, it is acknowledged that with regard to Main Modification 8 relating to site MX2-38 'Barrowby Lane, Manston', that exceptional circumstances do exist to justify the allocation of the land wholly for general employment. This further proposed main modification 39 is considered sound to ensure that the Site Allocations Plan's contribution to the District's employment land requirements up to 2028 is maximised. As such, it is therefore recommended that this one additional main modification (number 39) is necessary, in addition to those already agreed by Executive Board on the 16th December 2020.
- The consultation responses have raised a number of issues, which are proposed to be addressed as part of the Examination documents prepared in readiness for the Examination in Public so as to clarify the Council's evidence base used and ensure that the proposals are clearly explained. These include further clarification on school places evidence, housing mix, affordable housing and employment land supply.
- It is now proposed that DPP recommend that Executive Board recommends to Full Council that it approves the Main Modifications to be submitted to the Secretary of State for examination. The Planning Inspectorate has appointed Louise Gibbons (BA (Hons) MRTPI) as the Independent Inspector for the re-opened examination. Ms Gibbons was one of the Inspectors involved in the initial Examination of the SAP. The Council has also re-appointed the programme officer, Helen Wilson to communicate between the Council and the Inspector. Upon submission of the material the Inspectorate will be able to confirm a date for Examination.

## 2. Recommendation

Development Plan Panel is requested to:

- i) Note the contents of the report and appendices;
- ii) Consider the assessment of representations received in response to the consultation on the proposed Main Modifications and supporting documents;
- iii) Recommend to Executive Board that it:

Note the comments of the Council's Development Plan Panel meeting on 2<sup>nd</sup> March 2021 and consider the assessment of representations received in response to the consultation on the proposed Main Modifications and supporting documents.

And Recommends to Council that it:

- (a) approves the proposed 39 Main Modifications to the Remitted part of the Site Allocations Plan (in **Appendix 1**), the Sustainability Appraisal Addendum (in **Appendix 2**) and supporting material be submitted to the Secretary of State,

pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended, for the purpose of Examination by an independent inspector;

- (b) invites the independent inspector appointed to hold the Public Examination, to make modifications to the Remitted part of the Site Allocations Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended in order that it is sound and legally compliant;
- (c) delegates authority to the Chief Planning Officer, in consultation with the Executive Member for Climate Change, Transport and Sustainable Development, to (a) approve the detail of any updates or corrections to the submission material and any further technical documents and supporting evidence required to be submitted for consideration at future hearing sessions, (b) continue discussions with key parties, including via statements of common ground and suggest to the Inspector any further Main Modifications, edits and consequential changes necessary to be made to the Remitted part of the Site Allocations Plan following Council approval, during the Examination and (c) prepare and give evidence in support of the Remitted part of the Site Allocations Plan.

## 1. Purpose of this report

- 1.1 The purpose of this report is to inform Development Plan Panel (DPP) of the representations received as part of the proposed Main Modifications to the Site Allocations Plan (SAP) Remittal consultation (5<sup>th</sup> January to 16<sup>th</sup> February 2021) and to inform DPP of the Council's proposals in response. In addition, the report seeks DPPs recommendation that Executive Board recommends to Council that the 39 proposed Main Modifications to the remitted part of the Site Allocations Plan be submitted to the Secretary of State for independent examination.
- 1.2 The submission documents will comprise:
- 39 Main Modifications to the remitted part of the SAP (**Appendix 1**)
  - A Sustainability Appraisal Addendum (**Appendix 2**)
  - An addendum to the SAP Report of Consultation which sets out how the views of representors have been taken into account (**Appendix 3**)
  - An Addendum to the SAP Habitat Regulations Assessment (Screening & Appropriate Assessment) (**Appendix 4**)
  - A Background Paper containing evidence in support of the Council's approach having taken into account the views of representors (**Appendix 5**)
  - Evidence in support of the submission (see **background documents**)

## 2. Background information

- 2.1 The SAP provides the future planning framework to guide the development of housing (including for Gypsies and Travellers and Travelling Showpeople), employment and retail proposals and to protect and enhance green space. It is a key strategic Plan for Leeds MD and the City Region as a whole, providing for around 50,000 homes (identified existing and new allocations), 830,000 sqm of office space, 245 ha of employment land, as well as over 1,600 green spaces and 63 retail designations.
- 2.2 The SAP was adopted by Full Council on 10th July 2019 and ensured full plan coverage of the whole of the Leeds area against the Government's National Planning Policy Framework. The adoption of the SAP was a major achievement for Leeds and put in place a portfolio of allocations across the District for the homes and jobs needed for inclusive growth; it also ensured that the Council had a 5 year housing land supply. The SAP also plans for sustainable infrastructure (including school places and highways infrastructure) and through the management of flood risk, ecology and public transport measures, contributes to the mitigation of and adaptation to climate change, as part of a co-ordinated approach against the strategic framework of the Adopted Core Strategy (CS).
- 2.3 The SAP was challenged by the Aireborough Neighbourhood Development 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 could not properly release Green Belt sites or that the site selection process was unlawful or took a legally flawed approach to the SAP.

- 2.4 The High Court ordered that all 37 Green Belt sites (including one mixed use allocation) be treated as not adopted and be referred back to the Secretary of State for further examination by the Planning Inspectorate, against up to date evidence and national and local policy. This process is known as remittal. It is limited to the 37 sites, which are now treated as not adopted and returned to the Green Belt pending consideration through this process. The rest of the SAP is untouched by the remittal process and remains fully adopted.
- 2.5 At its meeting on the 16<sup>th</sup> December 2020, Executive Board approved proposed Main Modifications, to delete the 37 Green Belt allocations from the SAP, the result of which is that they will remain in the Green Belt. The proposals were supported by a Sustainability Appraisal and were Executive Board's preferred option when considered against the reasonable alternatives of retaining all of the sites as housing allocations or retaining some of them as allocations

### **3 Main issues**

#### Consultation Process

- 3.1 The proposed Main Modifications were subject to a 6 week public consultation from the 5th January to the 16th February 2021. The consultation has been undertaken within the restrictions applied as a result of the coronavirus (Covid-19) pandemic. The approach follows the conditions set out by government's temporary amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Interim Statement of Community Involvement (<https://www.leeds.gov.uk/planning/planning-policy/interim-sci>). The consultation materials were made available online via the website <http://www.leeds.gov.uk/sapremittal>, although requests for paper copies were considered upon request.
- 3.2 Notification letters were sent either by email or post to contacts on the Council's Local Development Framework database. This database includes a range of specific consultation bodies, including statutory and non-statutory consultees as well as those who responded previously to consultations on the SAP for the 9 Housing Market Characteristic Areas affected by the SAP Remittal. Letters and / or emails were also sent to all groups with approved Neighbourhood Plans or in the process of preparing Neighbourhood Plans. All Members and MPs were also notified by e-mail.
- 3.3 During the consultation, the Council received a number of queries from members of the public, which have been addressed, and a virtual meeting was held on the 28th January 2021 with a number of representatives from the development industry / Leeds Property Forum. The purpose of the meeting was to provide an opportunity to discuss and clarify the consultation documents with officers.

