Leeds City Council

Remitted Part of the Site Allocations Plan Examination

Leeds City Council's response to the Inspector's note to the Council following consultation on the Main Modifications on 8th February 2022

Leeds Local Plan

Leeds CITY COUNCIL

Q (i). Does the Council have any indication of the timeframe in which alternatives to run HS2 trains to Leeds are being considered and how long the Safeguarding Direction is likely to remain in place.

No, the Council has no indication of a formal timeframe. Moreover, the Council has no powers to manage the process, which is governed by the Department for Transport (DfT). What we do know, from the Integrated Rail Plan (IRP), is that there is a need to scope what an alternative High-Speed rail option for Leeds looks like and for submission of a strategic outline business case to the DfT for their consideration. This process has not started, and the Council considers that this would take a minimum of between 18 to 24 months. It would be at the end of that period that a decision on the Safeguarding Directions may be made, which would be dependent on the nature of any future scheme proposals. The IRP also notes that any proposed individual scheme would also be subject to the normal business case process and confirmation of any funding required. Accordingly, the prospect remains that the Safeguarding could remain in place for a prolonged period of time.

Upon receipt of the IRP, the Council wrote to DfT asking for, amongst other things, confirmation on the timescales and process. Whilst we have not had a response, we have not had any disagreement of the estimate noted above in our discussions with the DfT.

Q (ii). If the Safeguarding Direction were to be removed in full or in part what would the impact be on availability of employment land within the Leeds area as a result of the removal?

The Safeguarding Direction covers an area of 50.15 hectares of employment land in Leeds district as set out in para 4.7 and Table 7 of the Technical Appendix to Section 13 of the SAP Remittal Background Paper (**CDREM1/3**).

If the Safeguarding Directions were to be removed in full, the 50.15 hectares would be available and the total employment land supply in Leeds district (for the plan period 2012-2028) would be 489.6 hectares as set out in Table 4 of the Technical Appendix[1]. This would still represent a shortfall of 3.4 hectares against the Core Strategy general employment land requirement of 493 hectares.

It is noted that an increase in supply would not necessarily have an equal impact in employment land delivery, because on the basis of the timeframe (noted in Q(i) above) any land released from a Safeguarding Direction would only be potentially available from 2024 at the earliest, allowing a maximum of only 4 years of the plan-period to progress delivery. It should be noted that the Barrowby Lane (EG2-37) site is available now.

The Council has no knowledge that an in-part removal of the Safeguarding Directions is likely and is therefore unable to make an assessment of its impact on employment

[1] Based on the September 2020 base date of the evidence submitted to the examination.

land availability. It would depend on the results of the further work and the outline business case to the DfT (as outlined in Q(i) above). However, the same point made about delivery above would also be a consideration.

Q (iii) What is the current status of the HS2 Working Draft Environment Statement including construction timetables? Does the Council still rely on these, if so, please explain why this is the case?

The Working Draft Environment Statement (WDES) and construction timescales within it are on hold until completion of the study into how to bring HS2 trains to Leeds is completed (the currently unknown but potential timeframe as noted in the response to Q (i) above). Therefore, the original eastern leg of HS2 along the safeguarded land in Leeds has not been cancelled and could still be identified as the preferred route.

The Council's evidence for the SAPR does not rely on the WDES because it is on hold. The Council's reference to the WDES in the submitted evidence (paras 4.3 and 4.4 and Table 6 of the Technical Appendix (**CDREM1/3**) is to explain that at its publication in October 2018 it became clear that the HS2 scheme would not be constructed within the plan period and therefore land safeguarded for construction would not be available within in the plan period. The Council's up to date position is the safeguarded land remains not available until either the Safeguarding Directions are removed or a scheme is constructed and land required for construction purposes only is released. Given the lack of certainty on safeguarding and construction timescales (refer to the response to Q(i) above) the safeguarded land cannot be considered to be available at this point.

Q (iv). Are there any other potential implications of the IRP? For example, are there any effects for employment land availability in Leeds in terms of the East Midlands High Speed line?

