

# **Examination of the Remitted Part of the Leeds Site Allocations Plan**

## **GUIDANCE NOTE**

## Introduction

1. The purpose of this Guidance Note is to explain procedural and administrative matters relating to the examination of the Remitted Part of the Leeds Site Allocations Plan (SAP).

## Examination Hearings and Written Representations

2. Hearing sessions into the Remitted Part of the SAP will commence on Tuesday 14 September 2021. The hearings will take place based on agendas which will be available in advance of the event.
3. A pre-hearing meeting is not being held. Participants are advised to make use of the Examination website <https://www.hwa.uk.com/projects/leeds-site-allocations-plan-remittal/> where further information including relevant documents can be found.

## Inspector's Role and Background to the examination

4. As the Inspector appointed to consider the soundness of the Remitted Part of the SAP, my role is to consider whether the Council's proposed changes to the Remitted Part of the SAP are necessary to achieve a sound plan and if the requirements of the relevant legislation and regulations have been met.
5. The SAP was adopted on 10 July 2019. However, the SAP was the subject of a challenge in the High Court [published as Core Documents CDREM1/7a to c] who subsequently directed that 37 Green Belt sites allocated for housing (including mixed use) in the SAP should be remitted to the Secretary of State for re-examination. The Court Order indicates that during the remittal process these 37 housing/mixed use sites are considered as not adopted and as such have returned to the Green Belt. The examination is solely focused on these 37 sites.
6. The Council has reviewed its position on the 37 sites and consulted on their proposed Main Modifications to the SAP which showed deletion of the allocations on the Policies Map. It is now proposing to allocate one site (formerly mixed-use site allocation MX2-39) for general employment use and to take it out of the Green Belt accordingly. Consultation is taking place on this proposed Main Modification (MM39) until 22 June 2021.
7. I will focus on the soundness criteria set out in paragraph 182 of the National Planning Policy Framework (2012) as this used in assessing the adopted SAP. This will focus on whether the proposed Main Modifications to the Remitted Part of the SAP have been positively prepared, are justified, effective, and consistent with national policy. Please note it is not the role of the Inspector to

make improvements to the Plan that are not necessary to make it sound.

### Programme Officer

8. The Programme Officer for the examination is Helen Wilson who can be contacted as follows:
  - By post: 25 Ashtree Farm Court, Willaston, Cheshire, CH64 2XL
  - By telephone: 07879 443035 or 0151 352 3863
  - By email: [progofficer@aol.com](mailto:progofficer@aol.com)
9. She is independent of the Council and works under the direction of the Inspector. Her responsibilities include organising the programme for the examinations, liaising with all parties to ensure the smooth running of the examination, maintaining the examination library, and ensuring that all documents are recorded and distributed. Documents connected with the examination process should be forwarded to her.
10. Any procedural questions, suggestions or difficulties should be raised with the Programme Officer and, if necessary, she will take them up with the Inspector. The normal method of communication will be by e-mail and all documentation will be available electronically, accessed via the examination website.

### The Examination

11. The focus for the examination is solely on the parts of the Remitted Part of the SAP that relate to the 37 sites for housing and mixed use in the Green Belt. This will include the aspects of all policies and text in the SAP that give reasons for, and effect to those allocations.
12. The Council have carried out a consultation on amending the 37 sites as shown on the Policies Map. The Council have submitted their proposed Main Modifications document on the remitted parts of the SAP which includes proposing to delete 36 Green Belt sites and a proposal to allocate one of the sites (formerly MX2-39) for general employment use. I will consider whether the Council's proposed changes to the Remitted Part of the SAP are necessary to achieve soundness.
13. The remainder of the SAP remains adopted and carries full weight. Where relevant, the promoters of sites that remain part of the adopted plan including allocated sites such as HG3 Safeguarded sites) will be allowed to put arguments forward in relation to the Council's proposed deletion of the Green Belt allocations, but not to promote the merits of their own site. This approach will also apply to promoters of 'omission' sites (sites not allocated in the SAP). This

is because my role is solely to examine the soundness in relation to the remitted sites.

14. The examination will focus on the Matters and Issues I have identified. I will have regard to individual representations insofar as they relate to matters of soundness. The Council should rely on the evidence it has collected in preparing their proposed Main Modifications to the Remitted Part of the SAP to demonstrate the soundness of the Plan.
15. I intend to give the opportunity to be heard at the hearings to those who made representations on the Main Modifications and indicated they wish to participate in the examination. In this instance, this will include those who are opposing the changes advanced by the Council, and those who made representations supporting these changes (who are therefore arguing against the allocation of these sites in the adopted plan). Further advice on participation at the hearings will be provided following the close of the consultation on MM39.
16. Those who have made representations should have already decided whether their views can be dealt with in written form or if they need to present them orally at a hearing session. Both methods carry equal weight.
17. I will seek to ensure that the Matters and Issues document for MM1-38 is available on the examination website no later than 14 June 2021. The Matters and Issues Addendum document for MM39 will be available on the examination website no later than 5 July 2021.
18. Could all respondents as set out above in paragraph 15 above, and wish to participate in the hearing session(s) where relevant to their representation please inform the Programme Officer which Matter, Issue and Question(s) discussion they wish to attend by 26 July 2021.
19. A draft Programme and list of participants will be prepared and updated as participants are confirmed. The final Programme will include an 'Any other Matters' session.
20. It is open to the Council and any representor to submit further statements in advance of the hearings in support of their position. However, this is not a requirement and you may rely on your original representations if you wish. If further statements are submitted these should only focus on the Matters and Issues that I identify insofar as they are relevant to the considerations already raised in your representation(s). Any such statements should be sent to the Programme Officer for receipt by 5pm on Monday 23 August 2021.

