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# Main Modifications to the Leeds Site Allocations Remitted Plan

Date: 15th December 2021

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

## **Wards affected: ALL**

Have ward members been consulted?  Yes  No

## **What is this report about?**

### **Including how it contributes to the city's and council's ambitions**

- The report seeks Executive Board approval to commence a six week public consultation on Main Modifications (MMs) recommended by the Independent Planning Inspector appointed to examine the Remitted part of the Site Allocation Plan (SAPR).
- The Leeds Site Allocations Plan (SAP) was adopted on the 10<sup>th</sup> July 2019. The SAP plays a key strategic role in taking forward the spatial and land use elements of the Best Council Plan by balancing sites for around 50,000 homes, 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 forms part of the Local Plan for Leeds, alongside the Core Strategy, the UDP, the Aire Valley Leeds Area Action Plan and the Natural Resources and Waste Plan and any made neighbourhood plans.
- The SAP (for the plan period 2012 to 2028) 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, ensured that the Council had a 5 year housing land supply and could resist speculative development. The SAP also plans for sustainable infrastructure (e.g. 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.
- Following a challenge by Aireborough Neighbourhood Development Forum in relation to SAP housing allocations on Green Belt land, the High Court ordered that all 37 Green Belt housing allocations (including one mixed used allocation) be treated as not adopted and be referred back to the Secretary of State for further examination by the Planning Inspectorate. This

selective process is known as the SAP Remittal and aside from the 37 sites, the remainder of the SAP remains Adopted.

- Supported by up to date evidence and a Sustainability Appraisal of reasonable alternatives, and following consideration by the Council's Development Plan Panel and approval by Executive Board and, having regard to public consultation Council approved on 24<sup>th</sup> March 2021 proposed Main Modifications (MMs) to the SAP to be submitted to the Secretary of State through the remittal procedure. Examination hearings were held between the 14<sup>th</sup> and 17<sup>th</sup> September. The Council formally requested the Inspector (Louise Gibbons BA Hons MRTPI) to recommend any MMs to the SAP, that she considered be required to satisfy legal compliance and tests of soundness.
- The SAP Inspector wrote to the Council on 17<sup>th</sup> November confirming her proposed intentions, subject to further statutory consultation, that she has agreed the Council's proposed Main Modifications to the SAP i.e. that 36 housing sites be returned to the Green Belt and 1 site (Barrowby Lane, Manston) be released from the Green Belt for employment use. The Inspector's proposed MMs which she considers are, subject to public consultation, required to make the SAP sound are attached at **Appendix 1**.

## Recommendations

Executive Board is asked to:

- (i) approve public consultation of the schedule of Inspector's proposed Main Modifications (at **Appendix 1**) and supporting material (at **Appendices 2 to 4**) for a period of 6 weeks from 17<sup>th</sup> December 2021 to 28<sup>th</sup> January 2022
- (ii) delegate authority to the Chief Planning Officer, in consultation with the Executive Member for Climate Change, Transport and Sustainable Development, to approve the detail of any updates or corrections to the consultation material and any technical documents and supporting evidence required

## Why is the proposal being put forward?

1. Full Council on the 24th March resolved to accept the recommendations of Executive Board and approve 39 MMs to the Remitted part of the SAP for submission to the Secretary of State. In effect this meant:
  - a) Deleting 36 housing allocations from the SAP and retaining land in the Green Belt on the basis that there was now (given the passage of time since the SAP was adopted) sufficient non-Green Belt land to meet Leeds' housing needs as a whole;
  - b) Deleting 1 former mixed-use allocation in the SAP and instead, allocating it solely as an employment site and removing it from the Green Belt on the basis that the site is needed to help meet overall employment needs as there is insufficient land allocated for employment in the SAP.
2. The Council's proposed Main Modifications to the Remitted part of the SAP were submitted to the Secretary of State on the 26<sup>th</sup> March for examination by the Planning Inspectorate. Examination hearings were held over a period of 4 days from the 14<sup>th</sup> to 17<sup>th</sup> September 2021. Following the examination, the Inspector requested officers provide further information to clarify several matters. This material was provided to the Inspector and was made available on the examination website on the 11<sup>th</sup> October 2021.
3. Following consideration of the Council's proposed MMs to the SAP at hearing sessions the Inspector has now recommended her proposed MMs, which she considers, subject to

consultation, are necessary for the SAP to be sound and legally compliant. As part of the planning process the Council must now carry out further public consultation on the recommended proposed MMs on behalf of the Inspector.

