



Leeds Site Allocations Plan

Leeds Local Plan

SAP Remittal – Background Paper

Development Plan Document

January 2021

Contents		
Section	Title	Page
1	Introduction	1
2	Background	1
4	The Options for Remittal	3
4	Relevant Policies	5
5	Policy SP6 - Plan Requirement and Housing Land Allocations	6
6	Policy SP7 – Distribution of Housing Land	9
7	Deliverability	13
8	Five Year Housing Land Supply	15
9	Flexibility & Headroom	16
10	Delivery of New Homes on SAP Allocations and Large Windfall	17
11	Affordable Housing	19
12	Legal Compliance	23
	• Duty to Cooperate	23
	• Habitats Regulation Assessment	23
13	Sustainability Appraisal	23
14	Best Council Plan	24
15	Health & Wellbeing Strategy	25
16	Climate Emergency	25
17	Inclusive Growth Strategy	25
18	Local Plan Update	26
19	Conclusions of the Options for Remittal	26
20	Government response to the local housing need proposals in <i>“Changes to the current planning system”</i>	30

Executive Summary

In July 2019 the Council adopted its Site Allocations Plan (SAP) after a public examination (held during July 2018). Two independent Planning Inspectors considered the Plan and took into account the thousands of consultation responses received from residents, developers and other interested parties. One of the main issues considered by the Inspectors, was around the amount of housing land being proposed to be released from the Green Belt, for which national planning guidance requires exceptional circumstances.

The Council and the Inspectors were aware that the overall Leeds housing requirement was on a downward trajectory and that a new requirement was being considered through a separate plan-making process called the Core Strategy Selective Review (CSSR). Despite initially considering that the CSSR could not influence the SAP as it was not yet formally adopted, the Inspectors agreed to the Council's suggestion that the SAP be modified to reduce by over 50% the amount of Green Belt land. The Council considered that some Green belt was justified to provide for local needs in the outer areas of Leeds. The independent Inspectors prepared an Inspector's Report, which advised that subject to some modifications the SAP could be legally adopted by the Council as was a sound document.

The SAP was challenged by the Aireborough Neighbourhood 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 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 itself proceeded unlawfully or took a legally flawed approach to the SAP.

The High Court has ordered that the Council send back 37 Green Belt sites (including one mixed use allocation) to the Secretary of State and the Planning Inspectorate for further examination against up to date evidence and policy. This process is known as remittal. Following the successful challenge in the High Court all the sites, which had been removed from the Green Belt in the adopted SAP (for housing and mixed housing and employment uses) have been remitted for re-examination. The examination will, therefore, have a limited scope and only focus on 37 sites listed in the Court Order. This background is set out in **Section 1 and 2**.

The Council has now carried out further evidence work and has concluded that exceptional circumstances do not exist to justify releasing any of the sites listed in the Court Order for housing. This is because the supply from non-Green Belt sites exceeds the plan requirement. The Council looked at 3 options as set out in **Section 3**. These are:

Option 1: Propose all 37 Green Belt sites as allocations in the SAP

Option 2: Propose none of the 37 Green Belt sites as allocations in the SAP and retain them all as Green Belt

Option 3: Propose some of the Green Belt sites as allocations in the SAP on the basis that they would help address housing shortfalls within individual Housing Market Characteristic Areas

The High Court ordered that the Council look at a revised approach against relevant up to date policies in the statutory Local Plan. This is set out in **Section 4** and notes the implications of the change in overall housing requirement, expected to be allocated in the SAP, being lowered from 66,000 homes (between 2012 and 2028) to 46,352 homes (between 2017 and 2033) and how this should be apportioned to the SAP plan period which runs from 2012 to 2028.

The High Court also ordered that an analysis of evidence on updated land supply informs the revised approach. This is set out at **Section 5** by reference to a recent Strategic Housing Land Availability Assessment, **Section 7** to show that this analysis complies with Government Guidance on deliverability of housing, and in **Section 8** where the Council's 5 year land supply assessment is noted. These sections conclude that the Council has sufficient land supply to meet overall needs and a 5 year land supply, without Green Belt release, and that this accords with Government Guidance.

One of the policies of the Local Plan is to distribute housing throughout Leeds to meet local needs and take account of the settlement hierarchy i.e. areas with major settlements. One of the acknowledged drawbacks of the Council's revised approach is that these areas will not now receive as much housing as previously set out. **Section 6** considers the implications of this in terms of compliance with the policy to distribute housing opportunities. One of the negative impacts - the lack of delivery of affordable housing – is also addressed in **Section 11**.

In common with the approach to the Adopted SAP, the Council must ensure that the proposed modifications to the SAP at this stage are legally compliant and sound, meeting Government Guidance. To that end, they have been informed by a Sustainability Appraisal (summarised at **Section 13**) and by legal tests outlined at **Section 12**.

The wider implications of the Council's revised approach on its key Best Council Plan priorities are set out in **Sections 14 to 17**.

The Council must now formally amend the Adopted Site Allocations Plan for the 37 sites subject of the High Court order. This must be done through making a modification to the Adopted SAP. Responses to this current consultation will be sent to the Planning Inspector.

1. Introduction

1.1 The Site Allocations Plan (SAP) was adopted on 10th July 2019. It provides housing, employment and mixed use allocations and safeguarded land designations (sites reserved for potential future allocation), sites for Gypsy and Traveller provision, greenspace and retail designations in line with the strategic framework set out in the Core Strategy (2014). However, following the date of adoption of a plan there is a statutory 21 day period within which interested parties may seek permission of the High Court to challenge the legality of the Plan. Aireborough Neighbourhood Development Forum submitted a High Court challenge on in August on seven grounds.

1.2 The case was heard at the High Court in February 2020, with Judgment handed down on 8 June 2020. The Judge, Mrs Justice Lieven DBE, allowed the Claim on three of the seven grounds raised. These three grounds related to three legal errors namely legally deficient reasons given in the Inspectors report on: justifying the release of the specific Green Belt sites and site selection process; and an error of fact relating to the calculated increase in supply of housing during the process.

1.3 The High Court has ordered relief. The effect of this relief is that allocated sites that immediately before the adoption of the SAP were in the Green Belt be remitted back to (in other words re-considered by) the Secretary of State and the Planning Inspectorate for further examination. All other policies within the SAP remain adopted and carry full weight. The effect of the Order is that the SAP examination remains open in respect of the remitted sites. This narrow scope focusses upon the options for the 37 remitted Green Belt sites and potential modifications that are necessary to achieve a fully adopted plan.

1.4 The High Court Order requires that a revised position on the 37 sites reflects an up to date position on evidence. The Judge in her Order notes that *“The passage of time may well require the council to update its evidence, and potentially, to invite the Inspector to recommend modification to policies”*.

1.5 This Background Paper summarises the Council’s updated evidence on the Strategic Housing Land Availability Assessment, Five Year Housing Land Supply Statement, Sustainability Appraisal, Duty to Cooperate and Habitats Regulation Assessment to determine what modifications to the SAP are necessary to achieve a fully Adopted Plan..

2. Background

2.1 The Core Strategy was adopted in 2014 and set in accordance with then Government guidance, office of national statistics figures and an independent public examination, a housing requirement of 70,000 (net) new dwellings in the period 2012 to 2028. The requirement led to the need for land allocations for 66,000 new homes, meaning the release of Green Belt sites was necessary. In response, the SAP proposed to release the largest level of land allocations for housing in the country. However, during the preparation of the SAP the housing requirement in Leeds was in the process of being revised at both national level through the Government’s standard methodology and at local level through Core Strategy Selective Review (CS 2019 as amended), both of which pointed to lower housing targets. As

a result and following submission to the Secretary of State, the SAP was modified to provide housing allocations up to 2023 only with a commitment to review the plan by 2021 (following the adoption of the CSSR and lower housing target).

2.2 This led to a reduction in the amount of land required but some Green Belt releases were still required although these were reduced from 12,481 dwellings across 73 Green Belt sites to around 4,000 units across 37 sites up to 2023 prior to adoption. This was in order to meet both the adopted annualised target and the requirement to demonstrate a five year housing land supply against the Core Strategy (2014) requirement. The Inspectors concluded this to *“be a pragmatic and sound approach”*. The table below list the 37 sites and total capacities as included in SAP.

HMCA	SAP Ref	Site	SAP Total
Aireborough	HG2-1	New Birks Farm, Ings Lane, Guiseley	160
Aireborough	HG2-2	Wills Gill, Guiseley	133
Aireborough	HG2-4	Hollins Hill and Hawkstone Avenue, Guiseley	80
Aireborough	HG2-9	Land at Victoria Avenue, Yeadon	102
East	HG2-119	Red Hall Offices	50
East	HG2-123	Colton Road East	17
East	MX2-38	Barrowby Lane, Manston	150
North	HG2-36	Alwoodley Lane, Alwoodley	302
North	HG2-38	Dunstarn Lane, Adel	68
North	HG2-42	Broadway and Calverley Lane, Horsforth	18
North	HG2-43	Horsforth Campus	134
North	HG2-46	Horsforth (Former waste water treatment works)	53
Outer North East	HG2-26	Wetherby Road - Scarcroft Lodge, Scarcroft	100
Outer North West	HG2-17	Breary Lane East, Bramhope	87
East & Outer South	HG2-174	Wood Lane, Rothwell Garden Centre	83
Outer South	HG2-175	Bullough Lane - Haigh Farm (land adjacent	222
Outer South	HG2-177	Alma Villas, Wodlesford	12
Outer South	HG2-180	Fleet Lane & Methley Lane, Oulton	339
Outer South	HG2-183	Swithens Lane, Rothwell	85
Outer South	HG2-186	Main Street, Hunts Farm, Methley	25
Outer South East	HG2-126	Micklefield Railway Station Car Park (land north)	18
Outer South East	HG2-133	Ninevah Lane, Allerton Bywater	65
Outer South West	HG2-136	Whitehall Road (south of) - Harpers Farm	279
Outer South West	HG2-150	Churwell (land to the east of)	223
Outer South West	HG2-153	Albert Drive, Morley	121
Outer South West	HG2-159	Sissons Farm, Middleton	222
Outer South West	HG2-165	Thorpe Hill Farm, Lingwell Gate Lane, Thorpe	57
Outer South West	HG2-166	Long Thorpe Lane (land off), Thorpe, Wakefield	17
Outer South West	HG2-167	Old Thorpe Lane (land at), Tingley	207
Outer South West	HG2-233	Land at Moor Knoll Lane, East Ardsley	11
Outer West	HG2-53	Calverley Cutting/Leeds Liverpool Canal	32
Outer West	HG2-63	Woodhall Road (land adjacent), Gain Lane	196
Outer West	HG2-65	Daleside Road, Thornbury, North	89