The land assembly requirements to fulfil the ambitions of the IRP have not been set out and therefore the Council is not able to determine any precise implications it may have on land in the City. That said, from our analysis to date we do not envisage any further direct impact on employment land availability specifically. The Council's evidence on the impact of HS2 on employment land availability was based on the area covered by the Safeguarding Directions. There has been no change in the extent of the safeguarded land in Leeds as a result of the IRP.

Q (v). Whether the Council's position on the justification for the release of Green Belt land for employment purposes has altered in light of the IRP?

The Council's position has not altered. This is for two reasons.

First, the Safeguarding Directions remain in place with no indication of removal until the process set out in Q(i) above has been followed (in the Council's estimate at least 18 to 24 months and then potentially longer depending on schemes selected).

Therefore, at the time of consideration the Council's employment land evidence (showing a need for further release of land to meet Plan requirements and thus exceptional circumstances for Green Belt release) is up to date.

Second, the plan period ends in March 2028 and the longer the continued safeguarding of land goes on the less likely it is that all 50.15 ha of employment land subject to the safeguarding will be feasibly delivered within the plan period.

Q (vi). Commentary on the suggested alternative wording for MM2 for paragraph 2.29 of the SAPR relating Policy HGR1 (for example from representation Ref PM051).

Following consideration of representation PM051, the Council remains of the view that the Plan is sound as modified by the Inspector's proposed Main Modifications. The Council has been clear in the evidence submitted to the examination and during the hearing sessions that revisions to Policy HGR1 are out-of-scope of the SAP Remittal.

Accordingly, whilst the timescales set out in the adopted Policy HGR1 are acknowledged, it is not within the scope of SAP Remittal process to revise the wording of Policy HGR1 or, in the Council's view, appropriate to update the Plan to reflect the passage of time in this instance.

The Adopted plan period for the SAP is 2012 to 2028 and the SAP Remittal reflects the same period. It was always the Council's intention to carry out a review of the SAP to ensure that sufficient housing land was available up to the end of the plan period, however the SAP Remittal as directed by the Court Order took priority and in the Council's opinion, once adopted will enable the Council to review Policy HGR1 and determine whether a further update is required. This is set out clearly in the Council's Local Development Scheme as noted in Q7 of the Council's response to Inspector's Questions of 14th June 2021 (**EXR3**) and in para 22.2 of the Background Paper (**CDREM1/3**).

It is noted that in the Council's opinion further commentary in the SAP at this stage (not linked to the SAP Remittal) would constitute updating of the Plan, which is not the role of the SAP Remittal. Moreover, a lack of updating does not in the Council's view render the SAP unsound.

However, if the Inspector considers it necessary for soundness, the Council suggests that a footnote could be added to MM2 for clarity as follows: *"It is noted that the deadline for submission of a review of the SAP as required by Policy HGR1 has now passed. The Council's position on a SAP Review is set out in its Local Development Scheme"*. This will provide the clarity requested by PM051.

Q (vii) The Council's response relating to MM2 and MM3 in respect of the base dates for housing delivery and housing needs (made by representation Ref PM057).

Following consideration of representation PM057, the Council remains of the view that the Plan is sound as modified by the Inspector's Main Modifications. The dates and figures set out in MM2 and figures in MM3 are correct.

It is noted that the dates and figures provided as part of representation Ref PM057 are a resubmission of comments made during consultation of the Council's proposed main modifications in February 2021 (and will already have been considered by the Inspector). The matters raised have been considered throughout the examination and during the hearing sessions. They are as follows:

Plan Period

The scope of the Remittal and the Council's Matters Statement (Q6e of **RS2/1**) confirms that the SAP plan period is 2012 to 2028. The reason that there is a significance of 2017 in representation Ref PM057 is because the Core Strategy Selective Review (CSSR) amended the Core Strategy housing requirement and the adopted annual housing target from 1 April 2017. It was agreed as part of the SAP Remittal process (including in the Statement of Common Ground between Leeds City Council, Housebuilder Consortium and developers (**EXR/8**) that the Council's 2020 Strategic Housing Land Availability Assessment (SHLAA 2020) is the evidential base for the source of housing land supply from a base date of 1 April 2020.

