

From: ANDREW, Stuart <stuart.andrew.mp@parliament.uk>
To: progofficer@aol.com <progofficer@aol.com>
Sent: Wed, 8 Sep 2021 13:51
Subject: Concerns from Constituents

Dear Ms Wilson,

I have recently been in correspondence with Christopher Pincher, the Minister of State for Housing regarding concerns raised with me by my constituents in the Aireborough Neighbourhood Development Forum (ANDF) in advance of the Leeds Site Allocation Plan Remittal Hearings.

I received a response from the Minister yesterday, which I have attached here for reference, in which he suggested that the concerns which I passed on to him, should be directed to yourself so that you are able to raise these concerns directly with the Inspector.

I do appreciate and apologise that these concerns are being passed over with such short notice ahead of the hearings which are due to begin taking place next week, however it was only yesterday that the Minister confirmed that their quasi-judicial role prevented them from offering any comment or response to the concerns being raised.

The ANDF have been provided with a copy of the Minister's letter and responded to me this morning to say that their concerns which I relayed to the Minister on their behalf have already been included as part of their responses to the Inspector, so the Inspector should already be aware of them, but they would none the less still appreciate my relaying them to you so that you can raise them directly with the Inspector if they are not already aware of them.

I have replicated the concerns of the ANDF in their original form as they were relayed to me below. I understand from this morning's correspondence with the ANDF that they have two primary matters they are still unclear on:

1. When the 35% uplift comes into play for Leeds given they have an up to date housing requirement as at Sept 2019
2. Why this hearing is under NPPF 2012.

I understand that they intent to take up the second of these questions with you directly.

Their original concerns, intended for the Housing Minister, were relayed to me as follows:

Dear Stuart

The ANDF is currently getting ready for the above. On examining the Inspector's Matter and Issue questions we are extremely concerned with the direction the hearings are taking, this is not what we expected either from the Judgement remedy, or indeed from our past experience of hearings.

Our main concerns are

1. The questions suggest that the Council's housing target in the CSSR is up for discussion (see Q4). In previous hearing this was never the case, we were told firmly the CS could not be changed in any way. The SAP had to support what was there.
2. The tenor of the questions on GB are more about, 'are we sure they will not be needed', rather than starting with any evidence for any exceptional circumstances. Q6, Q9, Q9c . A question on exceptional circumstances is the last one 9e, and appears to be an afterthought.

3. There are questions whose answers lie with the strategic direction of the Council, and the CSSR – again our understanding from the rules used in past hearings is that this is beyond the purpose of the SAP. Q4b. Q6f. See also the concern 5 below on housing supply.

4. The Council has not changed all policies to do with the GB sites as required by the judgment, the Inspector has written to them about this (see 5 July 2021 on the Examination website), and they have replied saying they are not going to change them (see EXR5 20 July on the Examination website). Yet, question 6d asks if there is consistency between MMs and SAP policies.

5. Questions under 5 seem designed for Developers to take the field and criticise LCC's figures on housing supply producing all sorts of reports with their own analysis – whereas we thought from past experience that the legal starting point for the examination was to assure the Council had submitted a sound plan, and that the Inspectors were then asked to put forward any MM they felt was required to make it sound, if that was needed. With regards to this, we note there is no question asking if LCC's Green Belt review was sufficient or detailed enough.

6. Finally, we note from the last paragraph on page 1, that the SAP is still being examined under NPPF (2012) is that correct?

Stuart, it is most concerning that we are looking at hearings that seem to be held on a totally different basis to the ones we've attended before – this is a conflict in the process.

You will find the Matters and Issues on the Examination website here under examination news 14 June 2021 <https://www.hwa.uk.com/projects/leeds-site-allocations-plan-remittal/>

My constituents in the ANDF have also requested clarification on what housing need figure the SAP is supposed to be supporting, asking:

Is it:

1. The Core Strategy Review figure which was adopted in Sept 2019 after an Inspector's review.
2. The Gov Dec 2020 standard model figure based on 2014 household projections (which are now well out of date) and with an arbitrary 35% uplift for being a large City.