HMCA	SAP Ref	Site	SAP Total
Outer West	HG2-68	Waterloo Road (land at), Pudsey	28
Outer West	HG2-69	Dick Lane, Thornbury	206
Outer West	HG2-71	Land off Tyersal Road, Pudsey	33
Outer West	HG2-72	Land off Tyersal Court, Tyersal	46
Total			4,070

2.3 The allocation of land in the adopted SAP is based on the Core Strategy (2014) for a plan period from 1st April 2012 to 31st March 2028 with the final identification of sites updated to a base date of 1st April 2016. The SAP was adopted in July 2019 and the Core Strategy housing target was then lowered in September 2019 by the adoption of the CSSR. At the same time, the Council had recorded record levels of planning permissions approved since 1st April 2016 both on the identified supply allocated in the SAP but, critically, also on new sites that were not allocated in SAP but would meet the size thresholds for allocation. These sites came into focus as part of the High Court proceedings and Judgment as “*large windfall*” sites.

2.4 The housing land supply picture has been updated because the Adopted SAP (2019) provided housing sites to meet the requirements for housing set out in the Core Strategy (2014) from 2012, which have now been revised by Core Strategy (2019) for supply from 2017. The dual processes of (i) the requirement being substantially lowered at the same time as (ii) the supply has been significantly boosted means that the Council must now update its evidence on housing land supply in order to make an informed decision as to whether there is still a need for the remitted Green Belt sites and to determine what modifications to the SAP are necessary to achieve a fully Adopted Plan.

2.5 In arriving at an accurate picture of housing land supply to inform the Council's proposals for the SAP Remittal, it is necessary to have an updated evidence base. A Strategic Housing Land Availability Assessment (SHLAA) update has been undertaken to provide an up-to-date and accurate picture of district-wide housing land supply to a base date of 1st April 2020 against the current housing requirement set out in Core Strategy 2019. The 2020 SHLAA update report and methodology together with accompanying five year housing land supply statement were published in December 2020.

2.6 The SHLAA provides a technical database of all sites submitted for assessment for housing in terms of their availability, suitability and achievability for the delivery of new homes across the plan period and beyond. The SHLAA assessment process includes an update on the sites with planning permission and allocated sites which remain adopted to determine the current land supply position. The updated 2020 SHLAA together with the Sustainability Appraisal forms the primary evidence to underpin the proposed modifications to the Plan as part of the remittal.

3. The Options for Remittal

3.1 The Council has taken into account the matters set out in the Judgment and the overriding objective to achieve a fully adopted SAP within an existing plan period to 2028. Following the update of the housing evidence through the SHLAA, it was necessary to

consider the reasonable alternatives for the SAP remittal to determine the proposed course of action to be taken in relation to the 37 proposed allocations in the Green Belt. A Sustainability Appraisal (SA) Addendum has been prepared to support and inform the choice between reasonable alternatives and preparation of the proposed Main Modifications.

Option 1: Propose all 37 Green Belt sites as allocations in the SAP.

This would require no Main Modifications to the SAP in respect of the Green Belt sites and the Inspector would be required to examine whether allocating the sites and removing them from the Green Belt is sound.

Option 2: Propose none of the 37 Green Belt sites as allocations in the SAP and retain them all as Green Belt.

This would require 37 Main Modifications to the SAP, one for each Green Belt site.

Option 3: Propose some of the Green Belt sites as allocations in the SAP on the basis that they would help address housing shortfalls within individual Housing Market Characteristic Areas (This option would retain some of the allocations, namely those in Aireborough, East, North, Outer North East, Outer South, Outer South East and Outer South West).

This option would involve taking an approach to satisfying the Core Strategy's housing distribution policy (SP7), within the context of the remitted sites only (as only those sites are "in scope" with the remittal). This would involve a focus on the 7 HMCA's that have a housing shortfall against the indicative requirement of Policy SP7 (namely Aireborough, East Leeds, North, Outer North East, Outer South, Outer South East and Outer South West) and within which one or more of the 37 remitted sites are situated). Of the HMCA's affected by the remittal, only Outer North West and Outer West would not be included in this option because they do not have housing shortfalls.

Discounted alternatives

A fourth option, to consider an adjusted plan period from 2028 to 2033 as part of the remittal process, was considered and discounted as a reasonable alternative. It was discounted, as a matter of planning judgment as the Council considers it is not consistent with the objective of the Site Allocations Plan, namely to provide for development needs over a plan period of 2012 to 2028. Further, it is not considered to be justified to plan for a longer period of time as this is outside of the SAP Remittal scope; limited to 37 sites within specific geographies of Leeds up to 2028. To that end, planning for housing in Leeds beyond 2028 would be most appropriately addressed through a future Local Plan Update. This option is therefore not considered to be a reasonable alternative and has been discounted from the SA process. A number of the remittal sites contain a proportion of Green Belt and non-Green Belt land. A further option considered was: for those sites which contain only a proportion of Green Belt land, only the non-Green Belt land is allocated. However as a matter of planning judgment it is considered that this would not be a reasonable alternative as this goes beyond the scope of the SAP remittal which is to consider the 37 sites. Should

individual site owners or developers wish to pursue development of this non-Green Belt land, this can be delivered through the development management process.

4. Relevant Policies

4.1 The adopted SAP along with the AVLAAP identified land for 59,718 homes between 2012 and 2028. 9,117 homes were built between 2012 and 2017 across 535 sites and all 11 HMCA's as follows:

HMCA	Sites	Completions (2012-2017)
Aireborough	15	695
City Centre	75	968
East Leeds	22	859
Inner Area	91	1,880
North Leeds	85	979
Outer North East	29	379
Outer North West	13	302
Outer South	20	213
Outer South East	20	546
Outer South West	80	1,313
Outer West	85	983
Total	535	9,117

4.2 All plans should be in line with government guidance and paragraph 35 of the National Planning Policy Framework (NPPF) sets out that, among other things, they must be justified i.e. an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. This background paper provides that justification by explaining in more detail the updated material (evidence) to inform the Council's approach to the remittal, how it has been undertaken and provides the up-to-date evidence to progress the SAP Remittal through Sustainability Appraisal in order to determine a sound approach to selecting a preferred option.

4.3 The SAP Remittal sits alongside and needs to be in line with existing planning policies of the Council as set out in:

- I. **Site Allocations Plan (SAP)** - Adopted in 2019, which identifies land for 51,863 homes between 2012 and 2028, which included 4,070 homes on the 37 remitted sites.
- II. **Core Strategy (CS) 2019** - Adopted in 2014 and selective policies (including the housing requirement) reviewed by the Core Strategy Selective Review (CSSR) and Adopted in 2019.
- III. **Aire Valley Leeds Area Action Plan (AVLAAP)** - Adopted in 2017 which identifies land for 7,855 homes between 2012 and 2028

4.4 Policy SP6 sets the overall housing requirement for the District of 51,952 homes between 2017-2033, clarifies that only 46,352 homes need to be identified because some dwellings are anticipated on unidentified (windfall) sites and sets 7 spatial guidelines to help identify (or allocate) land for housing. Policy SP6 sets out the requirement for the number of housing land allocations and states that:-

SPATIAL POLICY 6: THE HOUSING REQUIREMENT AND ALLOCATION OF HOUSING LAND

The provision of 51,952 (net) new dwellings will be accommodated between 2017 and 2033, with a target that 3,247 dwellings per year should be delivered.

Delivery of 500 dwellings per annum (8,000 over the plan period) is anticipated on small and unidentified sites.

Guided by the Settlement Hierarchy, the Council will identify 46,352 dwellings (gross) to support the distribution in Spatial Policy 7, using the following considerations:

- i. Sustainable locations (which meet standards of public transport accessibility – see the Well Connected City chapter), supported by existing or access to new local facilities and services, (including Educational and Health Infrastructure),
- ii. Preference for brownfield and regeneration sites,
- iii. The least impact on Green Belt purposes,
- iv. Opportunities to reinforce or enhance the distinctiveness of existing neighbourhoods and quality of life of local communities through the design and standard of new homes,
- v. The need for realistic lead-in-times and build-out-rates for housing construction,
- vi. The least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation,
- vii. Avoiding areas of flood risk and only where this is not possible, then mitigating flood risk.

4.5 Core Strategy Policy SP6 also notes that the identification of dwellings is guided by the settlement hierarchy. This is contained in Policy SP1 of the Core Strategy, which among other things notes that the largest amount of development will be located within the Main Urban Area and Major Settlements (SP1(ii)) and in so doing priority for identifying land will be firstly, previously developed land within the Main Urban Area or relevant Settlement (SP1(ii)(a)), secondly, suitable infill sites (SP1(ii)(b)) and lastly, sustainable extensions to the Main Urban Area or Settlement (SP1(ii)(c)).

5. Policy SP6 – Plan Requirement and Housing Land Allocations

5.1 The CS (2019) lowered the housing requirement in the CS (2014) from 70,000 homes to 51,952 homes. In updating the requirement the CS (2019) also updated the CS plan period from 2012-2028 to 2017-2033. The housing requirement is therefore for 51,952 (net) between 2017 and 2033. However, allocations will be needed for only 46,352 homes (a reduction from the 66,000 in the CS 2014). This is set out in CS Policy SP6 and takes into account the need to discount a windfall allowance (estimated at 500 dwellings per annum).