- 3.4 An Addendum to the Report of Consultation has been prepared which explains the consultation process and summarises the representations received and responds to the main issues raised (Appendix 3). This supplements the Submission Draft Report of Consultation, May 2017 (CD1/40) and Addendum to the Revised Submission draft Site Allocations Plan, March 2018 (CDR1/6).

#### Consultation Responses

- 3.5 A total of 441 duly made representations were made from 249 respondents. Overall, 382 representations supported the Main Modifications and 49 objected. 3 not duly made submissions were received from respondents due to them being late submissions. The not duly made submissions will not be sent to the Inspector, except upon request. The largest number of representations (284) were made in relation to sites in the Aireborough HMCA, the majority of which (281) supported the proposal to retain the sites as Green Belt. 76 representations were made in relation to all 37 sites with 44 supporting the proposed approach, 22 objecting and 10 neutral.

#### Support for the approach

- 3.6 The majority of representors support the Council's proposed approach and welcome the retention of the 37 sites as Green Belt land which will have positive environmental benefits, including supporting climate change. The supportive representors comprise individual members of the public, community representatives including a number of neighbourhood forums from the outer areas as well as a number of local Councillors representing the outer wards.

#### Objections to the approach

- 3.7 Representations were received from developers and the housebuilding industry (as well as a small number of local residents) objecting to the Council's approach to retain all sites as Green Belt land (Option 2) on the following themes:

i) Failure of Spatial Distribution

- 3.8 *Summary of Objections: There are concerns that (a) the proposed approach is only determined by the total housing supply, does not reflect housing markets and will lead to an unbalanced and disproportionate oversupply of housing in the City Centre and Inner area. (b) There is an overreliance on the re-use of brownfield sites, which places environmental objectives over housing needs of the outer areas of the city. (c) The Council's Core Strategy Policy SP7 which was evidenced by a Strategic Housing Market Assessment (SHMA) supports spatial distribution which is not now being delivered. (d) The Council argued that housing distribution was an exceptional circumstance for release of land from the Green Belt in the evidence to the High Court challenge.*

- 3.9 In response to these concerns it is noted that the Council has set out its position as regards the distribution of housing land supply in Section 6 of the SAP Remittal Background Paper as it relates to Core Strategy Polices SP1, SP6 and

SP7. Policy SP1 sets out the spatial development strategy for Leeds up to 2033. Policy SP6 sets the housing requirement for the district and guidance for land allocations and Policy SP7 informs the distribution of housing land (excluding windfall) by HMCA. .

- 3.10 In terms of overall balance of development, Policy SP1 is based on the settlement hierarchy to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance of brownfield and greenfield land, with criteria (i) setting that the largest amount of development be located in the Main Urban Area (MUA) and Major Settlements (MS) and in applying this criteria, that this will be on the basis of priorities as follows: (ii.a) previously developed land and buildings within the MUA and relevant settlement, and then (ii.b) suitable infill within the MUA and relevant settlement, and then (ii.c) key locations identified as sustainable extensions to the MUA and relevant settlement. Para 4.1.11 notes that “Development that occurs in the MUA will cater to residents of the District, the City Region and beyond.” The proposed Main Modifications are in line with that approach.
- 3.11 The updated evidence in the 2020 SHLAA as set out in the SAP Remittal Background Paper notes that:
- there is sufficient deliverable supply within the current housing land supply to not require any additional allocations
  - the distribution of existing supply reflects a quantum of housing growth that accords with the housing growth principles and overall spatial strategy i.e. there is sufficient deliverable supply from Adopted SAP sources and sites with planning permission that are mainly sourced from SP1 ii.a and ii.b, with some non-Green Belt allocations also allocated from Policy SP1 ii.c
  - the supply is made up of adopted allocations and sites with planning permission
  - whilst the overall housing target can be met numerically overall without the allocation of the remitted sites, there are discrepancies between where the housing land is and what the indicative HMCA targets are
- 3.12 On the last point Policy SP7 is the policy mechanism to guide the distribution of land allocations once the requirements of Policy SP6 have been established. . However, the percentage figures in Policy SP7 for HMCAs are intended as a guide rather than rigid targets whereas Policy SP1 clearly sets out the spatial priorities for development. Moreover, Policy SP7 informs the distribution of allocations and not windfall development. Changes in the housing land supply when measured against the illustrative targets in Policy SP7 are mainly as a result of planning activity rather than the proposed modifications as part of the SAP remittal to remove site allocations. It is the planning activity, arising as permissions on windfall which reveals an uplift in approved schemes in the city centre and inner area. Such permissions are in line with Policy SP1 of the Core Strategy. It is also noted that an increased supply of housing allocations in the City Centre and Inner Areas when measured against the indicative targets of Policy SP7 has been a longstanding part of the SAP and was considered to be

a sound approach by the SAP Inspector. This respects the High Court Judgment which determined that the justification for Green Belt release in the adopted Core Strategy is related to the quantum of houses required and not the settlement hierarchy.

