



# The Planning Inspectorate

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Our Ref: PINS/N4720/429/14  
Date: 8 November 2022

Dear Mr Elliot

## **POST SPECIAL HEARING ADVICE (2) – INTEGRATED RAIL PLAN AND PROPOSED ALLOCATION EG2-37**

1. Following the Special Hearing on 18 May 2022, I indicated that I would consider the matter of site EG2-37 (formerly MX2-38) and impact of HS2 further. I sent a draft letter to the Council on 18 July 2022 (EXR27) which set out my findings on site EG2-37 following the hearing and the Council subsequently raised concerns in response. This letter is supplementary to that.
2. Overall, I consider that subject to the removal of the MMs set out below, the Remitted Part of the Leeds Site Allocations Plan (SAPR) is likely to be capable of being found legally compliant and sound. I will set out my full reasoning and conclusions on all matters in my final report.

### *Windfalls*

3. In terms of windfalls, paragraph 10 of my draft letter dated 18 July 2022 did not say that windfalls would address a shortfall in employment land, simply that the ‘supply figure against the requirement could increase further if other sites gain planning permission’.

### *Exceptional circumstances for Green Belt release*

4. Paragraph 83 of the Framework indicates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. Exceptional circumstances are ultimately a judgement for the

decision maker and the possibility (or even likelihood) that identified needs for general employment land (or any other land use) will not be met during the plan period may, but does not necessarily, mean that the decision maker will conclude that exceptional circumstances exist to permanently remove land from the Green Belt.

5. The employment sites which are the subject of the Safeguarding Direction are allocated in the Plan. Whilst there was no absolute certainty regarding the effect of delivery of HS2 in the Leeds area, in my judgement the Integrated Rail Plan (IRP) means there is now significantly greater potential for these allocated sites to become available for employment development during the plan period if they are not required for the delivery of HS2 (thus contributing towards meeting the identified need for development) than there was before the publication of the IRP.
6. Consequently, the IRP has therefore tipped the balance in my conclusion as to whether or not exceptional circumstances exist to delete proposed site EG2-37 from the Green Belt, notwithstanding the site's locational and other advantages. In these circumstances, where altering the boundary of the GB undermines its permanence and the release of site EG2-37 from the Green Belt is not justified, the allocation should be removed from the SAPR, and its geographic illustration should not be shown on the policies map.
7. Although I have concluded that in the present circumstances, exceptional circumstances do not currently exist, it would be possible for the Council to address employment land supply in a new or updated plan once the position on HS2 is confirmed. Legislation requires a review of plans to take place within 5 years from the date of adoption, and any shortfall of employment land could be appropriately addressed in a subsequent update including as part of any future assessment of employment land needs. Any updates to the Safeguarding Direction or the timetable for work on getting HS2 trains to Leeds would be capable of being considered at that time.
8. As set out in my draft letter dated 18 July 2022, Main Modifications consulted on between December 2021 and January 2022 and listed below are not necessary for soundness and should not be included within the SAPR. An additional six-week consultation on removing these will be required.

**MM10**

**MM19**

**MM20**

9. The Policies Map is a geographic illustration of where the various policies in the SAP apply, and amendments are necessary for the geographic application of the policies to be justified and effective. The Policies Map would also need to be amended; the changes should be published in a schedule alongside the MMs. This includes site EG2-37 which should be removed. The Council should also consider whether there is a need for further Sustainability Appraisal. An update to the Habitats Regulations Assessment (HRA) may also be necessary and the Council should consider this.

10. It would be appreciated if you could confirm if the Council is content to proceed on the basis outlined in this letter. The Council should respond by 22 November 2022 and set out a timetable for consultation.

Yours sincerely

*Louise Gibbons*

INSPECTOR

### **Inspector Note Addendum to 8 November Letter (EXR31)**

In my letter dated 8 November 2022, I indicated that MM10, MM19 and MM20 should be deleted as they contained references to EG2-37.

References to EG2-37 should be deleted, however MM10 also included an updated position on the employment land supply. The references to the changed employment land supply in MM10 should be retained in the SAPR to reflect the most up to date position at the examination but reflecting any consequences of deleting site EG2-37.

MM19 and MM20 should also be retained but amended to reflect the removal of the employment allocation MX2-38 from the SAP.

**Louise Gibbons**

**29 November 2022**

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