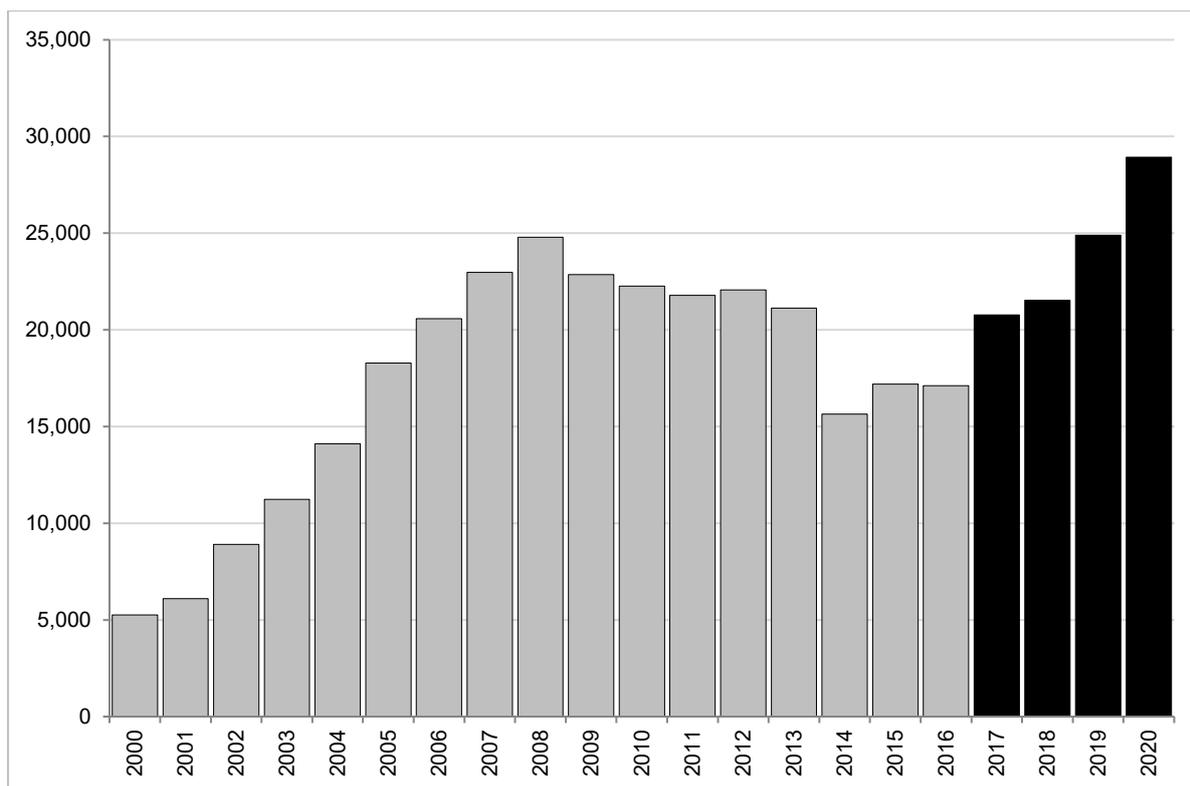
5.2 It is noted that windfall is accounted for in the CS (2019) under Policy SP6 and its continued role in the land supply is the reason why the Council must allocate land for 46,352 homes rather than the full CS target of 51,952 homes. Based on the adopted housing target to 2033, the SAP is required to allocate sites for 31,867 new homes up to 2028. The SAP plan period is up to 2028. Accordingly, in assessing the up to date position for the SAP Remittal an apportioned Core Strategy requirement is for the allocation of housing land for 2,897 homes per annum up to 2028 as follows:.

Housing requirement and allocation of housing land			
Requirement 2017-2033	Requirement to allocate 2017-2033	Annual requirement to allocate	Requirement to allocate 2017-2028
51,952	46,352	2,897	31,867

5.3 Of the land allocations required to deliver 31,867 new homes from 2017 up to 2028, 7,900 units have already been completed on sites under construction between 1st April 2017 and 31st March 2020. Technical work has been carried out which has involved looking at the distribution of housing opportunities, aligning the SAP plan period (2012 to 2028) with the new CS (2019) plan period (2017 to 2033), reflecting construction activity and confirming the deliverability of sites. This includes updating of sites which have gained planning permission since adoption of the SAP, and feedback from the SHLAA regarding deliverability of sites from on-going dialogue with landowners, developers and agents, as outlined in the 2020 SHLAA Main Report and Methodology.

5.4 The 2020 SHLAA also looks at any newly arising land in Leeds (large windfall sites) approved after the preparation of SAP that are now SHLAA sites. Large windfall sites are new planning permissions approved on sites not in AVLAAP or SAP that are now in the SHLAA as new sites as they meet the size threshold for identified supply. The SHLAA is an ongoing technical process to inform planning policy development and implementation. It assists in the monitoring of whether there is an adequate supply of deliverable housing land at any point in time. The level of construction activity across the district is strong with over 100 sites currently operating with around 5,200 individual plots actively under construction. Increases in the level of planning permissions since the 1 April 2016 base date of SAP has seen outstanding capacity of planning permissions rise to the greatest level of supply since records began.

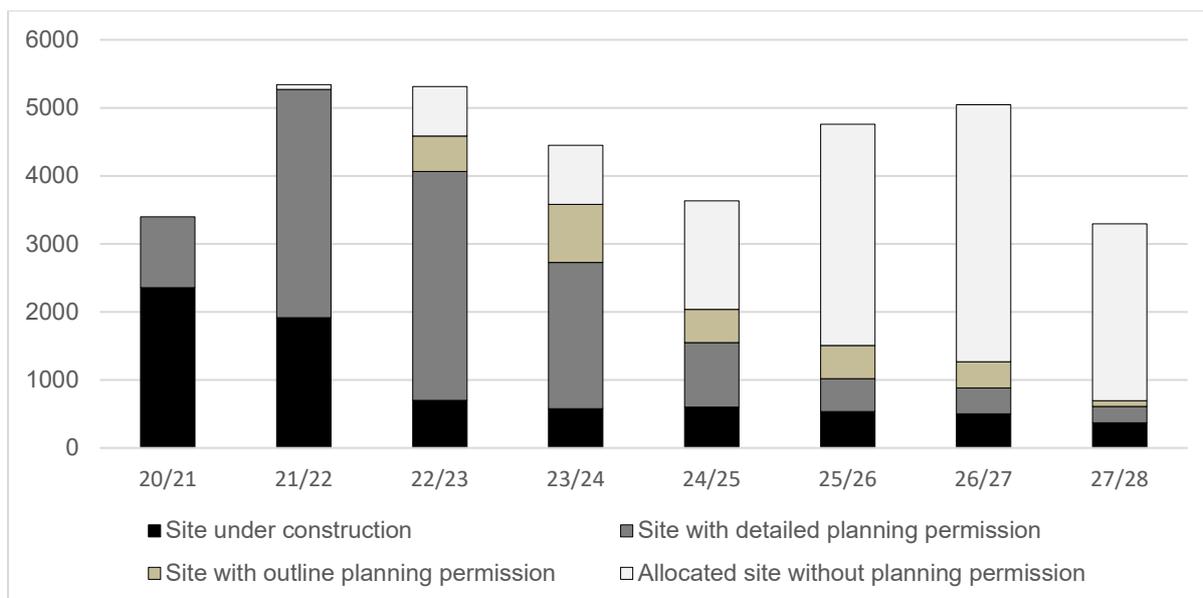
5.5 As at 1 April 2020, sites with planning permission had remaining capacity for 28,931 new homes either under construction or yet to start. This is illustrated in the chart below with the years since the SAP base date highlighted to show the extent of the increase in overall stock since the adopted supply was finalised.



5.6 The apportioned housing requirement of the CS (2019) is to provide allocations for 31,867 homes between 2017 and 2028, it is clear that together with new sites arising from recent planning approvals, the Adopted SAP and AVLAAP provide sufficient housing supply to meet these needs in full as well as providing a surplus of 11,268 homes as shown in the table below. Therefore, having regard to housing supply figures only, no further sites would need to be allocated to meet CS (2019) requirements (to 2028) overall as set out in Policy SP6.

Allocation of housing land up to 2028			
Requirement 2017-2028	Completions 2017- 2020	2020 SHLAA Supply	Balance
31,867	7,900	35,235	+11,268

5.7 The trajectory of housing land supply up to 2028 shows how the short term picture is comprised of sites under construction and with detailed planning permissions with a modest contribution of sites with outline planning permission and allocated sites that are being progressed through current planning activities confirmed as part of the SHLAA consultation with landowners, agents and developers of those sites. The medium-term picture in the three years from 2025 up to 2028 is then comprised of the outstanding capacities from the build out of short-term sites together with adopted SAP allocations which, to be conservative, sit outside the five year housing land supply but have been assessed as deliverable by both the Inspectors as part of SAP adoption and confirmed by an up-to-date assessment as part of 2020 SHLAA.



6. Policy SP7 - Distribution of Housing Land

6.1 The CS (2019) sets an overall housing requirement in Policy SP6 and seeks to distribute housing delivery in line with the spatial strategy through Policy SP7 above, so that all parts of Leeds have the advantage of new homes to meet local needs and the major settlements fulfil their role as a prime focus for growth. Whilst it is noted above that having regard to housing supply figures only, the remitted Green Belt sites would no longer be needed to be allocated to meet CS (2019) requirements overall as set out in Policy SP6, it is necessary to consider the implications on distribution required by Policy SP7. Policy SP7 sets the distribution of the housing requirement in Policy SP6 and states:

SPATIAL POLICY 7: DISTRIBUTION OF HOUSING LAND AND ALLOCATIONS

The distribution of housing land (excluding windfall) will be planned based on Housing Market Characteristic Areas as follows:

Housing Market Characteristic Area	Percentage
Aireborough	3%
City Centre	15.5%
East Leeds	17%
Inner Area	15%
North Leeds	9%
Outer North East	8%
Outer North West	3%
Outer South	4%
Outer South East	7%
Outer South West	11%
Outer West	7%

6.2 Paragraph 4.6.8 of the CS is supporting text to Policy SP7 and confirms that *“The percentage figures in the second column, are intended as a guide rather than rigid targets”* and would not amount to *“exceptional circumstances”* for the release of Green Belt sites without the district-wide requirement to do so when looking at overall supply in pure numerical terms (Policy SP6). Paragraph 100 of the High Court Judgment¹ states that *“This is consistent with the CS where reference to the HMCA’s and to the settlement hierarchy is not itself advanced as being a justification for GB release in those areas. The justification in the CS is related to the quantum of houses required”*. Policy SP7 is the policy mechanism to guide the distribution of land allocations once the requirements of Policy SP6 have been established. This accords with Policy SP10, which sets out that a review of the Green Belt is carried out to accommodate the scale of housing growth identified in Policy SP6 but not Policy SP7.