3.13 On that basis the proposed Main Modifications are considered by the Council to be sound.

ii) Allocations should be provided now in HMCA with Housing Shortfalls

3.14 *Summary of Objections: The majority of objectors considered that all 37 sites should be allocated for housing (the Council's discounted Option 1), although a number supported a more selective approach i.e. that sites in HMCA with shortfalls against Policy SP7 should be allocated (the Council's discounted Option 3). It is suggested that an assessment of individual sites would be sound so as to help meet housing shortfalls.*

3.15 The Council's response to this is provided in the Background Paper, and the reasons which led to the discounting of Option 3. It is noted that the housing target is district wide and the up to date evidence shows a significant surplus in housing land supply against the overall target alongside sufficient land within the most sustainable locations in the District in line with Policy SP1 of the Core Strategy. The percentage figures in Policy SP7 for HMCA are intended as an indicative guide rather than a target for land allocation of each individual HMCA and therefore does not on its own, or cumulatively with other factors, represent a compelling justification for release of extensions to the MUA or settlements on Green Belt land. Moreover, the allocation of the 37 remitted Green Belt sites would not remedy the position on distribution to fully satisfy Policy SP7 and some HMCA would remain significantly under their indicative target.

3.16 The Council considers that a future Local Plan Update would be the appropriate vehicle to consider the assessment of individual sites because it would enable a consistent and comprehensive approach to allocations and allow an opportunity to consider whether Policy SP7 needs to be updated. It would also ensure that proposed fundamental changes to the planning system help steer housing delivery in Leeds at the appropriate time.

3.17 On that basis the proposed Main Modifications are considered by the Council to be sound.

iii) City Centre Delivery/Viability and impacts on land supply

3.18 *Summary of Objections: There is concern that the amount of planning approvals and reliance of supply from the City Centre and the Inner area will not actually be delivered. Objectors note that this supply equates to 56% of the district total and that these areas act differently to the other areas of the City.*

3.19 The Council's response on the issue of the deliverability of the housing land supply is dealt with in Section 7 of the Background Paper. It notes that there

has been considerable activity in the city centre and inner area in recent years. The Private Rental Sector model of delivery represents a significant change for the traditional rental market and is amongst a number of concluding factors contributing to the significant uplift in the delivery of new homes in city centre.

- 3.20 The overwhelming majority of dwellings in the city centre are either under construction or have detailed planning permission. The NPPF is clear that sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years.
- 3.21 The strategy gains support from the revised NPPF which recognises that a range of tools and solutions are necessary to the boost of delivery on brownfield sites in sustainable urban locations. Part of the delivery in the city centre includes the realisation of the Leeds South Bank, a major regeneration opportunity in the plan. It is one of Europe's most exciting sustainable growth locations and once completed is expected to compliment the transformation of the city centre. This project is yet another instrument in a range of measures designed to further accelerate growth within the city centre alongside other regeneration initiatives undertaken by the Council, working collaboratively with landowners and developers, which have properly been recorded as part of the SHLAA.
- 3.22 The SHLAA provides an annual update on site deliverability and the most recent update was published in December 2020 set to a based date of 1 April 2020 for planning and construction activity. The SAP includes SHLAA sites assessed as deliverable in the plan period. The Council has contacted landowners and their agents to collate clear evidence order to make informed decisions as to how sites contribute to the future supply of housing in Leeds.
- 3.23 On that basis the proposed Main Modifications are considered by the Council to be sound.

iv) Effects of Covid-19

- 3.24 *Summary of Objections: There is concern that the impact of the pandemic has changed priorities for housing with demand for more outdoor space and access to the open space, home working accommodation with people looking to move out of city centres. This creates changing demands and underpins a need for greater housing choice across the whole of the district.*
- 3.25 In response the Council considers that at this stage of the pandemic there is little certainty on how the housing market and planning strategies will be affected in the long term and that such major changes are appropriately dealt with through strategic plan-making and Core Strategy policy update at the appropriate time. The SAP Remittal is limited in scope and must be based on current adopted policy and national guidance. It is also noted that the updating of evidence in the SHLAA review was undertaken during the Covid-19 pandemic. As a result the Council recognised that market adjustments and

restrictions upon the operation of construction sites means that the Five Year Housing Land Supply picture is reduced for the year 2021/22.

3.26 It is noted that there has been no shift in Government policy as a result of the pandemic. Indeed during the pandemic, on 16 December 2020, the Government changed the way local housing needs are to be calculated and amended national planning guidance to build-in an uplift of 35% for the 20 most populated cities in England as part of their commitment to the levelling up agenda and priority for brownfield land use in city centres. This is entirely consistent with the Council's approach.

3.27 On that basis the proposed Main Modifications are considered by the Council to be sound.

v) Lack of Housing Mix

3.28 *Summary of Objections: There are concerns that the deletion of the 37 sites will see the loss of family housing, ranging from 2 to 4/5 bed houses which is considered to be contrary to the Government's requirements for delivering family houses. There are concerns that the resulting supply in Leeds as a result of a focus on the city centre is overly focussed on flats. It is noted that the mix of supply relied upon by the Council is not discussed in the SAP Remittal Background Paper in any detail and this is considered to be a major failing. A number of submissions refer to the SA Baseline evidence (page 73) that in the last 3 years 1 and 2 bedroom dwellings was 60% on average, with 84% of approvals for April to June 2020. The supply of apartments up to 2028 is significantly above the SHMA suggestion of 26%.*

3.29 In response the Council notes that Core Strategy Policy H4 guides housing mix and requires that "developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location". Targets for house type and number of bedrooms are not set in Policy H4 itself but are illustrated in the introductory text and there is a target for 60% of homes to be 1- and 2-bed and 40% of homes to be 3- and 4-bed with a range to allow for some flexibility. This is in response to demographic changes and the rise of single person households (Core Strategy para 5.2.10) and notes that the focus is not on family housing.

3.30 Policy H4 is a development management policy and not a strategic policy for the purposes of the land allocation, therefore the SAP does not prescribe the precise housing mix of allocations. Through the pre-application process and planning applications, housing mix and Policy H4 is raised at an early stage of the process to ensure that developers are aware of the policy, its requirements and how it should be implemented. To that end, 3-bed properties are sought, and have been delivered in the city centre.

3.31 The SAP has allocated sites on both brownfield and greenfield land across all markets that will continue to see the development of schemes in suitable locations of appropriate scale as part of a planned and managed approach.