The comments in representation Ref PM057 on plan period are related to the inclusion of delivery between 2012 and 2017 specifically in Aireborough (but also by implication other HMCAs). In terms of requirement, this has already been taken account of as part of the amended CSSR housing target set to 1 April 2017, which was informed by a Strategic Housing Market Assessment that took into account the completion of new homes across the district prior to 1 April 2017 including market signals and past trends in delivery. In other words, inclusion of performance between 2012 and 2017 as part of the calculations in the SAP Remittal – as suggested by Ref PM057; and therefore carrying forward under-provision or over-supply from a previous plan period, would be 'double counting'.

Nevertheless, the figures for delivery between 2012 and 2017 by HMCA are set out by the Council in both the Background Paper (**CDREM1/3**) and Table 1 of MM3 as a matter of fact.

Further consideration of delivery within this period by HMCA against Spatial Policy 7 targets would be needed if a revised target as part of a future local plan update required new land allocations to be made, but that is not the objective of the SAPR. It would be at that future plan-making stage that the Council will take into account past delivery trends and consult on a revised policy and its evidential position. This would also be guided by Policy SP6 of the Core Strategy (as amended by the CSSR) **CDREM2/1** which sets out in its justification at ¶4.6.3 that *"Regard will be had also to past delivery of housing within each HMCA between 1st April 2012 and 31st March 2017."*

Housing Delivery Figures

In addition, Ref PM057 puts forward alternative figures on housing delivery against housing needs for Aireborough. These are a repeat of the same points made in the

original representation from the Aireborough Neighbourhood Development Forum and will have been taken into account by the Inspector as the Council's figures (which are reflected in the MMs) were clearly set out in the Background Paper (**CDREM1/3**) Sections 4 to 6). This was not a matter or issue that the representor expanded upon in further submissions or at the hearing sessions.

Notwithstanding that, the Council confirms that the approach to the figures in the MMs comprises the following:

1. Units already delivered on SHLAA sites (Identified, Allocated and Windfall) from completions between 1 April 2017 and 31 March 2020.

2. Units in the supply on SHLAA sites (Identified, Allocated and Windfall) deliverable between 1 April 2020 and 31 March 2028.

It is not possible to reconcile the figures in Ref PM057 without knowing how those figures have been calculated. However, it is understood that the source of the information is likely to be the Council's own published datasets. To confirm, the Council's position on making calculations for SAP Remittal from these datasets is based on the following:

- Sites are sourced from the 2020 SHLAA, which includes all SAP Identified, SAP Allocated and Large Windfall sites.

- Large Windfall sites are identified by their inclusion in SHLAA as new sites and therefore are not to be added again separately.

- The supply does not include sites with planning permission in the housing land supply that are below the SHLAA threshold as these are small sites included within the 500 per annum windfall allowance

- The capacities on sites under construction are based on the number of units delivered up to 1 April 2020 and the remaining capacity of sites deliverable up to 2028. The full capacity of sites under construction is not to be counted as both delivery and supply.

- The supply is calculated from 2020 SHLAA capacities based on the build out of sites up to 31 March 2028. The supply for SAP Remittal does not include the remaining capacity of units on sites assessed as deliverable after 1 April 2028.

- The supply is based on the SHLAA base date of 1 April 2020. The supply does not reflect changes to capacities of sites from planning applications determined after 1 April 2020.

The methodology set out above must be strictly adhered to report accurately against the base dates for housing delivery and housing needs. The supply figures presented in revised Table 1 for both the surplus and shortfalls by HMCA are correct.

The Council speculates, but does not know because the representor's methodology is unclear, that these principles have not all been followed in the assessment in PM057.

Q (viii) Commentary in respect of MM6 on the comparison of capacity of allocations against the Core Strategy Selective Review targets (for example from representation ref PM046).

Following consideration of PM046 the Council remains of the view that the Plan is sound as modified by the Inspector's proposed Main Modifications. MM6 has revised the table in the SAP to take account of changes to adopted policy by virtue of the Core Strategy Selective Review. The Council acknowledges that the previous version of the table in the SAP included additional columns that showed the balance of housing supply against the Core Strategy Targets for the Settlement Hierarchy. This was to reflect the targets adopted in the 2014 Core Strategy within Spatial Policy 7 figures for Housing Distribution by Settlement Hierarchy. However, that Policy was amended upon adoption of the CSSR when the targets were deleted from the Policy. Thus, there is no need to include these columns now. The current adopted policy in the Core Strategy (as amended by the CSSR) now relates only to housing distribution by HMCA.