SPATIAL POLICY 10: GREEN BELT

A review of the Green Belt will need to be carried out to accommodate the scale of housing and employment growth identified in Spatial Policy 6 and Spatial Policy 9, as well as an additional contingency to create new Protected Areas of Search (to replace those in the UDP which will be allocated for future development). The review will generally consider Green Belt release around:

- (i) the Main Urban Area (Leeds City Centre and surrounding areas forming the main urban and suburban areas of the City),
- (ii) Major Settlements of Garforth, Guiseley/Yeadon/Rawdon, Morley, Otley, Rothwell and Wetherby,
- (iii) Smaller Settlements (listed in Table 1: Settlement Hierarchy),

Exceptionally, sites unrelated to the Main Urban Area, Major Settlements and Smaller Settlements, could be considered, where they will be in sustainable locations and are able to provide a full range of local facilities and services and within the context of their Housing Market Characteristic Area, are more appropriate in meeting the spatial objectives of the plan than the alternatives within the Settlement Hierarchy. Otherwise review of the Green Belt will not be considered to ensure that its general extent is maintained.

In assessing whether sites in the Green Belt review should be allocated for development, the following criteria will be applied:

- (iv) Sites will be assessed against the purposes of including land in Green Belts identified in national guidance (National Planning Policy Framework). These purposes are:
 - o to check the unrestricted sprawl of large built up areas,
 - o to prevent neighbouring towns from merging,
 - o to assist in safeguarding the countryside from encroachment,
 - o to preserve the setting and special character of historic towns and
 - o to assist in urban regeneration.

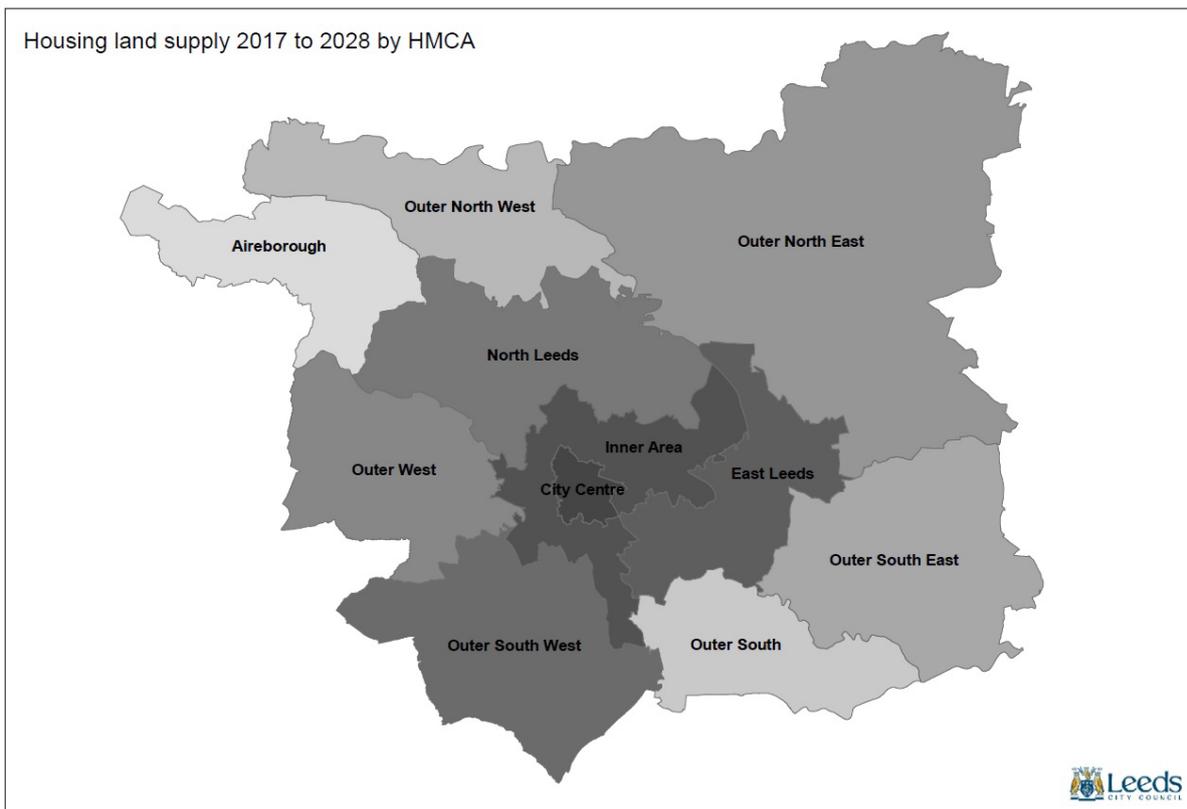
6.3 The table below reflects the most up to date position as part of the SAP Remittal, this brings up-to-date the position on sites as at 1 April 2020 and takes into account planning permissions and completions as reported in the housing land supply position in the 2020 SHLAA.

¹ Aireborough Neighbourhood Development Forum v Leeds City Council & Ors [2020] EWHC 1461 (Admin)

HMCA	%	Housing requirement 2017-2028	Completions 2017-2020	2020 SHLAA Supply to 2028	Balance
Aireborough	3%	956	187	276	-493
City Centre	16%	5,099	1,930	11,733	8,564
East Leeds	17%	5,417	485	4,242	-690
Inner Area	15%	4,780	1,759	8,790	5,769
North Leeds	9%	2,868	858	1,940	-70
Outer North East	8%	2,549	500	1,333	-716
Outer North West	3%	956	234	931	209
Outer South	4%	1,275	385	403	-487
Outer South East	7%	2,231	385	1,167	-679
Outer South West	11%	3,505	669	2,555	-281
Outer West	7%	2,231	508	1,865	142
Total	100%	31,867	7,900	35,235	11,268

6.4 The position on sites is subject to continual change through the monitoring of planning and construction activity on a quarterly basis. The financial year-end position on sites is reported in the annual SHLAA updates. The base date of the Adopted SAP is 1st April 2012, but for the purposes of its technical preparation the baseline for land supply was set at 1st April 2016. Since that date there has been additional housing supply through newly arising planning permissions on sites above the size threshold to be included in the SHLAA that were not in the AVLAAP or SAP and are therefore defined as large windfall. This mainly arises in the City Centre and Inner Areas.

6.5 The table above shows that whilst the CS (2019) housing targets 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. These are most apparent in the City Centre, and Inner Areas which significantly oversupply land against the indicative targets. Outer North West and Outer West show a modest surplus of supply. Aireborough, East Leeds, Outer North East, Outer South, Outer South East and Outer South West each undersupply while North Leeds is broadly in line with the indicative target.



6.6 The oversupply of housing allocations in the City Centre and Inner Areas when measured against the indicative targets of Policy SP7 was always characteristic of the SAP and was considered to be a sound approach by the SAP Inspector. It meets needs in the most sustainable locations, is in line with the inclusive growth strategy objectives of locating homes close to jobs, especially in the priority areas and aligned with programmes for city centre growth such as the South Bank. It is considered that this situation remains and that oversupply in these areas is also supportive of the Council's declared Climate Emergency as it makes best use of brownfield land close to jobs and services which provide the opportunity to avoid using the private car.

6.7 In areas that are under their indicative target, the only potential for more housing allocations would be through release of Green Belt land. This is because all suitable brownfield sites within and adjacent to the main and smaller settlements were considered, assessed and included in the process of preparing the SAP. The current land supply picture provided by the 2020 SHLAA does not change that conclusion.

6.8 The allocation of the 37 remitted Green Belt would not remedy the position on distribution to fully satisfy Policy SP7 even if it were to be considered justified. If the 37 Green Belt sites were allocated and the supply delivered in totality before 2028 then deficits would still remain in four of the seven HMCAs. In reality, the 2020 SHLAA reveals 36 of the 37 sites would contribute to additional supply (HG2-17 already has planning permission) with 3,558 deliverable before 2028.

HMCA	Balance	Total GB release as SAP (2019)	Balance with GB	Supply To 2028	Balance with GB
Aireborough	-493	475	-18	475	-18
City Centre	8,564	0	8,564	0	8,564
East Leeds	-690	248	-442	238	-452
Inner Area	5,769	0	5,769	0	5,769
North Leeds	-70	575	505	575	505
Outer North East	-716	100	-616	152	-564
Outer North West	209	87	296	0	209
Outer South	-487	735	248	577	90
Outer South East	-679	83	-596	83	-596
Outer South West	-281	1,137	856	919	638
Outer West	142	630	772	539	681
Total	11,268	4,070	15,338	3,558	14,826

6.9 If meeting indicative targets in the outer areas of Aireborough, East Leeds, Outer North East, Outer South, Outer South East and Outer South, having already met the overall plan requirement was considered to be the key objective of the SAP Remittal there would be a need in reflecting the requirements of NPPF paragraph 136 to demonstrate there are “*exceptional circumstances*” to justify further release of Green Belt. This would be extremely challenging considering the high bar test set out in national guidance because the overall housing requirement has been met (and significantly exceeded) by the existing SAP and AVLAAP allocations and new planning permissions. The options relating to either all or some allocation of sites would represent Green Belt releases to further boost an overall housing land supply already in significant surplus and therefore not required by Policy SP6 but at the same time would fall short of remedying full compliance with Policy SP7. This in the Council’s planning judgment would not represent the demonstration of “*exceptional circumstances*”.

