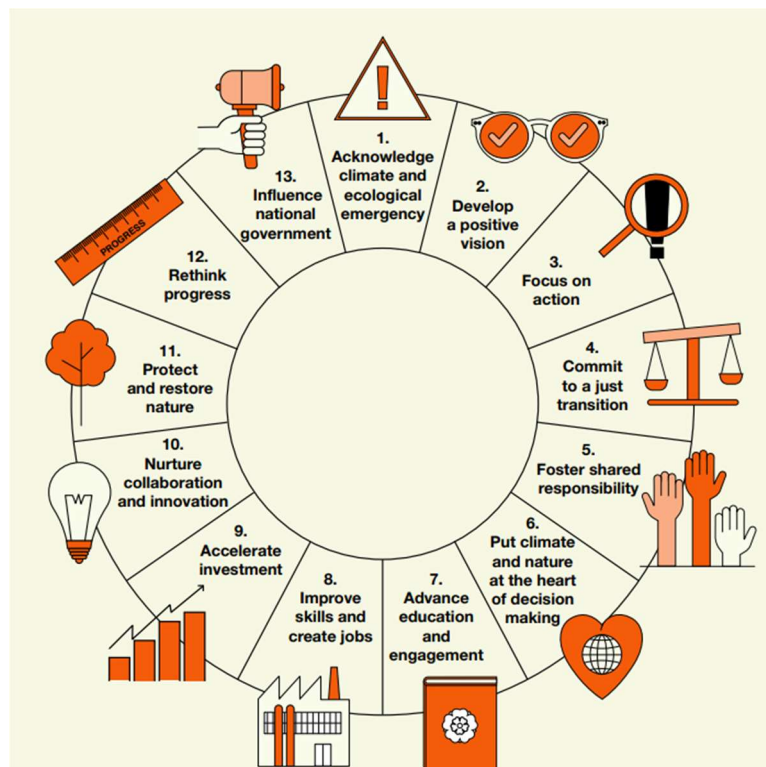


Our Headlines and high-level comments

1. We warmly support Leeds City Council in taking not just regional but national leadership on climate in planning. Other local authorities will want to approach the challenge in different ways; having some authorities taking the lead is vital, and it may be that one authority will innovate in one topic while another may lead in a different topic. In this context, we commend Leeds for its leadership, particularly in:
 - addressing the operational and embodied carbon emissions of new development;
 - emphasizing the importance of development location and form in making sustainable, resilient places.

2. The [Yorkshire & Humber Climate Action Plan](#) was co-created by our Commissioners, who are drawn from the public, private and third sectors. It was prepared through public consultation, and is supported by the Yorkshire Leaders’ Board. It therefore represents a broad, shared agenda for the region’s response to the climate emergency. Our response to the Leeds draft plan update is fully informed by our Action Plan, which includes a 13-point framework for change, shown in the graphic below.



3. This response is made by the Commission Secretariat and based on the Commission’s shared agenda, but does not necessarily represent the views of all our members, who may be making their own submissions. The response also has the support of the Leeds Climate Commission, who contributed to the Local Plan update through workshops earlier in 2022.

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4. By the end of the Leeds plan period in 2040, net zero should have already been achieved in the region. The Yorkshire Leaders' Board has committed the region to reaching net zero by 2038: this represents a high-level political commitment which is supported by a wealth of technical evidence. Therefore, a key test of any new or updated Local Plan is that its policies should be consistent with delivering net zero by 2038, i.e. 12 years ahead of the UK government target. The [WYCA carbon reduction roadmaps](#) identify the types and scale of action needed to achieve the 2038 target. It is also important to note that Leeds itself has a 2030 net zero target, supported by a [Leeds Net Zero Roadmap](#), and therefore we would naturally expect the Local Plan update to be tested for consistency with the 2030 target alongside the Inclusive Growth Strategy and Connecting Leeds Transport Plan.

 5. The National Planning Policy Framework (NPPF) requires planning to “shape places in ways that achieve radical reductions in greenhouse gas emissions”. Some commentators argue that plan-making’s impact on greenhouse gas emissions is constrained by the need for a level playing field for the development industry that must be set through national policy. However, NPPF does not limit action to the minimum level required by government, and most local authorities have already decided to set net zero targets sooner than the national 2050 date. Consequently, there is no obstacle in principle to Local Plans being bold and innovative, and there is every reason for them to be so. The Leeds Local Plan update is the boldest and most innovative we have yet seen, and for this it must be greatly commended, even if there are some aspects in which we consider it should go further.

