

Letter to the Council Pre-Hearings Note

My views are given here without prejudice to the discussions at the Hearings and conclusions that will appear in my report. This note sets out further information in relation to the Council proposed changes to the SAP.

Question 1 of Appendix 1 of the Matters Issues and Questions for MM1-39 [EXR2] asked the Council to consider the following:

The Council have prepared and consulted upon proposed Main Modifications which relate to changes to the Policies Map. The Council may wish to consider whether there would be a need for other suggested Main Modifications in relation to their proposed changes. This would relate to all aspects of all policies and text that give reasons for and effect to the relevant allocations (as referred to in CDREM1/7a).

The Council have responded [in EXR3] that there are no other modifications the Council would wish me to consider and that the proposed Main Modifications have no impact on any other policy or text that give reasons for or affect the relevant allocations.

The Council have prepared and consulted upon proposed Main Modifications which seem to only relate to the Policies Map and proposes no other changes. However, the Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.

As set out above, the wording contained within CDREM1/7a ('the High Court Remedy') refers to the remittal including all aspects of all policies and text that give reasons for and effect to the relevant allocations. The remedy goes on to refer to 'all the parts of the SAP referred to in paragraph 1 be treated as not having been adopted or approved'.

In respect of this, the adopted SAP contains references to the need for Green Belt release at Paragraphs 1.5, 2.28, 2.32, 2.37 and the Green Belt allocations are reflected in Table 1, and also Tables 2 and 3 may be subsequently affected. Paragraphs 2.46, 2.62 and 2.63 refer to schools and Policy HG5 allocates sites for schools in the Green Belt.

Each separate site allocation is also referred to in the text of each HMCA chapter. For example, Policy HG2-1 (New Birks Farm, Ings Lane, Guiseley) is set out in para 3.1.7 (the table that relates to HG2 sites), and there is a specific allocation including site requirements which is represented at pages 47 and 48. This is the same for each of the sites referred to in proposed MMs 1-38.

In respect of proposed site allocation EG2-37 (MM39) the Council have not suggested any other changes to the adopted SAP but having regard to CDREM1/7a other changes to the SAP may be needed. This would potentially be in the form of a site allocation and site requirements in common with the other allocations made under Policy EG2 of the adopted SAP with supporting text and consequential amendments.

Without prejudice to the rest of the examination process I therefore consider that further changes to the SAP that relate to the Council's proposed deletions of the sites (MM1-38) and the allocation of EG2-37 (MM39) may be needed.

It would be helpful if the Council could provide a list of all of elements of the SAP that relate to the proposed changes for all their proposed MMs, including all aspects of all policies and text that give reasons for and effect to the relevant allocations in the adopted SAP.

If the Council still consider that MMs to the SAP are not necessary, then the Council should set out a full explanation of the reasons for reaching this conclusion. Further discussion of this matter is likely to be necessary at a hearing session.

At this stage I am requesting that only the Council respond to this letter and to do so by Friday July 16, 2021.

Louise Gibbons

Inspector appointed by the Secretary of State to examine the Remitted Part of the Leeds Site Allocation Plan