6.10 HMCA targets in SP7 are indicative and are to be taken into account alongside other factors within the Plan such as the criteria for identifying land in Policy SP6. This includes a criteria based preference for sustainable locations, brownfield and regeneration sites, least impact on Green Belt, least negative and most positive impacts on green infrastructure, green corridors, green space and nature conservation. These fundamental planning considerations when taken together with the updated evidence in SHLAA, the High Court Judgement, NPPF paragraph 136 and the climate emergency have significant weight.

7. Deliverability

7.1 The NPPF notes in paragraph 35 that plans must be effective including, being deliverable over the plan period. For housing in particular paragraph 67 notes that Plans should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.

7.2 The NPPF glossary defines deliverable as follows:-

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular: a) 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 (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.*

7.3 The NPPF defines developable as follows:-

Developable: *To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged*

7.4 The SAP needs to ensure that there are sufficient deliverable sites to last for five years and sufficient developable sites to last beyond five years. The SAP Remittal proposes to rely on the existing allocated and identified sites in the SAP together with new SHLAA sites as part of approvals since the base date of the plan (large windfall) so as to meet revised CS (2019) housing requirements to 2028. The Council adopted the SAP in July 2019 and the sites allocated within it were demonstrated to be deliverable. The Inspectors Report released on the 7 June 2019 noted that *“It is considered that the assumed build-out rates contained in the SHLAA are realistic and robust”*.

7.5 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 fact that sites were subject to an independent examination recently and have been considered through the SHLAA helps support that sites are deliverable for the purposes of the remittal but nevertheless each site has been assessed as part of the 2020 SHLAA update. The large windfall sites are sites which have been granted planning permission after the base date of the SAP and are not a part of the allocated or identified sites in the SAP. They remain as large windfall for the purposes of calculating supply in the context of the SAP Remittal – allowed by SP6 of the Core Strategy to help provide context as to how the City Council will meet its requirements.

7.6 It is noted that the most up to date SHLAA review was undertaken during the Covid-19 pandemic. There is, at the current time, little certainty on how this will affect the housing market but it is acknowledged that there are a great many factors to consider. Independent market analysts Savills published a report² in April 2020 during the start of the outbreak. They note that *“At this early stage, it is unclear what form and how long the recovery will take. When*

² Savills (2020), Coronavirus and residential development, published 8 April 2020, available at: https://www.savills.co.uk/research_articles/229130/298654-0

restrictions are lifted, the release of pent up demand will support the strength of bounce back in the economy. However, should business and consumer confidence be slow to return, then the Government's focus will turn to measures that support the speed of recovery in all affected parts of the economy, including housebuilding."

7.7 The Council has been in discussions with landowners and developers through the Private Sector Housing Acceleration Scheme as part of the updates by establishing contact through letters sent following the purchase of title information from the Land Registry. The Council is now in on-going dialogue with developers to keep up-to-date construction programmes for sites with planning permission. This is the across the board approach taken in the 2020 SHLAA in order to obtain detailed site-specific information that informs assessments of deliverability as advocated by the Inspector and Secretary of State in recent decisions. This approach has again been taken in the 2020 update following consultation with landowners, agents and developers in September 2020 and members of the Home Builders Federation in October 2020.

7.8 The Council consulted the Home Builders Federation in September 2020 asking that their members review and provide comments on sites where they are the landowner or developer of the site or the agent acting on their behalf. The Council has also 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. The details of all construction programmes provided to the Council are accurately reflected in the final 2020 SHLAA.

7.9 The Council has continued decision making by Members via remote panel meetings as well as a continuation of its delegated decision taking. Between 1 January and 31 March 2020, 771 homes were approved in Leeds which compares with 498 for the same period in 2019. At this stage, the Covid-19 pandemic is considered to be an important issue particularly to the short term delivery of homes but not critical to the long term housing land supply or the release of Green Belt sites as part of the SAP Remittal. Rather its longer term implications will need to be assessed and considered through any future strategic policy update, future household growth estimates in an updated Strategic Housing Market Assessment (SHMA) and assessment as part of the annual SHLAA update. As part of the SHLAA, it has been proposed that consultation with the industry about the deliverability of housing occur on a six month rather than an annual basis and that the deliverability of specific SAP sites be kept under regular review.

8. Five Year Housing Land Supply

8.1 The Council recognises that market adjustments and restrictions upon the operation of construction sites this year means that there is potential for the underperformance against the target for completions in 2020/21. Under the government's Housing Delivery Test this would only effect the five year housing land supply requirement by applying an increased buffer to supply if any level of under delivery was averaged over a 3 year period. The number of new homes completed has exceeded the Core Strategy target in each of the last two years.

8.2 The Five Year Housing Land Supply Statement sets out that the 2020 SHLAA update shows 23,689 units in the short term across 438 sites. Of these, 1,557 are units on 36 Green Belt sites without planning permission that are now remitted for further examination and are

excluded from the five year housing land supply. This means the short term deliverable supply is 22,132 units on 402 sites. The overwhelming majority are on sites currently under construction or with detailed planning permission. The short term supply also includes sites with outline planning permission and those allocated as deliverable in the Aire Valley Leeds Area Action Plan and Site Allocations Plan.

8.3 This sets a minimum policy compliant deliverable supply of 22,132 comprised of:

Status	Sites	Total
Site under construction	90	6,146
Site with detailed planning permission	159	10,863
Site with outline planning permission	26	1,862
Allocated site without planning permission	127	3,261
Total	402	22,132

8.4 With the inclusion of non-SHLAA windfall at 500 per annum with the discount of demolitions in the adopted Core Strategy (2019), the overall supply is 6.8 years:

Total Five Year Requirement 1st April 2020 to 31st March 2025	17,573
Annual Requirement	3,515
Identified Supply	22,132
Windfall	2,500
Demolitions	-750
Total Supply	23,882
Five Year Supply	6.8

8.5 The overwhelming majority of the 22,132 dwellings in the 2020 SHLAA supply are either under construction or have detailed planning permission. A further 1,862 with outline permission means some 85% (18,871 units) are either under construction or have planning permission in place. Sites with planning permission alone equate to 5.4 years of supply. The 3,261 dwellings yet to obtain planning permission at 1 April 2020 on allocated sites were determined to be deliverable by the Inspectors of the AVLAAP and SAP and have been subject to assessment as part of the 2020 SHLAA to confirm their inclusion.

9. Flexibility & Headroom

9.1 Excess provision (being over the requirement to 2028 by 11,235) provides headroom to enable plan flexibility and security in the maintenance of a five year supply. This surplus (or headroom) to the requirement is a positive feature of plan-making, because it increases the Plan's capacity to respond to unforeseen circumstances (such as the housing industry's response to the Covid-19 epidemic) and helps ensure that the Plan's requirement is met by providing more housing land supply than is required in the expectation that not all of it may deliver as expected throughout the plan period. This is also in line with Policy SP6 as the requirement is not expressed as a maximum and national guidance which requires that plans are deliverable and effective (flexible).

9.2 At the same time it is important to note that in maintaining a robust five year housing land supply it will be necessary to include an appropriate buffer (which in line with the

Government housing delivery test may be between 5% and 20% at any given time). A level of headroom helps secure this buffer and:

- I. makes the land supply likely to withstand changes in the housing market, and
- II. reduces the likelihood of pressure on safeguarded land, which has been allowed by the planning inspectorate to contribute to housing land supply in Leeds, in circumstances where no five year supply is present.

9.3 The surplus of supply ensures that the Plan remains robust in the event that there is slippage in the delivery of housing from the allocated or committed sites. This is important for a number of reasons. Large strategic sites that will deliver across a number of outlets such as East Leeds Extension will be subject to build out rates dependent on the capacity of the industry to build and the market conditions for sales from multiple housebuilders (the capacity of this site has been reduced by approximately 1,000 units in the 2020 SHLAA following dialogue with the major housebuilder). The headroom provides flexibility for changes in the overall construction programme of large strategic sites over the plan period.

9.4 The majority of the headroom is comprised of approvals in the City Centre for large scale developments and a range schemes of various site sizes in the Inner HMCA. The headroom provides security over the timing of delivery and ensures that if a degree of slippage or non-implementation does occur that the Plan is not vulnerable. Authorities, like Leeds, with significant stocks of unimplemented planning permissions are better placed to deal with inherent uncertainty of events such as the implications of the Covid-19 pandemic and the as yet unknown impacts on development beyond the short-term.

10. Delivery of SAP & AVLAAP Allocations and Large Windfall

10.1 This section sets out the context and monitoring data for the housing growth that Leeds has experienced over the past decade and supports the approach outlined above. A key strength of Leeds is its diversity, and this is no less true for the sites available for development across the city. High density development opportunities in the city centre, which make the most of the vibrancy and central location, are complemented by sites in suburban locations on the edge of Leeds, and in and around the towns and larger villages that surround the City.

10.2 Similarly, there is a wide variety in the sizes of sites available. The large number of smaller sites offer particular opportunities for small and medium sized developers to create bespoke developments. We know that small and medium size house builders have historically been responsible for building a significant proportion of new homes in the city, and this ensures that the potential of these developers can continue to be realised. Alongside this sits a range of larger sites which will cater for those seeking more substantial development opportunities, and those who wish to work alongside others to deliver complementary schemes that come together as a comprehensive development. In addition, redevelopment opportunities are identified across the district. These provide the opportunity to bring existing buildings back into use, and for new development to make effective use of land that is no longer required for its previous purpose.

10.3 Opportunities also exist for those wanting to build their own home. The 2017 Household Survey identified just over 800 households in Leeds who would like to move to a

self/custom build property in the next 5 years. The Council maintains a register of those with an interest in self-build, and there is an opportunity for this to take place as part of specific self-build development schemes on smaller allocations, as part of the mix of new homes on larger sites, or following planning applications on individual plots of land. The wide mix of sites available, in terms of size, land type and location, means that there are opportunities across all markets. This will ensure that the rate of delivery of new housing continues to increase, allowing a variety of sites to be built out at the same time to cater for a range of different needs and requirements.