4. Through the Full Council resolution on the 24th March 2021, the Council gave the Inspector the authority to recommend modifications to the remitted part of the SAP in order to make it sound and legally compliant. The Inspector wrote to the Council on 17<sup>th</sup> November to confirm the MMs which she considers are necessary for soundness having taken full account of all of the evidence and information available and the discussions at the hearing sessions. Her proposed MMs are substantially the same as those submitted by the Council and are attached at **Appendix 1**. They differ from the Council's submitted MMs in the following ways
  - a) They include all changes to text that relate to the MMs submitted by the Council i.e. whilst it is not usual for the Inspector to consider all detailed text or consequent numbering changes to text and tables as a result of MMs the Inspector has asked the Council to do this on this occasion and consolidate them where possible, because she considers that is what the Judge in the High Court Order has asked for. To that end, Members will note that there are now 50 MMs (whereas 39 were submitted by the Council). All additional material in the MMs is drawn from the Council's submitted material and evidence used in support of the SAP remittal. The MMs give rise to a need to change the Council's Policies Map by removing site designations – these changes are set out in **Appendix 3**. There are some additional factual clarifications that the Inspector considers are not MMs (as they do not go to the soundness of the Plan) but nevertheless are minor changes to the SAP. These are known as additional modifications (AMs) set out in **Appendix 4** for context.
  - b) Amendment to MM20 relating to the site requirement for the release of land for employment at Barrowby Lane by deleting reference to the site not coming forward until completion of the Manston Lane Link Road (MLLR) because the MLLR has now been completed
5. This means that having examined the Council's proposed MMs supported by evidence and having regard to public consultation responses and all matters discussed at the public examination the Inspector has, in principle and subject to further consultation accepted the Council's position.
6. The Inspector has also requested the Council to consider whether further Sustainability Appraisal (SA) or an update to the Habitat Regulations Assessment (HRA), both of which were submitted in support of the Council's MMs, is necessary having regard to her proposed Main Modifications. All of the Inspector's proposed MMs have been screened and it has been concluded that no further SA or HRA work is required. This is set out in an SA and HRA Addendum attached at **Appendix 2**.

### **What impact will this proposal have?**

7. The consultation on the Inspector's proposed MMs will be a significant step forward towards the completion of the SAP Remittal process. Following the six week consultation process the Inspector will consider any responses received and prepare her Report. Subject to the conclusions in the Inspector's Report, a recommendation to Council to Adopt the remitted part of the SAP will be made.
8. Adoption of the remitted part of the SAP will result in a fully adopted and up to date SAP which carries full weight in the determination of planning applications. The conclusion of the lengthy SAP Remittal process will also enable the Council to focus its limited planning resources on

further Local Plan Updates: including policies to help address the climate emergency.

### **What consultation and engagement has taken place?**

9. The Inspector's proposed MMs are to be considered by Development Plan Panel on 14 December 2021 and its views will be made available to Members of Executive Board.
10. Subject to Executive Board approval, a 6 week consultation will be undertaken on the Inspector's proposed Main Modifications (**Appendix 1**) and accompanying Sustainability Appraisal Addendum (with Habitats Regulations Assessment) (**Appendix 2**). Material at **Appendix 3** (consequential changes to the Policies Map) and **Appendix 4** (minor additional text changes of the SAP (AMs)) will also be made available for clarity. It is anticipated that the consultation will commence on 17<sup>th</sup> December until the 28<sup>th</sup> January 2022. Allowing for the Christmas holiday, the consultation will run for 6 weeks (2 weeks longer than the statutory 4 week period). This timing is considered appropriate given the limited scope of the SAP Remittal and the focused number of representors involved. The Council will also ensure that the Examination Programme Officer publishes the Executive Board papers on the Examination web-site in advance of the formal consultation period commencing so as to give foreknowledge to those who wish to participate.
11. The SAP has been considered by the relevant Scrutiny Board in 2016 and 2018 at the appropriate stage and their deliberations have informed Executive Board decisions at the relevant stage. The SAPR process remains at an advanced part of the Examination in Public of the SAP and there is no requirement under the Budget and Policy Framework for a further referral to Scrutiny Board, because the Remittal revisits a stage in the statutory plan-making process that is after the point Scrutiny Board would be invited to comment.