 6. A clear agenda for what planning can and should do for climate change is provided by the RTPi/TCPA guide from 2021 https://www.rtpi.org.uk/media/9379/tcpa-rtpi-climate-guide_oct-2021_final.pdf. Central to this is the legal duty placed on local authorities by Section 19 of the Planning and Compulsory Purchase Act 2004, amended by the Planning Act 2008 to ensure that, taken as a whole, plan policy contributes to the mitigation of, and adaptation to, climate change. This means that a key legal test of a Local Plan is whether removing or changing a policy would undermine its compliance with the duty. *Where local development plan policy which complies with the duty is challenged by objectors or a planning inspector on the grounds, for example, of viability, they must make clear how the plan would comply with the duty if the policy were to be removed.*

 7. Our conclusion is therefore that the Local Plan update is necessary and welcome, in order to align the Plan as a whole with the key measure of its contribution to the mitigation of, and adaptation to, climate change – consistent with the regional net zero target of 2038 as set out in the Regional Climate Action Plan and agreed by the Yorkshire Leaders' Board. It must also be remembered that, no matter how successfully the region meets its net zero target, very significant adaptation is needed to all our built and natural environments in order to make them resilient to a changing climate, and to assure quality of life for everyone. The sooner and the more decisively we adapt, the lower the risks; and the role of planning in adaptation cannot be overstated.

8. Every development decision is an intervention in a place, and so it must always be put to best effect - getting new developments to actively contribute to enhancing existing places. The draft Update states *“for every carbon emitting new building there will need to be additional efforts added to an already challenging route to net zero”*. This is a crucial statement which can be quantified: the number of new buildings built to a lower standard compared to a higher one can be converted into a carbon impact and a cost impact. The plan must be clear that this applied to commercial buildings as well as residential ones. It would also be useful to expand the principle to other themes, for example:
- Every development which does not build resilience and enhance green and blue infrastructure places a greater cost on future development in terms of vulnerability to risks and the burden of mitigation and adaptation;
 - Every development which induces additional car traffic adds to the social, environmental and economic costs that traffic loads onto individuals and onto the public sector.
9. Additionally, the Yorkshire & Humber Climate Action Plan calls for aviation and shipping emissions to be included within carbon budgets, and consequently we consider that Local Plans need to take the same approach. The elements of any economic strategy that use airports, motorways and global logistics as economic drivers should not ignore the associated emissions – indeed, they should set out how they will contribute to the realisation of regional carbon targets.

Just transition

10. Ensuring that the transition from a carbon-emitting economy to a net zero one is socially just is of crucial importance to the Commission. NPPF attributes a role to planning in supporting healthy and inclusive places, but in practice the planning system often falls short in this respect because, for example:
- The existing environmental quality of an area is often the benchmark for the expectations placed on new development in that area, so lower quality areas receive lower quality development, and this has related impacts on public health;
 - Market interest is a key determinant of where development happens, and this often fails to deliver good development in lower-value neighbourhoods and/or does not raise enough developer contributions to support enhancement of those neighbourhoods;
 - Most new development is still generally car-dependent, and thereby disadvantages people who can't use a car for whatever reason (income, age, ability etc);
 - Engagement processes tend to be influenced by more advantaged members of the population, and many voices are not heard.
11. These are persistent problems with how planning works, and they place significant risks to the role of planning in delivering a just transition. Local Plans should make an explicit intention to address this by stating that addressing climate, environmental resilience and spatial inequalities are the key measures of improvement of places.

Analysis against WYCA's Carbon Reduction Roadmaps

12. We have directly analysed the draft Plan update using WYCA's carbon reduction roadmaps. In our view this provides the most useful basis for analysis, because these are the climate objectives which we know the Leeds Plan needs to contribute to.

Active travel

WYCA milestone:

- Walking & cycling increasing to 9 – 17% of all distance travelled by 2030

13. The 20-minute neighbourhood policy is a very positive approach which should inform development management requirements for new development by both location and design. This has potential implications for the settlement hierarchy and locational preferences within settlement boundaries, and it would be helpful to specify how this will feed into subsequent site allocations. The policy should also guide applications on non-allocated sites.

14. Interventions in existing built environment is necessary to provide safe infrastructure, seating/shade, and address bottlenecks. Green and Blue Infrastructure policies are seeking to create more shade in urban areas. Seating is referred to in greenspace design policy. The mechanisms to adapt the existing built environment could be made more explicit. The Healthy Streets Index may be useful here.

Bus and rail

WYCA milestone:

- Public transport 1.5 to 2 times higher than 2020: for rail this is to be achieved by 2029; timeframe for buses not stated.