10.4 The Council has granted more planning permissions for housing over the past five years than at any time. The number of homes approved are well above the City's housing requirement figures. In 2018/19, 9,603 new homes were approved through planning permissions, which is a record level for the city since monitoring began in the early 1970s. Approvals have been granted for 46,960 new homes since 2012, well in excess of the target for the same period. Of these, over 75% are on previously developed land.

Year	Brownfield	Greenfield	Total	% Brownfield
2012-13	1,672	830	2,502	67%
2013-14	4,057	991	5,048	80%
2014-15	6,052	556	6,608	92%
2015-16	3,395	1,633	5,028	68%
2016-17	3,615	3,177	6,792	53%
2017-18	5,377	2,283	7,660	70%
2018-19	8,300	1,303	9,603	86%
2019-20	2,818	901	3,719	76%
Total	35,286	11,674	46,960	75%

10.5 Completions remain overwhelmingly on previously developed land which is reflective of the Council's overall strategy for sustainable growth focused in the city centre and main urban area. The strategy gains support from the NPPF and recognises that a range of tools and solutions are necessary to stimulate delivery on brownfield sites.

10.6 The Council has a range of strategies and programmes in place to unlock land and support the delivery of new homes. This recognises that the private sector is unlikely to be able to deliver the quantum of homes to meet the city's needs in isolation, and the important role that the Council and other public sector bodies will have in directly developing new homes. It also acknowledges that some sites may require targeted support if their potential for development is to be fully realised.

10.7 The Council recognises that simply delivering new dwellings is not enough. The homes that are created need to be of a high quality and adapt to and mitigate climate change and match the aspirations and needs of the city's current and future residents. In and around the city's suburbs and its larger towns and villages a significant number of sites have been released for development by the Site Allocations Plan. Many of these are greenfield sites (non-Green Belt) in the key market areas of the more traditional and volume house builders, who

have a great opportunity to meet the challenge of increasing their delivery rates to match the potential that these sites offer.

10.8 Increasing delivery rates is particularly important on larger sites, where nationally it is acknowledged that slow build out rates are a barrier to addressing housing needs. To ensure the timely build out of large sites and overall high quality development, it is essential that a wide diversity of homes are provided across large development sites in terms of type, size, style, design and tenure³. This includes the provision of housing sold or let to specific groups, such as older peoples housing, affordable housing, and plots sold for custom or self-build. The 2017 SHMA helps Leeds to understand what sort of homes are required. This has been translated into planning policies which set requirements for all new homes.

11. Affordable Housing

11.1 The delivery of affordable housing is a key priority for Leeds. To fully address needs, a total of 1,230 new affordable homes would need to be built per year (434 to meet annual need and 776 per annum to contribute to the remedy of the waiting list). A range of different stakeholders will have a part to play in the delivery of new affordable housing, including the Council, Registered Providers and private developers.

11.2 The 2017 SHMA calculated affordable needs for the four affordable housing zones which are identified in the CS. It suggests the annual dwelling need in the different zones is as follows: Outer North Zone 1: 120, Outer South Zone 2: 794, Inner Zone 3: 168, City Centre Zone 4: 148. Delivery rates in the last 7 years demonstrate the scale of this challenge to deliver 1,230 per annum.

Period	Section 106	Grant assisted	LCC Programme & Non-assisted	Total
2012/13	72	119	14	205
2013/14	109	175	45	329
2014/15	79	288	88	455
2015/16	129	78	249	456
2016/17	112	302	143	557
2017/18	88	130	20	238
2018/19	169	117	147	433
2019/20	166	203	70	439

11.3 The results of the 2017 SHMA suggest a higher need for smaller sized affordable properties than larger. Of the 1,230 total it suggests 853 need to be 1 & 2 bed size, 238 3+ bed size and 139 designed for elderly occupation. In terms of the mix of sizes and types of affordable housing the evidence of the SHMA 2017 has a weighting towards smaller dwellings, which is a reflection of the effects of recent housing benefit changes. This fits with the objective of CS Policy H4 which is to secure a broad balance between 1 / 2 bed homes and 3+ dwellings and with Policy H3 which aims for a pro-rata delivery of affordable units.

³ Letwin Review 2019

11.4 The current affordable housing policy requires affordable housing provision for 4 Zones as shown in the Core Strategy. On site affordable housing will normally be expected at the targets specified for developments at or above the dwelling threshold of 10 in the following zones:-

Zone	Area	Target
1	Outer Northern	35%
2	Outer Southern	15%
3	Inner Area	7%
4	City Centre	7%

11.5 Modelling of housing land supply reveals a capacity for 4,455 affordable homes on the deliverable supply up to 2028 based on policy requirements for the zones where sites are located. This is based on affordable units being delivered on schemes as part of Section 106 (s106) agreements based on sites over the size threshold providing units as part of policy compliant schemes. The significant increases in supply in the Inner Area and City Centre are in the zones where the least affordable housing is required.

Zone	Area	Policy	Supply to 2028	Total affordable
1	Outer Northern	35%	4,320	1,512
2	Outer Southern	15%	9,739	1,461
3	Inner Area	7%	6,312	442
4	City Centre	7%	14,864	1,040
Total			35,235	4,455

11.6 The Council recognises that the provision of affordable housing that can be realised from policy compliant schemes on the supply from 2017 to 2028 is substantially less than what would be needed to meet annual affordable housing targets. Reflective of the overall supply, the distribution of affordable housing that would be provided through s106 by HMCA is also uneven, particularly in Aireborough and Outer South where relatively low levels of total supply equate to less than 100 affordable units between 2017 and 2028 in those areas.

HMCA	North	South	Inner	City Centre	Total
Aireborough	97	0	0	0	97
City Centre	0	0	22	800	822
East Leeds	368	376	58	0	802
Inner Area	0	35	361	241	637
North Leeds	273	210	0	0	483
Outer North East	412	0	0	0	412
Outer North West	326	0	0	0	326
Outer South	0	60	0	0	60
Outer South East	0	175	0	0	175
Outer South West	0	379	0	0	379
Outer West	37	226	0	0	263
Total					4,455

11.7 If the 37 Green Belt sites were allocated and the supply delivered in totality before 2028 then a total of 904 affordable units would be provided as part of policy compliant schemes. 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. The contribution to affordable housing that would be made by if the remitted sites were allocated would be important but not of such significance to justify the release of the sites, in the context of the total over supply. Notwithstanding this, the Council's Core Strategy contains a policy on new housing development on non-allocated sites so as to help guide sustainable development in these locations. The NPPF also makes provisions for planning permission to be granted for affordable housing schemes on Green Belt land, if exceptions exist. Similarly, for those HMCA's that do not have as much housing allocated as needed Neighbourhood Plans are able to release land from the Green Belt to meet local needs, including for affordable housing schemes.

Zone	Area	Policy	Total	Total affordable
1	Outer Northern	35%	1,465	513
2	Outer Southern	15%	2,605	391
3	Inner Area	7%	0	0
4	City Centre	7%	0	0
Total			4,070	904

11.8 The reduction of affordable units as a result of not allocating the 37 sites would be most pronounced in HMCA's with overall supply under their Policy SP7 target where the remitted Green Belt sites would proportionally contribute to greater levels of supply, if allocated. Aireborough, for example, would realise 166 affordable units at a 35% policy requirement. However, whilst the provision of affordable housing is considered to carry significant weight, it is the Council's planning judgment that the scale and provision of the numbers involved would not in itself amount to "exceptional circumstances" for the release of green belt in plan-making terms. This is because 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. It is considered that the long term affordable housing needs for HMCA's at a local level could be properly and better addressed through future plan-making processes including the Local Plan Update and Neighbourhood Plans in addition to the strategies set out below. The table below sets out the policy contribution to affordable housing that the 37 remitted sites would have if they were released.

HMCA	Outer Northern	Outer Southern	Total
Aireborough	166	0	166
City Centre	0	0	0
East Leeds	0	37	37
Inner Area	0	0	0
North Leeds	201	0	201
Outer North East	35	0	35
Outer North West	30	0	30

HMCA	Outer Northern	Outer Southern	Total
Outer South	0	110	110
Outer South East	0	12	12
Outer South West	0	171	171
Outer West	80	60	140
Total			904

11.9 The Council is fully aware of the challenges of ensuring truly affordable accommodation, especially in the outer areas which have comparably higher house prices and is committed to applying a range of measures to secure housing that is affordable to as many people as possible such as seeking 60% of all affordable housing delivered as Social Rented units. It is noted that s106 is not the only means of delivering affordable homes. The issue of matching the overall level of house building and its distribution to the specific needs for affordable housing is an approach that has been put forward by some parts of the development industry at the plan-making stage of both the SAP and Core Strategy. In response, the Council's position has been that there is not a desire to increase delivery of overall homes so as to meet affordable targets as this would have wider sustainability dis-benefits. A part of this is that affordable homes are not only provided as a proportion of market housing through s106 and there are other delivery streams.

11.10 The Affordable Homes Programme, which is funded by Homes England and delivered by Registered Providers, is a key delivery mechanism for affordable housing. Since 2015 over 500 properties have been delivered through this programme, and a further 500 are expected by 2021. It represents well over £100m investment into the city. The lifting of the cap of borrowing for new council homes means that the Council will become a much more active contributor in the provision of affordable homes in Leeds. Over the next five years the Council intends to build 1,500 new Council houses. The programme will also directly contribute to ensuring that *"everyone in Leeds lives in good quality, affordable homes, in clean and well cared for places"* which is one of the target outcomes set out in the Best Council Plan.

11.11 Housing is one of the Council's corporate priorities as set out in the Best Council Plan and this programme will directly support the following priorities by delivering additional social housing stock. On 26th February 2020 the Council approved a further capital injection of £116m into the Council Housing Growth Programme, taking the overall funding injected and available for the Council House Growth Programme to £337.1m. An average of 300 new homes will begin construction each year, which represents a significant step up in delivery. A range of schemes are currently programmed which, as well as helping to address the need for new council housing, will help to drive and support regeneration across the City, strengthening communities and addressing specific needs including the need for accessible and adaptable housing and extra care housing.