Accordingly, MM6 updates the table in SAP Remittal to take account of the updated Core Strategy position and presents the supply by Settlement Hierarchy as a matter of fact without the inclusion of the balance against the targets as they no longer exist in policy.

Q (ix) A summary of the Council's response to the representations and petition made in respect of the site allocation EG2-37 Barrowby Lane.

There are 87 representations on EG2-37.

One of these representations notifies the Inspector of a live petition, which at the date of the representation totalled 706 signatures. The Council notes that this petition remains live and has continued beyond the end of the consultation period (with at the time of writing 975 signatures). The petition is directed to the Council Administration.

The Council notes the representations made to the consultation and the comments provided as part of the petition, however the Council's position with regard to the proposed allocation of EG2-37 for general employment use remains unchanged for the following reasons.

A number of the representors have misunderstood what is proposed by the Main Modifications in relation to the intended allocation of the site for general employment use as follows and are of the view that the MM will

- extend the retail area of the Springs retail park
- provide office floorspace
- provide housing

For clarification, EG2-37 will not extend the retail area of The Springs retail park, will not provide new office floorspace (other than ancillary offices to the general employment use) and no longer proposes housing use on the site. It will solely provide land for general employment uses (as noted in proposed MM10, MM19 & MM20).

Concerns regarding loss of Green Belt, impact on nature conservation, loss of agricultural land, access to green spaces, public rights of way, health and wellbeing, climate change, carbon emissions, air quality, flooding were considered through the site assessment and Sustainability Appraisal process supporting the SAP and was found sound by the SAP Planning Inspectors. This is confirmed in the SAP Remittal Background Paper (**CDREM1/3**) at paragraph 13.12-14 and 13.16-17 and the response to Question 5, 5b, 5d and 6 in **RS2/1a**

A number of respondents raised concerns relating to traffic generation. The Council confirms that the site was assessed for impact on traffic generation through the SAP process and was subject to two highway-related site requirements. The Council responded to the Inspector's questions regarding the site requirements in **RS2/1a** at question 5c, during the examination hearing, the letter dated the 11th October 2021 and the subsequent proposed Main Modification 20 provides a factual update reflecting the passage of time since the completion of the Manston Lane Link Road. The representations do not raise any additional points which have not already been considered.

Some respondents suggested that the Council should have considered whether any brownfield land sites were able to offset the release of the site from the Green Belt. It is not within the scope of the SAP Remittal to consider additional sites. The Council submitted revised evidence that included all windfall (including additional brownfield sites) that had secured a planning permission since the evidence was originally submitted for the SAP. The Council are satisfied that all brownfield options for employment have been considered through the SAP plan making process, taking into account the need to meet requirements for other uses such as housing and office uses. The Core Strategy (Spatial Policy 9) requires that the Council identifies 493 hectares. This is to be met by a mix of brownfield and greenfield sites identified and allocated in the SAP and AVLAAP supplemented by additional windfall planning permissions.

Specific reference was made to the fact that the Council had the opportunity to provide employment on brownfield sites along Manston Lane / Barrowby Lane but that this was all used for housing. In response, the Council would note that a brownfield site is allocated for employment in the area (SAP Site Ref EG2-27, Former ice factory, Manston Road).

Some representations referred to the change in circumstances for employment land requirement. The representations at this stage raise no new in principle issues on the employment land requirement that were not discussed at the hearings or in the Council's evidence. These issues were considered in response to the original

representations and discussed at the hearing sessions. The Council response to Matter 2A (Q4) **(RS2/1a)** details the Council's view as to why the general employment requirement, set out in Core Strategy Spatial Policy 9, should be used as the basis for making allocations for general employment uses in the SAP. This is consistent with the approach to assessing the need for employment land allocations in the SAP examination which included the allocation of greenfield and former Green Belt land for employment. The Council's position on HS2 safeguarding is set out in details in the responses to questions (i) to (v) above.