15. The scale of progress needed here requires bolder policies than are currently proposed, though we recognise this mainly depends on public transport investment commitments that are outside the Local Plan's remit.

Cars

WYCA milestones:

- Private car use 20 to 40% lower by 2030; 30 to 40% lower by 2038.
- Indicates demand reduction action and road space reallocation to be fully implemented by 2028.

16. It is unclear whether any allocations in Leeds require new roads/links: we would need to see proposed site allocations to understand how new development will be achieved without road capacity increases.

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17. Time is very tight to fully implement road space reallocation by 2028, but it is an essential step to making active travel the more attractive option for a significant proportion of journeys. We suggest a practical target (e.g. replacing 1 car journey in 4 with walking or cycling) to focus development decisions and impact assessments on how this can be delivered.
18. Low-car neighbourhoods are an important part of the solution – this is partly about design and layout, and partly about restricting overall parking provision in the accessible locations which should be the preferred choice for new developments. In principle the 20-minute neighbourhood policy should inform this, but it is unclear whether it will be used to filter out sites from the call-for-sites/SHLAA process, to optimise the choice of sites coming forward for development.
19. Many existing and new employment locations are very car-dependent and require interventions to reduce existing car dependence. At present the draft only mention this issue very narrowly in relation to drive-thru developments, and in fact Policy EN9 is potentially counter-productive and needs re-thinking to be more definitively restrictive.

Buildings

WYCA milestone:

- Retrofit - all homes to be EPC C+ by 2031.

20. There is an assumption in planning that Local Plan policies have very limited scope to influence retrofitting, but in our view this assumption needs to be challenged: not only is retrofitting essential for net zero carbon, but also has an adaptation role, since buildings and settlements need to be modified to be more resilient. A possible (but we think un-tested) option is to use Article 4 directions so that changes of use and extensions of buildings would need planning permission unless key retrofitting standards are met.
21. The draft plan has clear targets for new development to achieve operational and embodied carbon reduction, which we fully support.

District heating

WYCA milestone:

- 20% of homes and 25% of businesses using district heating by 2031.

22. The District Heat Network policy is a very positive step, though it does contain let-out clauses that could limit its impact. Looking towards the next phase of Local Plan review it would be interesting to consider how site assessments and development allocations could be geared to consolidate heat networks.

Heat Pumps, hydrogen boilers and solar PV

23. The WYCA roadmaps contain quantitative targets for the annual rates of installation of these

technologies. It does not state the proportions to be achieved through new-build developments; in our view, the new-build policies must make clear that an appropriate, efficient, zero carbon energy supply must be provided by any suitable technology.

Industry

WYCA milestone:

14% reduction in industrial energy demand by 2030, and 25% by 2038.

24. The Leeds Inclusive Growth Strategy, to which the local plan's economic policies align, recognises low carbon businesses as having growth potential, and nests emissions reductions within a suite of environmental improvements across the city that create better conditions for economic prosperity. However, the Growth Strategy does not put the climate emergency at the heart of Leeds' economic aspirations. The CBI have identified net zero as a major growth sector, and there is obvious spatial planning potential in enabling types and locations of commercial development to take advantage of economies of scale, for example to access renewable energy, district heat networks and resilient infrastructure. The 20-minute neighbourhood rationale can also be applied, since places of work must also be sustainable places. In our view this must urgently be addressed, and the local plan's economic policies reviewed accordingly.

Power

WYCA milestone:

- By 2031, annual capacity additions on 2019 levels of 72% for solar and 39% for wind.
25. The roadmap implies a level of siting and capacity additions for solar and onshore wind that appear dependent on LPAs having identified and adopted suitable areas in their Local Plans. The Leeds draft does identify suitable areas, but the approach doesn't look effective, because:
- It precludes community-led energy developments from coming forward outside suitable areas;
 - It doesn't count rooftop solar, surface car parks, and doesn't provide a mechanism for supporting proposals in those locations and counting them towards the capacity target;
 - therefore the policy risks not delivering sufficient schemes to meet Leeds' share of the milestone.
26. The Leeds draft plan sets out a clear approach to how it will consider community support to have been established, but this only applies within the identified suitable areas. How does a community-led proposal outside a suitable area gain support from the plan? (To comply with Footnote 54, we suggest that the suitable areas mapping could take a two-tier approach, identifying areas suitable for commercially-led wind proposals and other areas suitable only for community-led proposals.

LULUCF and agriculture

WYCA milestones:

- 15ha per year forest planting in WY by 2027.
- Peatland restoration targets are ambitious – 60% by 2030 and 100% by 2038.
- Agricultural measures have freed up 70kha2 of land (in WY and YNY) by 2030.