- 3.32 The SHLAA demonstrates that the land supply meets the deliverability criteria set in the NPPF and since much of the land supply is subject of recent planning permissions there is good reason to be confident that it represents a significant headroom over and above the housing requirement. The type of housing falls within the definitions in the NPPF and whilst increases in supply through planning permissions have been apartment led this remains in line with the Council's Policy H4 which seeks a higher target for 1 and 2 bed homes in the City in line with household projection evidence that the City needs more homes for single people. The housing land supply is a reflection of the existing adopted allocations and new planning approvals that are established as policy compliant through determination of the applications.
- 3.33 On that basis the proposed Main Modifications are considered by the Council to be sound.
- vi) Loss of Affordable Housing
- 3.34 *Summary of Objections: The objectors note that the GB sites would support the provision of affordable housing (904 units) and should be retained as allocations, particularly given what they consider to be the recent poor delivery of affordable dwellings in the city as recognised in the SHLAA. A reliance on the supply of sites in the City Centre and Inner Areas will generate a lower proportion of affordable housing which is 7% compared to 15% and 35% in the outer areas. Some respondents disagree with the Council's suggestion that affordable housing could be delivered in the outer areas via other policies (NPPF exceptions and the Affordable Homes Programme) citing that these policies have been available for a number of years but delivery remains below housing needs.*
- 3.35 In response the Council has already recognised that lack of affordable housing delivery is a negative impact of the modifications to the SAP and has set this out in Section 11 of the Background Paper and the Sustainability Appraisal. The Background Paper acknowledges removing 37 Green Belt sites results in a **theoretical** total loss of 904 affordable units (as a proportion of the 4,070 homes that will not be allocated) that could have been provided as part of policy compliant schemes on those sites. It is understood that the removal of the 37 Green Belt allocations will result in a potential loss of affordable housing in the outer areas. This equates to less than one year's worth of the annual affordable housing target, however, it is significant that all the affordable homes would be provided in the Outer Northern and Outer Southern market zones where demand is more acute.
- 3.36 It should be recognised that the headroom of 11,268 units (above the Core Strategy requirement) identified through large windfall permissions also brings affordable housing with it (in the region of 500 units once student schemes are removed) so overall the numbers of affordable homes that would not be realised through the removal of the 37 Green Belt sites is not as stark as it may at first appear. In reality some of the sites may deliver affordable housing even if deleted as allocations by virtue of the proportion of the site in Green Belt or their

character (for example there are current proposals for 152 affordable units to be delivered on one of the sites via the NPPF exceptions test route). An up to date position statement on the 37 sites will be provided for the Examination to clarify the potential loss to affordable housing based on any development proposals that exist at that time.

- 3.37 To that end the 904 dwelling figure in the Background Paper is a **theoretical** worst case scenario and it is anticipated that the lost affordable housing will be far less in reality. The mitigation to affordable housing needs provided by the allocation of remitted sites would be time-limited when compared to the permanent effect of Green Belt release.
- 3.38 The Council's position remains that the contribution to affordable housing that would be made by the remitted sites would have been important but not of such significance to justify the release of the sites, in the context of the total overall supply and the headroom above target to 2028.
- 3.39 On that basis the proposed Main Modifications are considered by the Council to be sound.

vii) Provision of Schools

- 3.40 *Summary of Objections: There are objections to the Council's position that the school allocations were no longer needed. It is considered that the school places provided by the allocations would provide space to meet an existing shortage of spaces as well as spaces directly related to the housing created at the Green Belt sites. A number of respondents considered that the City Centre and Inner Area did not have capacity to accommodate schools provision and the impact of the deletion of the 37 sites would divert pressure back to this central area for those families who had previously anticipated moving to the outer areas.*
- 3.41 In response the Report to Executive Board on the 16th December noted that five of the sites affected by the Remittal included land reserved for future school use (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; and HG2-72 Land off Tyersal Court, Tyersal) and that the Council's Children's Service had been consulted on the option to remove the school allocations. They advised that the school allocations were identified to accommodate additional school places primarily arising from the new housing within the allocation. As such, in the event of the housing sites not being allocated, the land reserved for future school use will also not be needed. Where school place needs arising from other SAP housing allocations in the area of the remitted sites does occur, the existing schools capacity and other plans for extension could accommodate the need for additional school places. Children's Services have been re-consulted since the receipt of these representations and confirm that the previous advice remains unchanged.
- 3.42 The majority of housing provision identified in the updated housing land supply is windfall in the City Centre and Inner Area. School need arising from these

sites has already been considered through the planning application process in consultation with Children's Services. The approach to the SAP Remittal does not increase the burden on schools provision in these areas as the impact has already been accounted for as part of the development management process.

- 3.43 On that basis the proposed Main Modifications are considered by the Council to be sound.

viii) Permanence of the Green Belt and safeguarded land

- 3.44 *Summary of Objections: There is concern that given the timings of the SAP plan period to 2028, the Council has not addressed the consequence of the proposed approach on the permanence of the Green Belt. The NPPF requires Green Belt boundaries to endure beyond the plan period. The 37 Green Belt sites have been examined and found to be suitable for development. They should be removed from the Green Belt now in order to provide longevity to the Green Belt boundaries, even if not allocated for development now. The issue of safeguarded land is unresolved by the modifications. A number of site promoters for safeguarded land sites also highlighted that their land provided potential housing land supply. The retention of the 37 sites to provide safeguarded land for release in 2028 or earlier subject to SAP review was suggested as a further potential option. There is also concern from some residents that the modifications undermine the security of safeguarded land and leaves the Council more susceptible to speculative development.*
- 3.45 In response the Council notes that the outcome of the legal challenge was the treatment of the 37 sites as not adopted allocations and the land in effect returned to the Green Belt. The SAP Remittal process does not therefore affect the permanence of the Green Belt as it remains Green Belt. Paragraph 137 of the NPPF sets out the considerations for concluding that exceptional circumstances exist to justify changes to Green Belt boundaries and notes that "...The strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.." including "...demonstrating that as much use as possible of suitable brownfield sites and under utilised land".
- 3.46 NPPF Paragraph 138 continues that when drawing up or reviewing Green Belt boundaries, authorities should consider the consequences for sustainable development, directing development towards urban areas inside the Green Belt boundary. The Council's approach is wholly in line with national policy in that there is sufficient overall supply from non-Green Belt land that removes the need to allocate land from within the Green Belt for housing. The permanence of the Green Belt is therefore maintained by the SAP Remittal.
- 3.47 The status of safeguarded land does not fall within the scope of the SAP Remittal. The consideration of safeguarded land will be determined as part of a wider review of housing land in the next plan period, following the Local Plan Update and informed by a new housing needs assessment and the outcome of the Planning White Paper. In relation to the concerns of residents that the removal of Green Belt allocations will place pressure on safeguarded land the

NPPF clarifies in para 139 (d) that “safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”. That would occur through a future Local Plan Update.