11.12 Many of the new Council houses will be developed on Council owned sites, but the Council Housing Growth Programme is also actively working to acquire further land and is working with landowners and developers to help bring their sites forward. Private developers have a very important role to play through s106 but there are other streams of affordable delivery.

12. Legal Compliance

Duty to Cooperate

12.1 The SAP Remittal was discussed with neighbouring authorities and prescribed bodies through the Council's Duty to Cooperate meeting on 8th December 2020. It was considered that this did not give rise to strategic issues and that comments were requested from the group noting that the position in Leeds was a unique one and the position arose from a specific set of circumstances that would not be repeated in other authorities who were at different stages of plan-making. The group agreed to provide a formal response.

Habitats Regulation Assessment

12.2 The proposed option to remove the 37 allocations and retain as Green Belt has been subject to consideration in line with the Habitats Regulations Assessment (HRA) undertaken for the SAP. An iterative assessment of the SAP HRA proposes no changes as whilst the proposed deletion of the 37 sites lessens the likelihood of significant effects on European Nature Conservation designations it does not remove the risk entirely and so the mitigation measures already a part of the SAP remain suitable.

13. Sustainability Appraisal

13.1 It is a necessary legal requirement to assess all "...reasonable alternatives taking into account the objectives and geographical scope of the plan.." (The Environmental Assessment of Plans and Programmes Regulations 2004 (Part 3 12(2)(b))). All 3 reasonable alternatives have been subject to a sustainability appraisal to assess the effects of each option upon the SA objectives. This is contained in a Sustainability Appraisal Addendum to the SAP the headlines of which are set out below.

Conclusions of Sustainability Appraisal of Option 1

13.2 In summary, the positive effects on SA objectives of Option 1 in relation to housing, green space and energy & resource efficiency arising from the construction of new housing and the mixed use housing/employment allocation, are outweighed by the larger number of negative effects relating to the environment and transport, which affects biodiversity/geodiversity, landscape & townscape quality and efficient and prudent use of land arising from the development of Green Belt land; and accessibility, transport network and air quality impacts relating to the relatively less sustainable location of the allocations. As a whole this option is judged to be less sustainable than Option 2.

Conclusions of Sustainability Appraisal of Option 2

13.3 In summary this option has neutral effects for the majority of SA objectives reflecting the fact that the deletion of the allocation sites will not affect the majority of the objectives. There are 4 positive effects relating to environmental objectives (efficient & prudent use of land (SA9), biodiversity & geodiversity (SA10), flood risk (SA13) and landscape & townscape quality (SA21) as the Green Belt land will remain undeveloped. There is a negative impact on employment (SA1) due to loss of a mixed use allocation which includes 10 ha of employment land and loss of jobs in the construction and employment sector. The effect on the housing objective (SA6) is neutral overall as district wide housing delivery will be maintained by this option, however there will be less provision for meeting local housing needs arising from the

deletion of housing sites in the outer areas (HMCAs) with Green Belt and fewer affordable houses in those areas (as Policy H5 requires between 15% and 35% affordable housing in these areas dependent on local housing needs of the HMCAs). As a result of a reduction in the potential number of housing coming forward a negative effect is identified for energy and resource efficiency; as it removes the potential for new more energy efficient housing in some areas. A negative effect is also identified provision of green space, sports and recreation since the lack of housing investment would not bring those benefits alongside new homes. As a whole, on balance, this option is judged to be the most sustainable.

Conclusions of Sustainability Appraisal of Option 3

13.4 In summary, the positive effects on SA objectives of Option 3 in relation to housing, green space and energy & resource efficiency arising from the construction of new housing and the mixed use housing/employment allocation, are outweighed by the larger number of negative effects relating to the environment and transport, which affects biodiversity/geodiversity, landscape & townscape quality and efficient and prudent use of land arising from the development of Green Belt land; and accessibility, transport network and air quality impacts relating to the relatively less sustainable location of the allocations. As a whole this option is judged to be less sustainable than Option 2.

14. Best Council Plan

14.1 Leeds aims to be the best city in the UK. A city that is compassionate and caring, with a strong economy that tackles poverty and reduces inequalities, and a city that is fair and sustainable, ambitious, creative and fun for all. The Best Council Plan sets out six priorities for housing:

1. Affordable housing growth
2. Improving housing quality
3. Promoting independent living
4. Creating sustainable communities
5. Improving health through housing
6. Meeting the needs of older residents

14.2 To realise these ambitions, it will be vital that the city has the right quality, type and tenure of housing, in the right places, to meet the needs of both existing and future residents. This will require significant amounts of new housing development to take place over the coming years. This will need to be achieved in a way which protects the quality of the environment and respects community identity, and which maximises the opportunities that development can hold to address inequalities and drive regeneration.

14.3 Leeds is currently building new homes at a faster rate than many of the other UK Core Cities. This is a significant achievement, however, if the potential of Leeds is to be fully realised, and the needs of its growing population are to be met, rates of housing delivery will need to be increased. In particular the number of affordable homes built each year needs to increase significantly to make up for past under-delivery and the future needs of residents who will not be able to access housing on the open market.

14.4 The corporate priorities of the Best Council Plan are translated into the Council three key strategies. The SAP is the spatial expression upon which these strategies are to be realised on the ground:

- I. **Health and Wellbeing Strategy** – through policies including the design of places, quality of housing and accessibility
- II. **Climate Emergency** – through policies including the design of places, the location of development, accessibility to public transport, use of brownfield land, energy generation and energy efficiency of buildings
- III. **Inclusive Growth Strategy** – through policies including the links between homes and jobs, the location of development, green infrastructure and connectivity

15. Health & Wellbeing Strategy

15.1 Leeds has an ambition to best the Best City in the UK by 2030. As part of this, we want to be the Best City for Health and Wellbeing and we think we have the ambition, organisations and people to do this. On the whole, the health and wellbeing of people in Leeds continues to improve. People are living longer, healthier lives. The city has a robust and growing economy with good employment rates.

15.2 The strategy is about how we create the best conditions in Leeds for people to live healthy, happy and fulfilling lives. This means how we create a healthy city and provide high quality services. Everyone in Leeds has a stake in creating a city that does the very best for its people.

16. Climate Emergency

16.1 A Climate Change Emergency was declared by the City Council on 27th March 2019. It is therefore critical that the statutory plan-making process and the implementation of those plans contributes to the sustainable development of the District and the ability to mitigate and adapt to the consequences of climate change (including the need for carbon reduction to meet agreed targets).

16.2 Taken as a whole, the Leeds Local Plan (and Supplementary Planning Documents and Guidance), including the adopted Natural Resources and Waste Plan, the Core Strategy, AVLAAP and the SAP have a positive impact on reducing carbon emissions and protecting and enhancing biodiversity. A consequence of not having these plans in place and ensuring they are delivered is poorly planned, uncoordinated and ad-hoc development proposals, being determined on their merits outside an integrated planning framework.

16.3 A fundamental purpose of a plan-led approach, is to plan the spatial and inclusive growth of the District, with regard to the longer term strategic imperatives of sustainable development and climate change. Consequently, the integration of land use allocations and transport planning, the provision of renewable energy and sustainable infrastructure for new development, the protection and enhancement of green infrastructure and the management

of waste flows and the consumption of natural resources, are integral to the policy framework for influencing investment decisions and the determination of planning applications.

17. Inclusive Growth Strategy

17.1 The Leeds Inclusive Growth Strategy sets out how the Council, the private sector, universities, colleges and schools, the third sector and social enterprises in the city will work together to grow the Leeds economy ensuring that everyone in the city contributes to, and benefits from, growth to their full potential. It sets out how the city intends to promote a positive, outward looking image on the global stage seeking to increase inward investment, exports and tourism.

17.2 It is part of a joined-up strategic approach that incorporates the Health and Wellbeing, Culture and HS2 Growth strategies, with strong links into the South Bank framework, Transport Strategy, the Core Strategy, which underpins development across the city and the Site Allocations Plan which allocates land for future housing, retail and greenspace use.

18. Local Plan Update

18.1 The Council is currently undertaking background work as part of the scoping exercise for the Local Plan Update. The preferred scope for the Plan will be on new planning policies to help address the Climate Emergency, and this scope will be consulted on in Spring 2021 as part of the Regulation 18 process for plan-making.

19. Conclusions of the Options for Remittal

19.1 The advantages and disadvantages of each option are considered below against the updated evidence base and current policy context:

Option 1 – Propose all 37 Green Belt sites as allocations in the SAP

19.2 The retention of the 37 allocations in the SAP would ensure that housing sites are distributed across the whole of the District, and specifically across the outer Housing Market Characteristic Areas (HMCAs) and would more closely align with distribution amongst HMCAs as set out in the Core Strategy (Spatial Policy 7), by providing a wider choice of housing sites across some but not all outer areas.

19.3 However the evidence from the updated SHLAA shows a significant over provision of housing land above the Core Strategy requirement (Spatial Policy 6). This position is unlikely to support the high bar test for demonstrating exceptional circumstances for Green Belt land release, and it is unlikely that in such circumstances the test would be met. The National Planning Policy Framework (para.136) requires that *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans”*. 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 (para.137).

19.4 The identification of housing land to meet the housing requirement set by Policy SP6 would be achieved by this option, with a significant surplus of housing supply amounting to 11,268 units. This would be advantageous to the maintenance of a 5 year land supply and would provide security against housing market shocks, but is not specifically required within the CS. Custom and practice tends to accept that local authorities exceed their plan requirements by around 10% of supply to provide for flexibility and non-implementation although this is not a national guidance requirement. This option would result in 30% more houses than needed.

19.5 Whilst the CS requirement would be exceeded this would allow a distributional spread of housing to reflect CS Policy SP7 and in so doing would allow for local housing needs to be addressed in specific HMCAs. However, under this option a distribution in accordance with SP7 would not be wholly addressed, with shortfalls remaining in 4 HMCAs (Aireborough, East, Outer North East and Outer South East) as allocation of all 37 sites is still not sufficient supply to meet SP7 targets in these HMCAs. It is also noted that CS Policy SP7 is indicative and not a rigid target.