27. It would be useful to know what proportion of the WYCA forest planting target should happen within Leeds.
28. Tree policies (G2A to G2C) cover protection of existing trees and a tree replacement methodology. New tree planting is encouraged, but it is not clear how systematically this will be delivered. It would be good to see a strategic approach to land allocations and developer contributions to enable afforestation.
29. The potential linkages between urban/downstream flood/water management and upland hydrological measures for peatland restoration need to be considered. It is unclear to what extent is this integrated with the green and blue infrastructure, habitat network and nature recovery policies. The food resilience policy could also be linked to this.
30. Clear land-use policies in Local Plans, both for allocations and for windfalls, should reduce the hope value of farmland for built development, thereby helping retain it for food resilience and for nature recovery opportunities. The 20-min neighbourhood approach should assist this by promoting compact settlement form, and the GBI and habitat network policies should ensure that land with nature recovery and resilience potential is used effectively.
31. We suggest amending the renewable energy policies to ensure that LULUCF opportunities are built in to development expectations for renewable energy proposals – for example by requiring condition that the agricultural and ecological management of energy development sites factors in carbon sequestration in soils and planting.
32. There is also a general omission from the draft plan in not considering the role of soils and soil restoration in both mitigation and resilience. We commend Policy 60 of the adopted Doncaster Local Plan as a template soils policy.

Our detailed comments on the policies**Policy SP0: Climate Change Mitigation and Adaptation**

33. We warmly welcome this policy. Whilst the specific elements of operational and embodied carbon, and sustainable construction standards, are covered in later policies, it is crucial that the strategic approach is set out up-front and unequivocally. On the following points, we believe further clarity is needed.

34. It is unclear how this policy will be used when determining an application for developments such as an airport expansion, a road freight hub or a steel fabrications business. It seems to have been written with only housing development in mind. It is important that planning policy has a clear role in the decarbonization of commercial and industrial as well as residential development.
35. In terms of 'operational emissions' it is important to specify how transport emissions arising from people travelling to and from the development will be accounted for. These would be indirect (not emitted by the development) but they are consequential emissions arising because the development is operational.
36. In the event that net-zero is achieved partially through sequestration (e.g. tree planting) the actual atmospheric carbon benefit of a scheme approved in 2023 would not be realised until the 2040s, when the trees mature. Further clarity is needed on how the policy will ensure that these time-related aspects are accounted for.
37. What happens if, for example, a proposal to build a road or other infrastructure impacts on a piece of land currently being used for carbon sequestration, adaptation and/or nature recovery measures to make other developments acceptable in planning? Logically, the sequestration/adaptation/recovery role of that land needs to be locked in in perpetuity, and the new proposal should become responsible for the resulting failure of those prior developments to achieve their mitigation and adaptation requirements; but the policy as drafted does not state that.

Policy EN1A: Embodied Carbon

38. We fully support this policy. The supporting text suggests that the operational energy requirements may not be feasible for historic buildings where carbon savings may have unacceptable impact on character. This is not the full picture, partly because sensitive measures can help keep historic buildings in use, and also because of the benefits of retaining the embodied carbon in older buildings.

Policy EN1B: Operational Energy

39. We fully support this policy.

Policy EN2: Sustainable Construction Standards

40. We fully support this policy. Building to higher standards has a marginal increase in build cost but a significant decrease in running costs. Conversely, building to lower standards creates a need for future retrofits that cost substantially more than building to a higher standard in the first place.

Policy EN3 Renewable Energy

41. We can support this policy as an improvement to the adopted plan but, in YHCC's view, it needs significant revision. As drafted, it will not be effective because:
- it does nothing to encourage community-led energy solutions, especially outside the opportunity areas;
 - it says nothing about solar PV on roofs and car parks;
 - it seems likely that community-led/community-supported schemes could potentially deliver significantly more generation capacity across a much wider area of the district than the potential identified in the policy, especially once you add in roofs and car parks, yet the policy largely dictates against them.
42. We suggest a tiered approach to the opportunity areas in which the criteria of suitability are significantly less restrictive for community-led energy schemes than for commercial developments.
43. We would recommend a presumption in favour of solar roofs on new buildings unless there is a clear justification not to; and a requirement that any new public or commercial car-parking facility, including workplace parking and car storage, should have solar PV canopies unless there is a clear justification not to.

Policy EN4 District Heating

44. We support this policy. We suggest that part (d) of the hierarchy be a separate para rather than a stage in the hierarchy. Putting it in the hierarchy seems to make it contingent on current viability: all developments should be future-proofed to allow for connection if it becomes viable, whether or not it is technically viable or appropriate at present.

