

From: Elliot, Martin <Martin.Elliot@leeds.gov.uk>
To: Helen Wilson <progofficer@aol.com>
CC: Feeney, David <David.Feeney@leeds.gov.uk>; Hayden, Cllr Helen <Helen.Hayden@leeds.gov.uk>
Sent: Fri, 22 Jul 2022 13:15
Subject: POST SPECIAL HEARING ADVICE – INTEGRATED RAIL PLAN AND PROPOSED ALLOCATION EG2-37

Dear Helen

I would be grateful if you could forward this e-mail and letter attached to the Inspector please.

Dear Ms Gibbons,

Thank you for providing the Council with early sight of your findings of soundness in respect of the SAP Remittal and for setting out the reasoning for that position. Please find a letter attached which sets out that the Council considers there to be a factual error in your letter regarding para 10 and windfall for general employment.

Notwithstanding that, I feel the need to express the Council's significant concern with your new position, especially given that it is a complete reversal of that reached when you first issued your proposed Main Modifications consulted on in January of this year.

Whilst the Council fully understands that your report is independent, we respectfully wish to point out that we are struggling to understand the reasoning for your changed position as set out in your letter. We believe you are referring to the uncertainty relating to the Safeguarded Land (affected by Directions). However, notwithstanding the one further representation in objection, that uncertainty remains exactly the same position, as regards the land affected by Safeguarded Land Directions, as it was when you first issued your proposed Main Modifications. In other words, the land remained safeguarded then and remains safeguarded now.

Therefore, we are unclear from your reasoning in the letter as to how the same circumstances can trigger a conclusion from a proposed sound plan to an unsound one. Further we note that the Government's intention to bring High Speed trains to Leeds was a public commitment in January and remains so now.

Based on the above, and whilst we appreciate your report may include further clear reasoning as to your conclusions, the Council is of the view that your letter does not. This causes great concern given the previous challenge to the SAP was successful on several grounds relating to inadequate reasoning and the Council would wish to avoid that happening again. To that end, we are of the view that if the Council is unclear, the public will be too and would like to respectfully request that fuller reasons be provided for the changed position, in advance of any further proposed Main Modifications consultation to avoid uncertainty for representors.

Whilst the Council reserves its position on whether to make representations to any Main Modifications Consultation and understands that we are not at a stage of the process where these are being invited, nonetheless, to assist you in considering whether further reasoning within letter is required, our significant concerns are:

- An inaccurate reliance on windfall (considered by the Council as a factual error in the attached letter, but also clearly a soundness concern). Any reliance on windfall would need to be effective, justified and positively prepared as it relates to meeting objectively assessed needs for general employment
- A lack of positive preparedness to meet objectively assessed needs, with insufficient identified and allocated land in the SAP to meet general employment needs for the plan period and clarity on why the SAP is not unsound now because of that, and why it would also be unsound in the event that more land was allocated for general employment than set out in the requirement (especially given the case law to which you were directed at the hearing on this matter).
- Lack of clarity on what new/amended evidence has been relied upon to state that there is “potential” for the sites covered by the Safeguarding Directions to be released within the plan period and contribute towards the employment land supply once more”. To that end, the Council is very concerned at the lack of effectiveness of the SAP as regards the word “potential” and:
 - positive evidence which sets out with clarity when the Safeguarded Directions would be released,
 - evidence which sets out how much of land covered by the Directions would be released and what impact that would have on meeting objectively assessed needs,
 - reasoning on the fact that the Directions cover wider rail projects, which may remain even if the Eastern Leg of HS2 is abandoned
 - reasoning as to the level of “*potential*” - which appears to be an entirely open-ended concept - when balanced against the Council’s evidence on this matter, the impact on objectively assessed needs and the certainty provided by reducing the Council’s employment land allocation deficit with land which is available for development now

Given the extent of the Council’s concerns a copy of this e-mail and letter has been sent to Jerry Youle, Professional lead for Local Plans – Planning Inspectorate and the Council is also intending to write to DLUHC to express significant concerns at the manner in which the uncertainty around the Integrated Rail Plan is being used to impede the City’s economic growth.

Yours sincerely,

David Feeney
Chief Planning Officer

Sent on behalf of the Chief Planning Officer by:

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