19.6 Whilst Policy SP7 and Policy SP10 (relating to the review of Green Belt to accommodate housing growth) acknowledge that some Green Belt land may be needed to meet CS requirements they do not prescribe that this would occur if the housing requirement had been met exceeded overall by non-Green Belt land. In meeting the overall housing requirement The focus of new development prescribed by Policy SP1 directs growth to sustainable locations in a sequential manner with first, previously developed land within the main urban area, second, other land within the main urban area and third, sustainable extensions. By comparison, Sustainable extensions within Green Belt locations on the edges of the main urban area and major settlements are therefore sequentially less sustainable, not least because they would be expected to generate higher levels of traffic than sites within the urban area where public transport provision is greater.

19.7 Having already met the CS housing requirement, there are may be policy reasons for release of land in comparatively less sustainable locations. These relate to the need to provide for housing across all HMCAs to meet local needs. However, at a strategic plan-making level they are not considered to pass the high bar test of exceptional circumstances set in national guidance. They would not reflect the guiding principles for the location of development and housing land established in Policy SP1 and SP6 including the concentration of development in sustainable locations; maximising use of brownfield land and urban regeneration priorities; least impact on Green Belt purposes; the protection of the local natural environment; and maintaining and enhancing local character and distinctiveness. The option would have more negative than positive effects on SA objectives arising from the development of Green Belt land and providing more housing in the comparatively less sustainable locations.

19.8 This option is therefore not justified on the basis of evidence from the SHLAA and Sustainability Appraisal nor is it considered to be in line with national policy.

Option 2 – Propose none of the 37 Green Belt sites as allocations in the SAP and retain them all as Green Belt

19.9 In the context of the high bar test for demonstrating exceptional circumstances, the deletion of the 37 allocations from the SAP and retaining the sites as Green Belt would meet

the housing land requirements of CS Spatial Policy 6 due to the significant over provision of housing land the District now has to 2028.

19.10 However, this option would result in an under provision of housing supply in several HMCAs when measured against CS Policy SP7, which seeks to distribute homes across the City. There would be correspondingly less provision of homes to meet specific needs, including affordable. It would provide a less diverse housing land supply with less choice of housing sites (especially greenfield sites in high market areas) specifically in the outer areas.

19.11 The deletion of the allocations would include the deletion of 5 school allocations, however, as noted below, the need for these school allocations arose directly from the new houses created and therefore their deletion would not give immediate rise to school place shortages.

19.12 The positive benefits of this option would be the reliance upon development in sequentially more sustainable locations and the environmental benefits (for example landscape, ecology and agricultural land) by retaining Green Belt land.

19.13 The removal of the 37 Green Belt sites proposed by this option would not impact on the housing land requirements of SP6 due to the significant over provision of housing land across the district to 2028 and more closely aligns with the principles of development of SP1 and SP6 than Option 1. Whilst there would be less housing provision in the outer HMCAs, SP7 provides only indicative housing figures and does not have primacy over the development principles of SP1 and SP6. The over provision of housing partly reflects the size of contribution made by windfall sites in the more inner areas of the District and by continuing to focus development on more sustainable locations thereby avoiding the release of Green Belt land, Option 2 is guided by the settlement hierarchy and sustainable development principles of concentrating development in sustainable locations; maximising use of brownfield land and urban regeneration priorities; having least impact on Green Belt purposes (as set out in Policy SP6). This also aligns with the NPPF's presumption in favour of sustainable development (Paragraph 11)

"11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

19.14 The option responds to updated housing evidence and that does not now amount to exceptional circumstances to justify the release of Green Belt land.

19.15 This option is therefore justified on the basis of evidence and is considered to be in line with national policy.

Option 3 – Propose some of the Green Belt sites as allocations in the SAP

19.16 This option to retain some of the allocations would help to address the shortfalls in some HMCAs (Aireborough, East, North, Outer North East, Outer South, Outer South East, Outer South West), however as with the Adopted SAP (2019) the CS Policy 7 overall shortfall would remain, particularly in Outer South East. The distribution is intended as a guide rather than rigid targets and as with Option 1, the test for demonstrating exceptional circumstances for Green Belt release would be difficult to justify based on the local housing land needs alone given the overall City needs are exceeded.

19.17 In SA terms, whilst this option proposes the release of less Green Belt land than option 1 above, focussing on the HMCAs with a shortfall of supply against SP7 (namely Aireborough, East, North, Outer North East, Outer South, Outer South East and Outer South West) the effects are similar to Option 1 as it presents a less sustainable approach to development overall for the same reasons as Option 1. In strategic terms the difference in SA effects for Option 3 compared to option 1 will not be significant.

19.18 In this option, sites in the Outer North West and Outer West HMCAs would not be allocated as they have an existing over supply against SP7. For the seven HMCAs which have an undersupply against SP7 (Aireborough, East, North, Outer North East, Outer South, Outer South East and Outer South West), the effect of the option would result in some HMCAs over providing if all sites were brought forward because the capacity of the sites is greater than the shortfall (for example North and Outer South West). For some HMCAs (Outer North East and Outer South East) however an under supply would still remain as the sites within the scope of the SAP remittal do not provide sufficient capacity to meet SP7. This option would not therefore achieve a sufficient distribution of housing to address SP7 given the constraints of the SAP remittal.

19.19 This option is therefore not justified on the basis of evidence nor is it considered to be in line with national policy.

Preferred Option

19.20 Having undertaken an assessment of the 3 options ('reasonable alternatives'), Option 2 is considered to be the most appropriate in SA terms. Notwithstanding the negative effect on the economic objectives (in relation to the deletion of the mixed use housing and employment allocation (MX2-38 Barrowby Lane, Manston) and temporary economic benefits from construction jobs), the deletion of the Green Belt allocations would prioritise development in more sustainable locations away from the Green Belt, thereby benefitting environmental

objectives in relation to the protection of land and resources and directing growth to the existing urban areas reflecting the development principles of CS Policy SP1 and SP6.

19.21 The SA supports Option 2 because it has more positive effects and fewer negative effects than the other reasonable alternatives. Option 2 is also more in line with Policy SP1 and SP6 of the Core Strategy. These policies explicitly promote the development of previously developed land and urban growth by focussing on sustainable locations with least impact on the Green Belt. The key Core Strategy Policy which Option 2 does not help fully address is SP7 in relation to the distribution of housing land. However, it must be noted that neither Option 1 nor Option 3 would fully address SP7 either. Nevertheless, it is recognised that these options would be more in line with the indicative targets set out in SP7 than Option 1.

19.22 The Council's planning judgement in sum is:

- on the basis of up to date evidence the submitted version of the SAP (as it relates to the 37 sites) is not justified or in line with national policy
- there is now sufficient non-Green Belt housing land from allocations and identified sites in the Adopted SAP, along with new permissions arising as windfall, that meet Policy SP1 and SP6 without the need for Green Belt release
- it would not be evidenced, justified nor in accordance with national policy to seek to fully address Policy SP7, as this would require the release of Green Belt land and would not remedy SP7 in full

19.23 Based on the conclusions of the evidence and policy considerations, alongside the Sustainability Appraisal a planning judgement has been reached that Option 2 is the preferred approach to the SAP Remittal for the following reasons:

- a) whilst there may be some dis-benefits in not allocating the 37 sites for housing, it is considered that they are not sufficient to outweigh the high bar test for Green Belt release ('exceptional circumstances') when the Council has such a significant surplus of housing supply, and
- b) the option is considered a sound approach (which meets the Government's tests) and is responsive to the findings of the High Court Judgement (updating the housing land evidence and inviting proposed modifications to the SAP)

20. Government response to the local housing need proposals in "*Changes to the current planning system*"

20.1 The Government announcement follows on from a consultation in August 2020 on using a standard methodology algorithm. In response to that consultation the Council alongside many other northern local authorities, the core cities and the Combined Authority called for more flexibility for local authorities to be able to set housing needs, which reflected economic growth ambitions and affordability. The Government has responded to that by amending 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.

20.2 The new figure for Leeds, as updated by the Government publications is 3,763 homes per annum. This is the 2nd highest requirement outside London (and behind Birmingham 4,829 homes p.a). It is increased from the previous 2,387 homes per annum (consulted on as part of the August 2020 consultation).

20.3 The Adopted Core Strategy Selective Review (CSSR) Leeds housing requirement is 3,247 homes per annum so this would be a 516 home per annum uplift. It is noted that when the Council submitted this most recent housing requirement update to the Secretary of State it did so on the basis that it built in economic aspiration over and above the standard method at the time. For a 16 year period the adopted Leeds figure is currently 51,952 homes (with the algorithm being 60,208 homes).

20.4 It is noted that in order to realise the full potential of brownfield land in the top 20 cities the Government will launch a £100m Brownfield Land Release fund and the revision of the 80:20 rule for funding. This will be important so as to ensure that appropriate regeneration, contaminated land remediation, infrastructure delivery and place making accompanies such developments. Government support to those parts of the housing industry who are active on such sites will also be important. Moreover, timely budget allocations from Government will be essential to deliver these objectives sustainably. This will need greater alignment between Government departments to ensure that the Top 20 cities are well supported in meeting the wider needs of their growing populations for health, education and infrastructure (such as mass transit and HS2) as well as to ensure that city centre sites are well defended in terms of flood risk and supported by digital infrastructure.

20.5 For SAP Remittal the implications of this announcement are as follows:

- the CSSR housing requirement is in line with the objectives of this new Government policy; given the uplift for economic growth that the Council applied when requirements were set
- the spatial strategy of the Core Strategy gives priority to brownfield land in the main urban area and city centre
- the majority of the Leeds land supply is on such sites with significant amounts in the city centre
-
- the 2020 SHLAA shows that the Council could readily deliver the Government figure

More information

The Council's planning website www.leeds.gov.uk/localplan contains information on the adopted Local Plan.