Flood Risk Policies

45. We support the flood risk policies whilst deferring to specialists on the technical details. We welcome the approach taken to planning for climate change scenarios in future flood risk. We understand that the economic and carbon costs of investing in resilience through flood alleviation measures may be less than the cost of one single major flooding event, so the benefits of getting the right measures in place are clear.
46. Linking policies WATER 4, SPO and the green & blue infrastructure policies, it is unclear whether the multi-functional opportunities for GBI and resilience are connected to the sequential and exception tests for flood risk. Making this connection should improve the justification for, and delivery of, nature-based and sustainable drainage solutions with wider benefits beyond managing the flood risk itself. As a suggestion, this could be achieved by amending WATER 4 to state that contribution to the GBI policies would be a determinant for the exception test.

Green Infrastructure

47. We support these policies as a whole, but would raise the following points.

Spatial Policy 13

48. We welcome the recognition of the benefits of a multi-functional approach. It is unclear whether multi-functional opportunities will only be considered within the strategic GBI network, or more widely across Leeds. This is important because, for example, there may be opportunities to enhance both renewable energy capacity and nature recovery through the same development, including where these do not coincide with the GBI network.

Policy G2A: Trees, woodland and hedgerows

49. How does G2A (2) work in relation to the carbon emissions resulting from a development? For example, when determining a road development, the effect of this policy should be to calculate the carbon emissions arising from the road construction PLUS the induced traffic PLUS the carbon sequestration value of the trees being lost, in order to establish whether the need for the road outweighs all that. We need to be assured that this policy, and the carbon policy, and the transport policy, all align.

Policy G8B: Leeds Habitat Network

50. We support the inclusion of this policy, but as the Leeds Habitat Network is “the primary focus for biodiversity improvements”, it seems ineffective to frame G8B in the negative language of “no significant adverse impacts”. We suggest the policy is amended to say “should result in net improvements...”

Policy G9: Biodiversity Net Gain

51. We support this policy, and it is important that opportunities to use BNG to enhance the Local Wildlife Sites, Local Nature Reserves and the Leeds Habitat Network are fully harnessed. Nevertheless, we are concerned that the approach to BNG risks overlooking sites which currently have low biodiversity value, because where land starts from a low baseline it performs poorly in the metric and therefore does not attract enhancement. Considering the overall extent of biodiversity degradation, it is essential these low-baseline sites are able to regenerate over time. Therefore, we would wish to see a further policy outlining how nature recovery opportunities can be promoted in all development, in addition to the standard BNG requirements.

Policy F1: Food resilience

52. The policy is positive, but it is unclear what implementation measures are in place. The last bullet is a clear requirement, and using residual heat from industry (and waste-water?) to assist food growing is excellent; but the other bullets are ‘nice-to-have’s: if a proposal came along the Plan would support it, but what is the Plan doing to invite relevant proposals?

Placemaking

Policy SP1A: 20-minute neighbourhoods

53. We fully support this policy. There is perhaps a need to be clearer as to how this policy should work together with the GBI policies to enhance places in a multi-functional way: places need to become more environmentally resilient, have a greater range of amenities have more compact built form and have better access to green space, all in an integrated way. Development allocations and decisions need to show that they are achieving these goals comprehensively.

Policy SP1: Location of development

54. We would like to better understand how the 20-minute neighbourhood concept will be used to guide the process by which sites come forward for allocation. Ultimately a Local Plan can be constrained by the limitations of the development sites which landowners and promoters bring forward through the SHLAA process, so it is important that this process is front-loaded to attract sites which are compatible with the combination of location and densities needed to implement the policy.

Policy EN9: Drive-thru development

55. We object to this policy. It is anomalous and risks producing outcomes which go directly against the otherwise excellent climate and placemaking objectives of the Plan. This is because:
- Permitting a drive-thru within a local or town centre will increase car traffic and use up a development site that could be used for a less car-dependent function;
 - Public transport access must carry negligible weight as a consideration for a drive-thru, because the development is specifically designed to be accessed predominantly by car. New policy P10A could be used to set a high bar for drive-thru proposals to show how they were mitigating the harm to public health.

An unequivocal presumption against new drive-thru developments would be significantly more consistent with the rest of the plan and with the combined objectives for climate and public health.

Policy P10A: Health Impacts of Development

56. There is a problem with part 4 of the policy because it does not provide for the possibility that health impacts of a proposal may be too significant to be mitigated – it presumes that impacts can always be mitigated by conditions or obligations. This cannot be the case - the authority should always retain the discretion to refuse an application on health impact grounds.