3.48 On that basis the proposed Main Modifications are considered by the Council to be sound.

ix) Policy HGR1/Future Local Plan Update

3.49 *Summary of Objections: There are objections that the Proposed Main Modifications do not address SAP Policy HGR1 (that a review of the SAP will be submitted no later than 31st December 2021 to ensure sufficient land is allocated and safeguarded to comply with the CSSR housing requirements). Some objectors consider that the relationship between the remittal process, the removal of the 37 Green Belt sites and the SAP Review is unexplained, unclear and ill-considered.*

3.50 In response the Council clarifies that it is not the role of the remittal of the SAP to address policy HGR1, as the scope of the remittal is clearly set through the High Court judgement which restricted matters to the 37 sites subject of the remittal, rather than a full plan review. Nevertheless, through the Council’s updated evidence, it is clear that the Council’s proposed modifications do ensure that sufficient land is allocated and identified to meet the CSSR housing requirements until 2028. It is therefore considered that the intention of that policy will be complied with through the evidence submitted to the Secretary of State. Reviews of all Development Plan Documents are required to be carried out 5 years from adoption, meaning that a review of the Site Allocations Plan should take place by 2024.

3.51 On that basis the proposed Main Modifications are considered by the Council to be sound.

x) Extending the Plan Period

3.52 *Summary of Objections: There is objection that Option 4 (to adjust the plan period to 2033) has not been adequately investigated and was not subject to testing in the SA Addendum. This alternative option is considered to be a reasonable and appropriate alternative option, which would align with the CS plan period to 2033 and would add further justification to the retention of the 37 sites within the Green Belt.*

3.53 In response, this issue is already set out in the Background Paper paragraph 3.1 under ‘Discounted Alternatives’, which sets out that extending the plan Period of the SAP to 2033 would not be within the scope of the remittal as set by the High Court and is therefore not a reasonable alternative. To extend the SAP Plan Period to 2033 would be to widen the scope and potentially invite alternative sites which are outside of those set in the specified Court Order.

Matters beyond 2028 are best assessed through a review of the Site Allocations Plan which is scheduled to take place by 2024.

3.54 On that basis the proposed Main Modifications are considered by the Council to be sound.

xi) Exceptional Circumstances

3.55 *Summary of Objections: The respondents consider that factors relating to housing distribution, affordable housing, housing mix and schools capacity represent exceptional circumstances, when taken as a whole.*

3.56 In response, and as has been set out above, the Council does not consider that these individual issues amount to exceptional circumstances to justify the removal of land from the Green Belt for housing. Equally, when taken together, the collective weight of these arguments is also not considered to pass the high bar of exceptional circumstances, particularly in regard to the tests set out in Para 137 of the NPPF (noted in (vii) above). As set out within paragraph 19.3 of the Remittal Background Paper, 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. The Council is meeting its identified need for housing up to 2028 without the need for Green Belt land, with a surplus of 11,268 units. In the Council's planning judgement, it is therefore considered that exceptional circumstances do not exist to justify the further release of Green Belt land for housing.

3.57 On that basis the proposed Main Modifications are considered by the Council to be sound.

3.58 A number of specific HMCAs or sites of particular note were raised by the landowners, developers and housebuilders:

xii) Outer North East

3.59 *Summary of Objections: Representatives for sites in the Outer North East HMCA highlighted the greatest deficiencies in the Outer North East, Outer South and East Leeds (2,085 units to 2028) compared to the over provision in the City Centre and Inner area. Given that the Council do not appear to be producing a SAP Review, there are concerns over the uneven deletion of all Green Belt sites in the Outer North East HMCA and lack of replacement sites. The deletion of the Parlington site previously required new sites, which the Planning Inspectorate advised would be covered by the SAP Review. If this is not taking place the Outer North East HMCA is prejudiced.*

3.60 In response the Council considers that the response provided above to point (i) and (xiii) is relevant to these HMCA specific concerns. It is also noted that the Outer North East HMCA has a significant urban extension on rural land to the East of Wetherby which now has an outline planning permission and meets housing needs and delivers 35% affordable housing. It is also noted that the

Policy HGR1 does not advise any HMCA specific considerations in a SAP Review, only that sufficient land is allocated and safeguarded to comply with the CSSR housing requirements.

3.61 On that basis the proposed Main Modifications are considered by the Council to be sound.

xiii) White Rose Rail Station

3.62 *Summary of Objection: Representations from the landowners of site HG2-150 Land East of Churwell set out that the site is subject to planning permission for a new railway station, which was approved on the basis that the site would be developed for residential purposes. Upon construction of the station, the site will be highly sustainable.*

3.63 In response, and for the reasons given above at 3.15 and 3.16, the Council is not considering the individual merits of sites for housing through this remittal process, as this would be best to take place as part of a full plan review that would allow for a consistent and comprehensive approach to housing allocations. It is considered that the strategic approach of the SAP at this stage does not in itself prejudice the ability of land owners to submit planning applications or prejudice how those applications are ultimately determined, in accordance with national and local policy, should landowners so choose. However, it is not considered that the merits of the site, as set out by the representor, represent exceptional circumstances for the release of this site from the Green Belt through the SAP remittal.

3.64 On that basis the proposed Main Modifications are considered by the Council to be sound.

xiv) MX2-38 Barrowby Lane

3.65 *Summary of Objection: Representations from the landowners of site MX2-38 (Barrowby Lane, Manston) object to the proposed Main Modifications and argue that their site should be retained solely for employment uses (as opposed to the original mixed use allocation for housing and general employment), as the evidence heard at the High Court related only to the justification for the release of housing land from the Green Belt. They argue that there is a clear distinction between site MX2-38 and all other housing sites and that no evidence has been presented either at the High Court or through the proposed Main Modifications to justify this loss of employment land, on a site that had previously been found suitable for employment uses.*

3.66 In reviewing this representation, in conjunction with a review of employment land evidence, the Council has considered the issues raised and proposes an additional MM 39 relating to MX2-38. The effect of this amendment will be to propose that the site should be allocated for general employment uses, in its entirety and thus be removed from the Green Belt for the reasons set out below.

