

Leeds Site Allocations Plan

Consultation on the Council's Proposed Main Modifications to the Remitted part of the Site Allocations Plan

Frequently Asked Questions

This note is provided to support the consultation to provide answers to some of the questions which may arise as a result of the SAP Remittal process and Council's proposed Main Modifications.

What does SAP Remittal mean?

As a result of the legal challenge, the High Court has ordered the Council to send the 37 Green Belt sites which are affected by the legal challenge back to the Secretary of State and Planning Inspectorate for further examination. This process is known as remittal. This means that there will be a further public inquiry to consider the Council's proposal to remove the 37 sites as allocations to retain them as Green Belt land. The remainder of the SAP is not affected by the remittal.

What are the Council proposing?

The Council has now carried out further evidence work and has concluded that exceptional circumstances do not exist to justify releasing any of the 37 sites listed in the Court Order for housing. This is because the supply from non-Green Belt sites exceeds the plan requirement.

The Council propose to amend the SAP by making modifications to it that delete the sites as allocations and retain them in the Green Belt.

What happens next after consultation on the Proposed Main Modifications?

The 6 week consultation period runs from the 5th January to the 16th February 2020. Following the end of the consultation the comments received during the statutory period will be processed and analysed and the Council will consider any further changes necessary to the proposed Main Modifications and supporting documents.

The proposed Main Modifications and supporting documents will then be submitted to the Planning Inspectorate, subject to approval of the Council's Executive Board and Full Council.

The Planning Inspector will confirm the arrangements and date of the examination hearing. Through this examination process the Inspector will consider the evidence base and representations made before reaching their conclusions on the 37 sites.

Why are the sites proposed for deletion? Why have circumstances changed since the SAP Adoption?

The SAP (adopted in July 2019 and submitted for examination in 2017) was based on evidence with a base date of April 2016. Things have changed since the SAP was Adopted and the Judge specifically requested that the Council consider the up to date evidence. This primarily involves an update of the housing land supply called the

SHLAA (Strategic Housing Land Availability Assessment) and taking into account the Council's new housing requirement which is lower than it was when the SAP was Adopted.

The updated SHLAA for the period up to the 1st April 2020 shows that there is a district wide surplus of housing land amounting to +11,268 units against the housing land requirements set out in the Core Strategy (Spatial Policy 6) for the period to 2028. The total amount of land identified by the SHLAA for the SAP plan period (to 2028) amounts to 43,135 units which includes housing completions, planning permissions and allocations not affected by the SAP remittal. This is a changed position from when the SAP was being prepared and was previously examined. A lot of the increase in the housing land supply has been the result of activity in the City Centre from recent office to residential developments and large-scale purpose built student accommodation schemes.

What are exceptional circumstances and why does the Council consider that these no longer exist to remove this land from the Green Belt?

National planning policy requires that land should only be released from the Green Belt where exceptional circumstances are fully evidenced and justified and all other reasonable options for meeting housing need have been examined including making as much use as possible of brownfield sites and under-utilised land (NPPF para.136-7). The updated housing evidence provided by the SHLAA, indicates that there is no longer sufficient justification to support the allocation of land in the Green Belt for housing during the remaining period of the SAP to 2028 because non-Green Belt housing land has more than met that need. For that reason, the 37 sites are proposed to be deleted from the SAP.

Why didn't the Council remove these sites at the time of the SAP? Didn't the Council know that the housing supply was increasing and the housing number was reducing?

The Council told the independent Inspectors for the SAP that the housing requirement was on a downward trajectory, but the Inspectors' made it clear that they could not measure the Adopted SAP against a plan requirement which had not, at that time, been adopted. They did take it into account and allowed the SAP to be Adopted without meeting the full housing requirements at the time.

The Council updated the Inspector's throughout the Examination on the housing supply position on a number of occasions and noted that there was an increase in the City Centre and Inner areas in particular.

Is this problem caused by having too high a housing number in the Core Strategy?

The Council's original Core Strategy (2014) set a housing target of 70,000 homes. This was based on government methodology for setting housing requirements, independent evidence (including from Government and the Office of National Statistics) and a report of an independent planning inspector. Since the Core Strategy was adopted the household growth projections have lowered and the Council reviewed

the Core Strategy in 2019 (Core Strategy Selective Review) to update its requirement – lowering the target to 51,952 homes. This process was complicated by national guidance changes to the method for calculating housing need and national difficulties with calculating robust household projections.

The Government is now proposing to put in place a standard algorithm to calculate housing need and it is noted that had this method been in place at the time, the Core Strategy (2014) housing requirement would have been set in excess of 90,000 homes.

Why is the Plan period 2028? Why isn't it 2033 to reflect the Core Strategy Selective Review (adopted in September 2019)?

The plan period for the SAP is 2028. Changing the plan period is beyond the scope of the SAP Remittal.

A number of the sites affected by the SAP Remittal have current planning activity (i.e. Planning Applications). What happens with these sites?

Just because a site is not included as a strategic allocation in a plan does not automatically mean it is considered to be unsuitable for development. The Core Strategy contains Policy H2, which accepts that new housing development will be acceptable in principle on non-allocated land, provided that certain criteria related to accessibility, infrastructure capacity, greenfield land and Green Belt are satisfied.

The Council's response to proposals on these sites will depend on the nature of the site and how much of it lies within the Green Belt; as not all of the 37 sites lie wholly within the Green Belt and could be amended to come forward for proposals on non-Green Belt land.

