

Development Plan Panel

Tuesday, 6th July, 2021

PRESENT: Councillor N Walshaw in the Chair

Councillors B Anderson, C Campbell,
C Gruen, J McKenna, D Collins, H Hayden,
A Lamb and E Taylor

1 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

2 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

3 Late Items

There were no formal late items.

4 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

5 Apologies for Absence

Apologies for absence were received from Councillors K Brooks and R Finnigan.

6 Minutes - 18 May 2021

RESOLVED- That the minutes of the Development Plan Panel meeting held on 18th May 2021 be approved as an accurate record.

Matters Arising

Minute No 68 – Leeds Local Plan Update. The Head of Strategic Planning informed the Panel that Executive Board endorsed the consultation material and it was confirmed that pre-publicity will begin 12th July, with formal consultation beginning 19th July until the middle of September 2021.

7 Updates arising from current and future national guidance changes

The report of the Chief Planning Officer set out how the Council are responding to specific areas of work as a result of wider Government reforms. The report provided clarity on the status of the following issues:

- Testing the National Model Design Code (NMDC) on behalf of Ministry of Housing, Communities and Local Government (MHCLG) which arises from the Government's planning reforms
- Preparing for First Homes (FH) which arises from the Government's planning reforms
- Preparing for Biodiversity Net Gain (BNG) which arises from the Environment Bill.

The Head of Strategic Planning, Senior Nature Conservation Officer and Senior Design Officer, introduced the report and provided an update as follows:

National Model Design Code – Leeds are testing an area-type approach of the NMDC for 6 months before Government publishes the final guidance. This will provide useful messages to Government. Progress has been made in relation to identifying how a city can be divided up by ‘area-types’ and evidencing housing densities to support the national typologies. It was confirmed that there are two main streams of work: to consider how much consistency is within an ‘area-type’ in terms of design and what might be sought from new developments, and how others are engaged with when preparing area-type level design codes. It was confirmed that Panel Members will be provided with a workshop in September 2021 in relation to the draft testing findings.

Members raised the following points:

- To determine how the various community areas will be split into typologies and there were concerns with areas that have a diverse range of house types. A suggestion was made to refer to Census data when defining the demographic of areas;
- The definition of a typology and its categories, and how they relate to design;
- Concerns regarding the development of a design code that will reflect qualities of poorer communities;
- Clarity on the process of engagement;
- Ensuring design codes do not preclude place-making, particularly in relation to greenspace.

Officers confirmed that the Council was not preparing a design code for Leeds. Instead looking at issues in relation to whether typologies can work in cities like Leeds, to be fed back to MHCLG and it is yet to be identified whether Leeds will be able to be split into typologies. It was confirmed that the typologies included ‘urban neighbourhoods’, ‘inner suburbs’, ‘outer suburb’, ‘town/city centre’ etc; it was noted that developing a code for a particular area that fits into more than 1 category would be considered.

Further clarity around the demographics of areas, had been provided. It was confirmed that the Local Authority (LA) will consider how big an area should be based on how the design codes fit different parts of Leeds; there is no correlation between existing Housing Market Characteristic Areas (HMCAs) and settlements and typologies. It would be for the actual development of the codes to assess what that looked like in Leeds. For clarity, it was confirmed that this testing was helpful in creating a baseline for the whole of Leeds to identify whether places can be split into a particular design typology.

Officers confirmed that the testing is also looking at the ways in which engagement may occur when design codes are developed. There will be a DPP Member workshop in early September to look at the methods on how those groups will be engaged with.

Biodiversity Net Gains – in line with the Environment Bill and once passed, it will be mandatory to deliver biodiversity to a percentage figure of a minimum of 10%. The forthcoming new statutory responsibility will have considerable implications for Local Planning Authorities (LPAs) and new guidance will be needed to prepare for it.

Considerations will need to be taken as to where biodiversity will be delivered; it was noted that this can be through an offsite option. It was confirmed a joint West Yorkshire net gain steering group has been formed, and a joint consultant has been employed to determine what LPAs need to do for the 5 WY authorities so as to save money.

The Panel discussed the following:

- Whether hedges can be mandated instead of fences. It was expected that there will be more hedgerows because Biodiversity Units will encourage the ecologist and developer to consider the 3 elements of a metric (linear features, general habitats, and rivers) at an early design stage.;
- The protection of eco-systems and wildlife. It was confirmed that the metric penalises removal of habitats, due to the loss of Biodiversity Units;
- The developer's ability to evidence net gains and particular concern with smaller house builders. The Panel were informed that ecological reports are provided by the developer, and measures are taken on behalf of the Council to ensure those reports can achieve the required figure. Additionally, a separate biodiversity metric is being launched for smaller developments and will be subject to consultation;
- Clarity on financial contributions made by the developer and at what level this is set. It was confirmed that National England are in the process of setting national biodiversity credit that will be delivered nationally, and the importance of ensuring Leeds implement a locally led biodiversity system was acknowledged;
- The definition of 'off-site'. It was noted that further guidance is being sought;
- Land set aside for self-build;
- Promoting brownfield sites to developers to contribute a higher percentage of net gains;
- The opportunity for income earning and the challenges around budget pressures;
- The legal position on the weight given when determining planning applications. The Panel were informed that the current Policy G9 in Leeds already gives weight and the additional detailed metrics and mapping will enable an established local methodology in Leeds, to allow greater weight be given.