*Requirement for General Employment Land*

- 3.67 The requirement for general employment land as set out in the adopted Core Strategy, is set at 493 hectares.
- 3.68 Upon Adoption of the SAP in July 2019 (and bearing in mind the contributions from the Adopted Aire Valley Leeds Area Action Plan (2017) and Natural Resources and Waste Local Plan (2013)) the Council had 475.55 ha of general employment land which is a deficit of 17.55 ha when measured against over the Core Strategy target.

	Offices (sq m)	Industry (ha)
Core Strategy Requirements	1,000,000	493
Contribution from Aire Valley	228,058	188.2
Identified	644,317	106
Proposed Allocations	185,653	138.63
Total	1,058,028	475.45*
Surplus/deficit	58,028	17.55

(\* plus 42.62ha contribution from NRW site in Aire Valley)

- 3.69
- 3.70 The Inspectors in their report at para 74 noted that: “A very modest deficit in general employment land could therefore arise. However, there remains an opportunity for the allocation of mixed-use sites as part of the SAP review to make up the modest deficit. It is not considered that the deficit is significant and would not warrant the SAP unsound.”
- 3.71 On its own terms the removal of this mixed use site would increase that deficit by a further 10 ha.
- 3.72 The Council’s updated Employment Land availability assessment at September 2020 shows that the sum total of extant allocations, permissions and completions since 2012 equates to 490 hectares. However, it is also important to note that a significant proportion (50 hectares) of allocated employment land lies within the High Speed 2 Safeguarded Area. The latest available construction timetable set out within the HS2 Working Draft Environmental Statement (WDES) (published in October 2018) confirms that this land will not be available within the Plan Period (2012-2028).
- 3.73 The impact of the WDES is that there is a deficiency of 53 hectares of general employment land compared to the adopted CS requirement. Site MX2-39 was previously allocated for a mix of residential and 10 hectares of employment land. The Council is therefore of the view that given the landowners willingness to have the residential aspect of the allocation removed there is significant merit in retaining the allocation for employment land.
- 3.74 It is not considered appropriate to simply allocate this 10 ha as an allocation alone, as this would result in an indefensible Green Belt boundary running through half of the site. The site in total measures 21 ha and presents a strong, defensible green belt boundary when allocated as a whole.

- 3.75 It is considered that the 53 ha deficiency against the adopted CS requirement represents exceptional circumstances for the release of Green Belt land for general employment, justifying the release of the full 21 ha site for general employment uses. The site would make a significant contribution towards remedying this deficit.

*The Principle of Employment allocations in the Green Belt*

- 3.76 As set out within paragraph 115 of the SAP Inspectors report:  
*Where relevant a Green Belt review assessment was also carried out and reasons clearly set out in the Employment Background Paper to explain why exceptional circumstances exist to justify the release of land for employment purposes. Four employment sites (and a mixed-use site) are to be released from the Green Belt. These sites generally relate well to existing employment uses and have good road network access.*

- 3.77 The High Court decision did not find any error in the evidence presented within the Site Allocations Plan to demonstrate exceptional circumstances for the release of green belt for employment land (such as for site EG2-19). The case only related to allocation of housing land within the Green Belt. Whilst site MX2-38 is subject to Remittal (and considered not adopted) as a result of the Judgement, this was entirely as a result of the housing element of the mix of uses proposed. No grounds were raised by the claimant on the nature of the employment aspects of the allocations and, as such, the Judge did not find any errors of law relating to employment allocations within the Green Belt. Therefore, the SAP Inspector's findings that exceptional circumstances have been satisfactorily demonstrated for the release of Green Belt land for employment allocations remains lawful and up to date.

*Suitability of MX2-38 for general employment*

- 3.78 Site MX2-38 has already been assessed for its suitability for employment uses (as part of the mixed use allocation) and was found sound through the SAP examination for a mix including 10 hectares of general employment. The geographic extent of that mix was not defined through SAP, and it is considered that all parts of the full 21 ha site are suitable for general employment uses (and could have been delivered despite the mixed use allocation).
- 3.79 Further benefits of the site include:
- The site has excellent access to the motorway network and the proposed new railway station at Thorpe Park
  - The site is well located for other commercial uses at Thorpe Park
  - The boundary of the site, as reflected in the original site assessment, presents a highly defensible new Green Belt boundary given the presence of a motorway and railway line
  - The site has similar locational characteristics and can potentially meet similar end user requirements as the land lying within the HS2 Safeguarded Area that is no longer considered to be available along the M1 corridor.

- 3.80 As such, and in light of the 53 ha deficit it is considered that exceptional circumstances are demonstrated for the whole 21 ha site for employment uses.

*Reasonable alternatives*

- 3.81 Paragraph 137 of the National Planning Policy Framework requires that reasonable alternatives are fully examined before exceptional circumstances can be concluded for the release of Green Belt to meet development needs. As set out above, the exceptional circumstances for Green Belt releases for employment land, including reasonable alternatives, were considered as part of the SAP. This evidence was found sound and not subject to the High Court Challenge. Updated evidence shows that the remittal process is limited to the 37 sites subject of the High Court Judgement. The LPA has considered whether a 53ha shortfall should be met by consideration of the other 36 remitted sites. However this is not considered to be a reasonable alternative when having regard to the objective of the remitted part of the Plan, given the scope of Remittal is primarily to consider the requirement for housing allocations against up to date evidence. With regard to the other 36 sites, these sites have not been submitted to the Council on the basis of their availability for employment uses, nor have they been assessed through the Site Allocations Plan process for their suitability for general employment uses.

*Impacts on the Sustainability Appraisal*

- 3.82 The Council considers that the representation submitted by the owners of site MX2-38, requesting its inclusion within the Plan wholly for general employment uses, amounts to an additional reasonable alternative to the Plan. When this option (option 4) was assessed, for the reasons summarised in para 3.83 and set out in the Sustainability Appraisal Addendum (appendix 2), it has been concluded that an additional MM is required.
- 3.83 The allocation of site MX2-38 for general employment uses is considered to have a positive impact upon the sustainability of the Plan, as it would help to create jobs and improve access to employment. The loss of employment land as shown through the original Main modifications (January 2021) to the SAP remittal, scored negatively within the Sustainability Appraisal under SA1 'Employment'. The proposed allocation of the site for general employment is considered to positively impact the sustainability of the Plan by resulting in SA1 'Employment' scoring positively.