Applicants will need to decide what to do against the current policy framework and proposed modifications to the SAP. Applicants could choose to withdraw their current planning applications as a result of the Council's proposal that the 37 sites be deleted as allocations.

Applicants may choose to retain their planning applications. In this case, the Council would need to consider the principle of development in light of any Green Belt designation of the land. Depending on how much of the site lies within Green Belt and the nature of the proposals applicants would need to comply with policies within the National Planning Policy Framework either by demonstrating very special circumstances for development in the Green Belt (para 144 of the NPPF) or that they fall under the Government's exceptions test to development in the Green Belt (para 145 of the NPPF).

2 sites have planning resolutions to grant permission since the SAP Adoption. Why were they considered acceptable? Why are these sites proposed to be deleted as allocations and what happens to the planning applications?

The SAP sets strategic allocations for land. The determination of the two planning applications for HG2-43 Horsforth Campus and HG2-26 Scarcroft Lodge, Wetherby Rd, Scarcroft are unaffected by the deletion of the allocations as they were both assessed under the Government's exception test in the NPPF (para 145) and as

Green Belt sites. The site specific reasons are explained in the officer reports to plans panel on these sites.

A number of the sites only have a proportion of the site falling within Green Belt. Why are the non-Green Belt areas not proposed as revised allocations?

Taking a different approach to these sites goes beyond the scope of the SAP Remittal. Should individual site owners or developers wish to pursue development of the non-Green Belt land, this can be considered through the development management process.

The deletion of the sites will create a shortage of housing in the outer areas. How will local housing needs be provided for including affordable housing? / why isn't Option 3 the preferred option?

It is acknowledged that the proposed approach to delete the 37 sites could lead to an under-provision of housing in some of the outer areas, however for the reasons set out above exceptional circumstances cannot be justified to release this land from the Green Belt. Even if all of the sites located in the housing areas with identified shortfalls were allocated, in some Housing Market Characteristic Areas (HMCAs) the capacity of the sites is not sufficient to provide sufficient housing to meet this need (eg in the East, Outer South East, Outer North East HMCAs).

Opportunities for providing for local needs can be accommodated through other planning means for example Neighbourhood Plans may identify sites for 100% affordable housing provision or Registered Providers can deliver 100% affordable housing schemes on other sites in the local area.

Is the Council focussing on building too much student housing at the expense of homes in the outer areas?

Leeds has a sizeable young population and national guidance states that student accommodation counts towards contributing to an authority's housing land supply. Studio flats designed for students, graduates or young professionals are also counted as individual completions.

There is a need to ensure that all parts of Leeds benefit from new housing and it is understood that there are affordability needs within the outer areas, however as a result of the High Court Judgement and the remittal process, which focusses on the 37 sites it is not considered that the Council can at this time meet the high bar test of Government guidance to release land from the Green Belt.

One site was proposed for housing and employment use. What will be the impact of the loss of the 10ha employment site on employment land supply and jobs?

The legal judgement made no determination on the suitability of the sites for allocation. Any future allocation of sites will be dependent on the requirement for Green Belt sites to be developed taking into account all planning considerations including the need to meet employment land needs based on land supply evidence including the Employment Land Review.

Some of the sites included proposed school allocations. Aren't these schools still needed?

Five of the sites affected by the SAP Remittal included school allocations (HG2-36 Alwoodley Lane, Alwoodley; HG2-17 Breary Lane East, Bramhope; HG2-180 Land between Fleet Lane & Methley Lane, Oulton; HG2-150 Land East of Churwell LS7; and HG2-72 Land off Tyersal Court, Tyersal. These sites (along with a number of other school allocations not affected by the SAP Remittal) were allocated to respond to the need for school places arising from the new housing proposed by the SAP. Childrens Services have been consulted on the proposed deletion of the 37 sites affected by the SAP Remittal. They have advised that as a result of the housing sites being proposed to be deleted as housing allocations, the school allocations are no longer needed. Where school place needs arising from the remaining SAP housing allocations does occur, it is considered that existing school capacity could accommodate the need for additional school places.

The site at Breary Lane East, Bramhope (HG2-17) has detailed planning permission for 319 dwellings, a convenience store and public open space and is under construction. Through a legal agreement, an area of the site has been identified for a primary school should the need arise. The Council is currently considering its position with regards to primary school provision in Bramhope. Notwithstanding the granting and implementation of the planning permission, the area of the site falling within the Green Belt would remain in Green Belt as a result of the proposed Main Modifications.

Some of the sites were identified as suitable for older peoples housing / independent living. There's still a need for this type of housing. What effect will this have?

Three of the sites affected by the SAP Remittal were identified as potentially suitable for older persons housing / independent living (HG2-2 Wills Gill, Guiseley; HG2-183 Swithens Lane, Rothwell LS26; and HG2-136 Harpers Farm, Whitehall Road) due to proximity of the sites to existing shops and facilities measured 400 metres walking distance to a centre. However this is not a prescriptive requirement and does not preclude other sites coming forward. The Council has a policy that requires that all residential applications provide an appropriate housing mix (Core Strategy Policy H4). This provides the opportunity to create a range of different housing types and sizes in different locations across the district. Moreover, Neighbourhood Plans are able to propose sites for specific housing needs including older persons housing.