### **What are the resource implications?**

12. The consultation of the proposed Main Modifications 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 provisions.

### **What are the legal implications?**

13. The remittal of the SAP is being undertaken pursuant to section 113(7)(b) and 113(7C)(a) of the Planning and Compulsory Purchase Act 2004 (PCPA). The consultation required on the MMs is undertaken in accordance with s.20 PCPA and the Town and Country Planning (Local Planning) Regulations 2012. The consultation will be in accordance with the Council's Interim Statement of Community Involvement.
14. In accordance with the Council's budget and policy framework, decisions relating to the SAPR (as it is part of the Council's Local Development Framework) are reserved to Full Council. As such, the recommendation is not a key decision and is not subject to call in as the SAPR is a matter that will ultimately be determined by Full Council.

### **What are the key risks and how are they being managed?**

15. The High Court decision and the relief ordered is a process that the Council is bound to follow. There are no key risks identified in the proposed consultation process.

### **Does this proposal support the council's three Key Pillars?**

Inclusive Growth

Health and Wellbeing

Climate Emergency

16. There is a clear role for planning in delivering against all of the Council's key pillars as established through the Best Council Plan. The SAP Remittal will enable a fully Adopted SAP (between 2012-2028) and the proposed MMs contribute to the Council's key strategies, as follows:

- Health and Well-being Strategy – the SAP remittal provides sufficient housing to meet the needs of people in Leeds, without incursion into the Green Belt and in areas where housing waiting list needs are strongest;
- Climate Emergency – the SAP remittal has minimised the impact of development on Green Belt in some of the outer areas of Leeds, which can be less accessible by a range of means of transport than locations closer to the main urban area;
- Inclusive Growth Strategy – the SAP remittal has allocated land for employment to meet overall needs and ensure that sufficient land is available for jobs growth.

17. In the preparation of the SAPR, due regard has been given throughout to the process to Equality, Diversity, Cohesion and Integration (ECDI) issues. This has included the completion of EDCI Screenings of the SAPR at relevant stages. An EDCI was provided to accompany the Council's Proposed Main Modifications (Executive Board 16/12/20) which was updated for the Submission to reflect the inclusion of the Main Modification for Barrowby Lane, Manston as a general employment allocation (Executive Board 03/03/21). In addition, issues of Equality, Diversity, Cohesion and Integration, are embedded as part of the objectives of the Sustainability Appraisal.

## Options, timescales and measuring success

### What other options were considered?

18. The Council remains within the examination stage of the SAP Remittal and is therefore required to respond to the Inspector's proposed MMs. It is considered, therefore that there are no other options to consider at this stage.

### How will success be measured?

19. Success will be measured by the adoption of the Remitted part of the SAP. This will enable the Council to provide clarity to residents and investors of Leeds as to the housing and employment allocations that are being relied upon between 2012 and 2028.

### What is the timetable for implementation?

20. Subject to Executive Board approval, a 6 week consultation will be undertaken on the Inspector's proposed Main Modifications (**Appendix 1**) and supporting material at **Appendices 2 to 4**. It is anticipated that the consultation will commence on 17 December until the 28 January 2022. Allowing for the Christmas holiday, the consultation will run for 6 weeks (2 weeks longer than the statutory 4 week period).

21. Consultation responses will be forwarded directly to the Inspector for her consideration. She will then prepare a Report, which concludes on the soundness of the SAPR. Subject to the conclusions in the Inspector's Report, the Council will then be recommended to adopt the remitted part of the SAP by March 2022. To that end, Executive Board will be asked for its recommendation on the Inspector's Report, once received, and to Adopt the Site Allocations Plan as amended by the SAPR. Once adopted, the Plan will form part of the statutory Leeds Local Plan and will be a material consideration when determining planning applications.

## **Appendices**

- 22. Appendix 1 – Inspector's Proposed Main Modifications
- 23. Appendix 2 – Sustainability Appraisal and Habitat Regulations Assessment Addendum
- 24. Appendix 3 – Council's Proposed Policies Map Changes
- 25. Appendix 4 – Council's Additional Modifications

## **Background papers**

- 26. None