21. The requirements for each statement are as follows:
- Statements should be limited to 3,000 words per Matter. Generally, there should be no need for appendices and no need to duplicate the content of documents already included as part of the Examination Library.
  - Statements should include, at the top of the front page, the appropriate Matter number and name of representor.
22. The need for succinct submissions is emphasised. Unnecessary detail and repetition should be avoided. It is the quality of the reasoning that carries weight, not the bulk of the documents. Nonetheless, it is vital that the fundamental elements of cases are set out clearly and succinctly – matters should not be raised at the hearings that have not already been raised.
23. Further discussion between the Council and representors is strongly encouraged – ideally leading to Statements of Common Ground. Please keep the Programme Officer informed about progress with preparation of such statements.
24. Representors who wish to proceed by written means do not need to take any further action; they can rely on what they have already submitted in writing. However, if any party wishes to submit further written evidence in support of their position, this should be focussed on the Issues and submitted within the above timescale (23 August 2021).
25. Before the start of the hearing sessions I may raise questions directly with the Council on any points that are relevant to the examination. Any such exchanges of correspondence will be placed on the examination website as examination documents.

### Hearing Arrangements and Procedure

26. The hearing sessions will commence virtually on Zoom. Hearing sessions will be programmed for Tuesday 14<sup>th</sup> to Friday 17<sup>th</sup> September 2021 and Tuesday 21<sup>st</sup> and Wednesday 22<sup>nd</sup> September with Thursday 23<sup>rd</sup> September as an overspill day if needed. Please check the Programme regularly for updates on dates and approximate times of Hearing sessions together with any changes.
27. The Hearings will be livestreamed by the Council. More details for the arrangements for the hearings will be provided on the examination website in due course. Any changes to the arrangements will be advised to participants who should also keep in touch with the Programme Officer and regularly check the examination website. Please keep the Programme Officer informed about who will be speaking at the sessions.

28. The hearings will generally take the form of an informal discussion lead by me based on agendas informed by the Matters and Issues. There will be no formal presentation of evidence or cross examination.
29. I am required to run the examination hearings as efficiently as possible, minimising repetitious debate but allowing adequate time for discussions on key issues. The aim is for a series of focused hearings leading to the production of a short, focused report.

#### Close of the Examination and the Inspector's Report

30. After completion of the hearings I will submit a report to the Council with my conclusions and recommendations as quickly as possible. This will deal with the main issues concerning the soundness of the Remitted Part of the SAP considering representations received, although it will not deal with each representation individually. There are three possible outcomes in this instance, that the Council's proposed changes to the Remitted Part of the SAP are sound as a whole, that they are not sound as a whole, or a combination of these. Depending on my conclusions I will consider if any main modifications are needed to make the plan sound. These would be the subject of consultation.
31. The examination remains open until the report is submitted to the Council. However, once the hearing sessions are completed, I can receive no further information from any party, unless it is a matter on which I have requested further comments. Any unsolicited items will be returned to the sender.

#### Examination Library

32. Throughout the examination process, the Programme Officer will maintain an examination library of Core Documents. The List of Core Documents will be updated as required during the process and will be posted on the Examination website.

#### KEY DATES:

- Tuesday 25 May 2021 - Guidance note to be published
- Monday 14 June 2021 - Inspector's Matters and Issues to be published (proposed Main Modifications MM1-38)
- Monday 5 July 2021 - Inspector's Matters and Issues Addendum to be published (proposed MM39)
- Monday 26 July 2021 - Representors wishing to be heard / attend hearings to inform Programme Officer and clarify which Matter and Issue(s) is relevant to their representation(s).
- Friday 20 August 2021 - Initial draft hearings programme to be published.
- Monday 23 August 2021 - Hearing Statements to be submitted to Programme Officer.

- Friday 3 September 2021 - Hearings Programme to be finalised & published.
- Tuesday 7 September 2021 - Agendas to be published.
- Tuesday 14 September 2021 - Hearings Commence for six days (Tue 14-Fri 17 September and Tue 21-Wed 22 September) with potential overspill on 23 September (Hearings will take place virtually)

Louise Gibbons

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