Further to the above, the ANDF followed up with a further detailed expression of their concerns:

Dear Stuart

I have spent this week reading through the documents on the SAP Remittal Examination Website <https://www.hwa.uk.com/projects/leeds-site-allocations-plan-remittal/> which yet again turns into a paper chase. **I have found something very troubling, that I would be grateful if you could raise with the Secretary of State. It appears that Leeds City Council are refusing to comply with Mrs Justice Lieven's Relief Order of 10 August 2020, despite the Inspector asking them to do so.** I've been reading through the correspondence between the parties on the matter.

1. The Relief Order said the following (my bold) and you will find at CDREM1/7a of the Core Document

*Pursuant to section 113(7)(b) and section 113(7C)(a) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"), **all parts of the Leeds Site Allocations Plan ("the SAP") which allocate sites for housing, including mixed use allocations (listed in the Schedule to this Order), that were in the Green Belt immediately before the SAP's adoption (including the aspects of all policies and text that give reasons for, and effect***

to, those allocations), be remitted to the Secretary of State for independent examination by a person appointed for that purpose;

2. The ANDF pointed out in our consultation response that the SAP Remittal modifications did not include all the parts of the SAP allocated sites for housing that were in the Green Belt. We said that further modifications were required to SAP section 1.5, the text and policy for HGR1, and Table 1 which contained the numbers that had justified the deletion of the GB sites.

3. In her Matters and Issues to the Council only (EXR2 14 June 2021), the Inspector asked LCC in Q1 if they would like to consider adding further main modifications to the Remittal SAP in line with the Judge's Relief Order. *"This would relate to all aspects of all policies and text that give reasons for and effect to the relevant allocations"*.

4. LCC replied on 2nd July (EXR3) *"At this stage, there are no other proposed Main Modifications which the Council would wish the Inspector to consider. The proposed Main Modifications have no impact on any other policy or text that give reasons for or affect the relevant allocations. Additional modifications which do not affect the soundness of the Plan including consequential numbering and referencing will be made by the Council following the examination and prior to adoption"*

5. The Inspector wrote to LCC on 5th July (EXR4) saying that there were other policies and texts that affected the Green Belt, and referenced the following aspects of the SAP *"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."* *"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.*

6. LCC's response is listed on 20 July 2021 at EXR5. They are basically refusing to make further modifications to the text of the SAP as identified by us, and the Inspector, as they say that these texts and policies do not give reasons for the action taken in deleting the Green Belt, but are rather a result of the actions and will therefore be changed in a future. They say the texts are *"outside the scope of the Remittal"*. They do however go on to say that will give the Inspector list of all elements she has asked for by 23rd August (which happens to be the closing day for responses to Matters and Issues). They also seem to begrudgingly admit at the end that the Inspector *"can recommend additional MMs if she is of the opinion they are needed to make the Plan sound."* <https://www.hwa.uk.com/site/wp-content/uploads/2021/01/Council-Response-to-Inspectors-follow-up-question-on-Q1-of-Appendix-1-published-on-5th-July-2021.pdf>

Stuart, this is completely disingenuous of LCC and they are not being kept to the Relief Order by the Inspector. The SAP texts and tables referenced by ourselves and the Inspector are **NOT consequential** to the release of the GB sites, **they are the reasons given for having to release the GB sites.** In fact Table 1 contains the material error of fact on the housing supply figures that gave rise to an error of law outlined in our Ground 7 of the case. In her Judgment the Judge says at point 57 *"The figure for existing supply shown in*

the adopted SAP at Table 1 of the SAP is 35,950. This figure is highly relevant to Ground 7."

Further, in July 2019 I wrote to Martin Elliott asking him what the exceptional circumstances were that had been used to delete the GB – as they were not obvious in the Inspector's report. He referred me to the Inspector's report point 37 and 38. Stuart these points referenced modifications of the SAP text at 1.5 and 2.28. So not only are they not simply consequential texts, they are the exceptional circumstances !!!

Leeds City Council must know this. They must know that the Order covers the texts the Inspector and ourselves have outlined.

In light of these concerns my constituents are keen to ensure that the Relief Order is upheld and that the SAP Remittal is inspected accordingly.

Kind regards,
Stuart.

The Rt. Hon. Stuart Andrew MP
Member of Parliament for Pudsey, Horsforth and Aireborough
Deputy Chief Whip