*Conclusion*

- 3.84 On that basis a further change to the Main Modification for MX2-38 is considered by the Council to be justified. The Council therefore propose to retain Main Modification 8, with the effect of deleting site 'MX2-38 Barrowby Lane, Manston LS15' from Policy HG2, as there are no exceptional circumstances to justify releasing any of the site for housing. However, an additional MM (MM no. 39) will be proposed as reference for site EG2-37

Barrowby Lane, Manston LS15, proposing to allocate the whole 21 hectare site for general employment under policy EG2, within the East HMCA.

xv) Comments from Statutory Consultees:

- 3.85 The Environment Agency raised no objections to the proposed Main Modifications, noting that the Council should satisfy itself that the proposed revisions do not prejudice the sequential approach to allocations of sites in flood zones as set out in the NPPF. Historic England had no comments to make. Natural England had no comments to make on the proposed Main Modifications, although made comments on the Habitat Regulations Assessment and Sustainability Appraisal (see below). Highways England support the modifications.

xvi) Duty to Cooperate:

- 3.86 The Council raised the SAP Remittal at the regular meeting of neighbouring authorities and prescribed bodies (the Duty to Cooperate Group) on December 8th 2020.

Habitat Regulations Assessment Addendum: Screening & Appropriate Assessment

- 3.87 The SAP has been supported by a Habitats Regulations Assessment (HRA) process from the beginning (Habitats Regulations Assessment: Screening & Appropriate Assessment, November 2018) and the SAP Inspectors' concluded (para 35 of their Report) that "the Screening Assessment and HRA adequately addresses the full range of potential impacts on the Plan".
- 3.88 Further work was carried out in a HRA Addendum for the Remittal process (Jan 2021). This was part of the consultation material and a representation from Natural England confirms that the Council's view – that further assessment is not required as a result of deletion of allocations – is supported. Natural England also suggested that references to European legislation be updated, to reflect the departure from the European Union.
- 3.89 However, the Council now propose add a Main Modification 39 for the Barrowby Lane, Manston, which supplements Main Modification 8. The amended Main Modification 39 proposes to amend the allocation by retaining the general employment land-use alone for the full extent of the former mixed-use allocation (21ha). In the Council's view, the proposed outcome of these Main Modifications requires screening against the requirements of the Habitats Regulations to see if an appropriate assessment is required. This will be reflected by a further update to the HRA Addendum for submission of the SAP Remittal.
- 3.90 For the purposes of screening, as noted in Section 4 of the SAP Habitats Regulations Assessment, November 2018, the focus of the Screening Stage, is upon the identification of Likely Significant Effects (LSEs) arising from proposed

allocations associated with their proximity/likely impact upon European Designations/Conservation Objectives. The document concludes that LSEs are only likely to arise within the Aireborough, Outer West and Outer North West HMCAs as these are within a 7km zone of influence from the North Pennines Moor and the South Pennines Moor that might give rise to LSEs. The Main Modifications relate to a site within the East HMCA which is over 25km away from the North Pennines Moor and the South Pennines Moor. On that basis there is no prospect that LSEs may occur and therefore the site can be screened out and not considered further.

- 3.91 It is noted that this site was considered as part of the SAP HRA process as a mixed-use site and the same conclusion reached from a site specific and cumulative perspective. The SAP Inspector's accepted the HRA done at the time including its alignment with the People Over Wind Judgement.
- 3.92 This updated assessment (contained in para 3.90 and 3.91) will be sent to Natural England for their further views on the Council's amendments to the Main Modifications, because they are the responsible body for implementation of the HRA. Following that, the "Consultation Draft" HRA Addendum (Jan 2021) (Appendix 4), will be amended to reflect the above and be included as a "Submission Version" HRA Addendum.

#### Sustainability Appraisal Addendum

- 3.93 148 representations were made on the Sustainability Appraisal (SA) Addendum. The 3 statutory SA consultees responded. Historic England wished to make no comments. The Environment Agency made no specific comment on the SA, although referenced the sequential approach to allocation of sites in flood zones. Natural England commented that the references to EU directives should be amended to reflect the post transition period legislative framework for sustainability appraisal. These references will be updated for submission.
- 3.94 Representatives from the developers and housebuilders commented on the SA assessment of the reasonable options with a number providing alternative scores for Option 1 (Propose All 37 Green Sites as Allocations in the SAP) to give more positive effects for a number of the SA objectives. The suggested revisions to the SA have been considered, however the assessment in the SA Addendum is considered to be robust and appropriate, reflecting the comparative accessibility and greenfield status of the 37 sites.
- 3.95 As a result of the proposed alteration to the Main Modification precipitated by representations from the owners of site MX2-38, an additional reasonable alternative (option 4) has been considered which considers allocation of site MX2-38 Barrowby Lane as a general employment site, whilst retaining all other 36 sites as Green Belt. Following assessment, as set out in Appendix 2, Option 4 has been shown to be the most sustainable alternative, scoring similarly to Option 2 but improving on it by having a positive effect on SA1 – Employment.

- 3.96 A number of developers and housebuilders also suggested that an Option 5 (to consider an adjusted plan period from 2028 to 2033 as part of the remittal process) should be subject to the SA assessment and a further option proposed that the 37 Green Belt sites be retained as safeguarded land for release in 2028 or earlier subject to SAP Review. Paragraph 4.3 of the SA Addendum explains the reason for Option 5 not being considered to be a reasonable alternative and therefore SA of this option is not appropriate. The additional option to designate safeguarded land falls outside the scope of the SAP Remittal. The designation of safeguarded land will be considered through a future review of site allocations and SA as part of the SAP Remittal is not appropriate.
- 3.97 The majority of comments from individuals or community groups provided a duplicate reassessment of Option 2 prepared by Aireborough Neighbourhood Development Forum. This provided more positive effects for many of the SA objectives reflecting the benefits of the retention of the 37 Green Belt sites. The reassessment has been considered, however the approach to the assessment of Option 2 reflected that the retention of the sites would leave the current characteristics of the land unchanged as a result of this option, with positive effects identified for SA objectives relating to prudent use of land (directing development to brownfield land); biodiversity & geodiversity; flood risk; and landscape and townscape quality. The suggested alternative SA scores have been reviewed and it is considered that the assessment of all options is appropriate and should remain unchanged, with the exception of the new Option 4.