The Senior Conservation Officer confirmed that a Supplementary Planning Document will be required to understand the vision for biodiversity in Leeds. It has been identified that there will be pressure on resources due to the requirement to monitor and report Biodiversity Units to Natural England; funding will be made available to support the additional pressures and Leeds will be able to put in a bid to secure funding.

First Homes – FHs will become part of the LAs affordable housing provision and homes are to be sold with a 30% discount on market value, and there is a requirement that 25% of section 106 units will be FH. This will affect the current mix so that: 25% of affordable housing contributions will be put towards FHs and the remaining 75% will be put towards social rent and intermediate rent. In Leeds the Core Strategy 2019 Policy H5 is for 40% intermediate rent 60% social rent. Under FH it will change the affordable housing mix of tenure, with it being estimated to be

25% FH, 15% intermediate and 60% social rent. It was confirmed that LAs will have the flexibility in terms of discounts applied to FH, and changes to income ranges subject to a formal statutory plan-making process. Members were informed that an Affordable Housing Deliverability paper will be brought to DPP in September 2021.

The Panel discussed the following matters:

- The ability to opt for a bigger discount than 30%. Reference was made to income disparities, particularly in the inner-city areas, and the price cap being 250k. It was confirmed that to apply for a bigger discount, the LA will be subject to a plan-making process and an independent examination;
- Clarity on what is meant by “First Home-led development”. Officers explained that the definition of this wasn’t yet clear and National Planning Policy Framework guidance will be forthcoming;
- How the availability and allocation of homes will be managed. It was noted this would be similar to how associations manage rental properties and waiting lists will apply;
- Concerns around developers presenting a need for viability exemptions. It was confirmed that any local amendment to the First Homes policy set through plan-making would need to be subject to a strategic viability appraisal. It was also noted that if developers made a site specific viability case then the whole affordable housing provision on site would be decreased including the social and intermediate tenure homes;
- The position on being able to set varied discounts for the various community areas across Leeds. The LA through its plan-making, evidence and update of the Strategic Housing Market Assessment will determine the need vs income in different parts of Leeds. It was confirmed there is a possibility for there to be Affordable Housing zones;
- The position on incentivizing building on brownfield sites instead of greenfield. It was noted that further considerations will need to be taken to identify whether this is possible.

RESOLVED – To note the:

- a) Contents of the report and comments raised during consideration of this item;
- b) Work being undertaken in testing the National Model Design Code;
- c) Intention to schedule a workshop for September 2021, to consider matters relating to NMDCs;
- d) Preparation work that is underway on Biodiversity Net Gain and the current approach to determining planning applications Ministerial Statement on First Homes and the implications this has for the Council.

(Councillor Campbell arrived at 13.40, during this item and Councillor McKenna vacated the meeting at 14.40)

8 Local Development Scheme 2021 to 2024

The report of the Chief Planning Officer set out the 3-year programme of plan-making through a Local Development Scheme (LDS). The LDS takes account of good progress on Neighbourhood Planning, the Site Allocations Plan (SAP) Remittal, an interim Statement of Community Involvement (SCI), the Local Plan Update (LPU) and what future LPUs will be about. Additionally, the report reflects current and proposed Government changes to the planning system.

Appended to the submitted report included a draft version of the LDS (Appendix 1) and a risk assessment (Appendix 2) with mitigation actions relating to external factors such as changes to national guidance, capacity, and resource issues.

The Head of Strategic Planning introduced the report, and provided an overview of the changes made to the LDS to clarify:

- The progress of Neighbourhood Plans and Supplementary Planning Documents (SPDs) in preparation;
- The status of the Adopted SAP and its current SAP Remittal process and the LPU;
- Next steps for plan-making processes and the timescales for when they will be considered;
- The next LPU (2) and its direction of travel on all planning matters.

It was noted that the Panel will receive discussion papers at upcoming meetings to consider a review of matters including policies not prioritised for Update through LPU (1) such as Housing Requirement, Affordable Housing, Employment Requirement, Local and Town Centres, Housing & Employment Allocations, Minerals & Waste and Gypsies and Travellers.

The Panel discussed the flexibilities on adapting policies in relation to forthcoming Government changes to interconnect Development Plans. Officers explained that although the fine detail of the Governments reforms are unknown, the Council can set local priorities and strategic policies and transitional arrangements are likely to help guide local authorities through any Government changes; revised policies will be subject to the Councils priorities changing and will ensure they're able to reflect wider Government planning changes, whilst still being fit for purpose.

RESOLVED – To note:

- a) The contents of the submitted report and draft LDS (Appendix 1) along with the risk assessment (Appendix 2) and comments made during discussion of this item;
- b) The intention to receive discussion papers at upcoming meetings, relating to a review of policies under the LPU (1).
- c) That once approved, the updated LDS will be published on the Council's website.

9 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 9th September 2021 at 1.30 pm.

(The meeting concluded at 14:40)