#### Conclusions on the representations received

- 3.98 For the reasons set out in (xiv) above in relation to the Barrowby Lane site, having considered the representation made by Scarborough Estates the Council considers that a change to the proposed Main Modifications is justified, resulting in the proposed allocation of the site for general employment under a new Main Modification 39.
- 3.99 For the reasons set out in response to the other concerns raised in paragraphs 3.7 to 3.64 above, and having considered all of the other representations received, whilst these matters raised are fully acknowledged, it is not considered that either individually or collectively they impact on the soundness, legality or conclusions that the Council has drawn in proposing the Main Modifications. It is therefore recommended that aside from the addition of MM 39 that no changes are necessary to those agreed by Executive Board on the 16th December 2020.
- 3.100 Despite the above, the consultation responses have raised a number of issues, which are proposed to be addressed as part of the Examination documents prepared in readiness for the Examination in Public so as to clarify the Council's evidence base used and ensure that the proposals are clearly explained and where appropriate statements of common ground are produced in order to assist the Inspector on matters of technical detail. These may include further clarification on schools places evidence, housing mix, affordable housing and employment land supply.

3.101 It is now proposed that DPP recommends that Executive Board recommend that Full Council approves the Main Modifications to be submitted to the Secretary of State for examination.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The proposed Main Modifications were subject to a 6 week public consultation process from the 5th January to the 16th February 2021. The consultation process has been undertaken within the restrictions applied as a result of the coronavirus (Covid-19) pandemic. The approach follows the temporary variation to the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Interim Statement of Community Involvement. The consultation materials were made available online via the website, although requests for paper copies were considered upon request. An Addendum to the Report of Consultation has been prepared which explains the consultation process and summarises the representations received and responds to the main issues raised (**Appendix 3**). This supplements the Submission Draft Report of Consultation, May 2017 (CD1/40) and Addendum to the Revised Submission draft Site Allocations Plan, March 2018 (CDR1/6).

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

4.2.1 An updated EDCI is appendix 8 and captures the relevant issues. It notes that the removal of the 37 Green Belt housing allocations reflected the updated housing supply, but would however lower the amount of affordable housing generated; would affect 3 sites identified as potentially suitable for older persons housing/independent living; and a number of sites previously identified to include school provision would be affected. The EDCI acknowledges the mitigation measures and justification for the proposed main modifications and concludes that there is not a disproportionate effect on any particular equality characteristic. The inclusion of an additional general employment site is considered to have positive effects on access to employment.

### **4.3 Council Policies and Best Council Plan**

4.3.1 There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan. 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.

#### **4.4 Resources and Value for Money**

4.4.1 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.

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

- Site ref HG2-119 Red Hall Offices and playing field (in East HMCA), capacity 50. It should be noted that the Green Belt element of the site is subject to planning approval for the East Leeds Orbital Road Scheme, with the remainder of the site (86%) not being within the Green Belt.
- 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

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

4.5.1 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.

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

4.5.3 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

4.5.3 Subject to Executive Board recommendations to Council and Full Council approval, the proposed Main Modifications will be submitted to the Secretary of State for Examination.

4.5.4 With the agreement of the Chair, it is appropriate for this report to come to Panel as a late paper due to the need to fully consider all representations received following the end of the consultation period on 16 February 2021 so that Panel Members can receive the full information.

#### **4.6 Risk Management**

- 4.6.1 The High Court decision and the relief ordered is a process that the Council is bound to follow. The evidence has been updated and consultation on the proposed SAP Remittal/Proposed Main Modifications has been undertaken.
- 4.6.2 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.
- 4.6.3 The implications of 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**

- 5.2 For the reasons set out in the main issues section of this report in relation to the Barrowby Lane site (formally MX2-38), having considered the representation made by Scarborough Estates the Council considers that an additional proposed Main Modifications is justified, resulting in the proposed allocation of the site for general employment under a new Main Modification 39.
- 5.3 For the reasons set out in response to the other concerns raised in paragraphs 3.7 to 3.64 above, and having considered all of the other representations received, whilst these matters raised are fully acknowledged, it is not considered that either individually or collectively they impact on the soundness, legality or conclusions that the Council has drawn in proposing the Main Modifications. It is therefore recommended that aside from the addition of MM 39 that no changes are necessary to those agreed by Executive Board on the 16th December 2020.

## **6 Recommendations**

6.2 Development Plan Panel is requested to:

- iv) Note the contents of the report and appendices;
- v) Consider the assessment of representations received in response to the consultation on the proposed Main Modifications and supporting documents;
- vi) Recommend to Executive Board that it:

Note the comments of the Council's Development Plan Panel meeting on 2<sup>nd</sup> March 2021 and consider the assessment of representations received in response to the consultation on the proposed Main Modifications and supporting documents.

Recommend to Council that it:

- (d) approves the proposed 39 Main Modifications to the Remitted part of the Site Allocations Plan (in **Appendix 1**), the Sustainability Appraisal Addendum (in **Appendix 2**) and supporting material be submitted to the Secretary of State, pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004 as amended, for the purpose of Examination by an independent inspector;
- (e) invites the independent inspector appointed to hold the Public Examination, to make modifications to the Remitted part of the Site Allocations Plan, pursuant to Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended in order that it is sound and legally compliant;
- (f) delegates authority to the Chief Planning Officer, in consultation with the Executive Member for Climate Change, Transport and Sustainable Development, to (a) approve the detail of any updates or corrections to the submission material and any further technical documents and supporting evidence required to be submitted for consideration at future hearing sessions, (b) continue discussions with key parties, including via statements of common ground and suggest to the Inspector any further Main Modifications, edits and consequential changes necessary to be made to the Remitted part of the Site Allocations Plan following Council approval, during the Examination and (c) prepare and give evidence in support of the Remitted part of the Site Allocations Plan.

## **7 Background Documents<sup>1</sup>**

- 7.1 Leeds Strategic Housing Land Availability Assessment (2020)
- 7.2 Leeds 5 Year Land Supply Statement (2020)

## **8 Appendices**

- 8.1 Appendix 1: Proposed Main Modifications
- 8.2 Appendix 2: SA Addendum
- 8.3 Appendix 3: Addendum to Report of Consultation
- 8.4 Appendix 4: HRA Screening Assessment (Consultation Draft)
- 8.5 Appendix 5: SAP Remittal Background Paper
- 8.6 Appendix 6: EIA

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.