
Report to Leeds City Council

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an Inspector appointed by the Secretary of State

Date: 2 January 2024

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Remitted Parts of the Leeds Site Allocations Plan

The Leeds Site Allocations Plan was submitted for examination in May 2017 and adopted in July 2019.

The parts of the Leeds Site Allocations Plan that relate to the 37 sites for housing or mixed use that were in the Green Belt immediately before adoption of the Leeds Site Allocation Plan were ordered to be remitted to the Secretary of State on 10 August 2020.

The examination of the Remitted Parts of the Leeds Site Allocations Plan began on 26 March 2021.

The examination hearings relating to the Remitted Parts of the Site Allocations Plan were held between 14 and 17 September 2021, and 18 May 2022

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Abbreviations used in this report

AVLAAP	Aire Valley Leeds Area Action Plan
CSSR	Core Strategy Selective Review
HMCA	Housing Market Characteristic Area
HRA	Habitat Regulations Assessment
LDS	Local Development Scheme
NPPF	National Planning Policy Framework
NRWLP	Natural Resources and Waste Local Plan
PPG	Planning Practice Guidance
SAPR	Remitted Parts of the Leeds Site Allocations Plan
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SPA	Special Protection Area
SHLAA	Strategic Housing Land Availability Assessment

Non-Technical Summary

This report concludes that the Remitted Parts of Leeds Site Allocations Plan (SAPR) provides an appropriate basis for the planning of Leeds City, provided that a number of main modifications [MMs] are made to it. Leeds City Council has specifically requested that I recommend any MMs necessary to enable the SAPR to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over six-week periods. I have recommended their inclusion in the SAPR after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Deletion of the 36 remitted housing allocations and inclusion of each in the Green Belt. Modification to policies and text that give reasons for and effect to those deleted remitted housing allocations and the housing element of site MX2-38 (the mixed-use site), including taking account of the Core Strategy 2019 housing requirement and updated housing land supply position.
- Modifications to policy MX2-38 to allocate the site for general employment use rather than mixed use (and renumber it as EG2-37) along with consequential changes to the other parts of the SAPR including those relating to employment land supply.

Introduction and Context

1. This report contains my assessment of the Remitted Parts of the Leeds Site Allocations Plan (SAPR) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers whether the SAPR is compliant with the legal requirements and whether it is sound.
2. The National Planning Policy Framework (NPPF) was published in 2012 and revised in 2018, 2019, 2021 and 2023. However, it includes a transitional arrangement in paragraph 220 of the July 2021 NPPF which indicates that, for the purpose of examining the SAPR, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG that were extant prior to the publication of the 2018 NPPF.
3. The NPPF makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

The Leeds Development Plan

4. The Leeds Site Allocations Plan 2012-2028 (SAP) allocates sites for housing, mixed use, employment and designates retail centres and green spaces. The SAP is part of a group of documents forming the Leeds Development Plan which includes the Core Strategy (as amended by the Core Strategy Selective Review 2019) and the Aire Valley Leeds Area Action Plan 2017 (AVLAAP) and the Natural Resources and Waste Local Plan (NRWLP).
5. The SAP was originally prepared to be consistent with the 2014 Core Strategy and it was adopted on 10 July 2019. It included 37 Green Belt allocations which were allocated for housing to help meet the annualised housing requirement of the 2014 Core Strategy and to demonstrate a five-year supply of housing land. One of the sites was allocated as mixed use for housing and general employment land.
6. The Core Strategy was amended by the Core Strategy Selective Review and adopted in September 2019 (the 2019 Core Strategy). The 2019 Core Strategy now sets out a revised housing requirement for the period 2017 – 2033. It contains amended policies on affordable housing, green space and sustainable construction and new policies on housing space standards, accessible homes and electric vehicle charging points were added. The rest of the adopted Core Strategy policies remain the same as in the 2014 version.

High Court challenge

7. In 2020 the SAP was the subject of a High Court challenge (Core Documents CDREM1/7 a¹, b² and c³). The challenge was successful in relation to inadequate reasons given in respect of the justification for Green Belt release and the use of Housing Market Characteristic Areas (HMCAs) in the site selection process, as well as errors of fact in relation to housing supply. The implications of a lower housing requirement in the Core Strategy Selective Review, which was being examined in parallel with the SAP examination, was considered during the proceedings of the High Court.
8. On 10th August 2020, the High Court ordered '*..all parts of the Leeds Site Allocations Plan ('the SAP') which allocates sites for housing, including mixed use allocations..., 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...*' (CDREM1/7a paragraph 1). The matter was remitted to the Secretary of State to start from '*where the error of law occurred*' (CDREM1/7b paragraph 24).
9. It was also ordered by the Court that the parts of the SAP referred to in the order, should be '*treated as not having been adopted or approved*' (CDREM1/7a paragraph 2).
10. The approved relief judgement (CDREM1/7b) states at paragraph 26 that '*the Council will have to decide what, if any, modifications it intends to propose to the Inspectors. That is a matter of planning judgement for the Council and it is not for me to adjudicate on what approach the Council takes to exceptional circumstances for GB release once the matter is remitted.*' Following the High Court judgement, in 2020 the Council updated their evidence relating to housing land supply.
11. As a result of this evidence, the Council concluded that exceptional circumstances did not exist to justify the release of the remitted sites for housing due to the increase in housing supply and change in housing requirement. The Council then took the view that the remitted sites were unsound and that to make the SAP sound they would need to be deleted.
12. The Council carried out consultation between January and February 2021 proposing the deletion of all 37 remitted sites from the SAP. The Council's consultation proposals were the changes that the Council considered would be needed to modify the adopted SAP.
13. Following that consultation, the Council maintained proposing the deletion of 36 of the Green Belt allocations for housing. However, they concluded that there was justification to allocate the mixed-use site (SAP reference MX2-38

¹ Remedy Order

² Approved Relief Judgement

³ Approved Judgement

Barrowby Lane) for wholly general employment use. The Council included this site as a Green Belt site allocation for general employment use as proposed site allocation EG2-37 Barrowby Lane as part of their submission of proposed changes to the SAPR.

14. The examination opened on 26 March 2021, this being the date when the Council submitted their 'Proposed Main Modifications' to the SAPR, supporting evidence and consultation responses relating to the remitted sites. From this point on I refer to the Council's Proposed Main Modifications as 'suggested changes.'
15. The Council consulted upon 'suggested changes' which related to the Policies Map and proposed no other changes to the text of the SAP. As part of the examination and at my request the Council prepared a schedule that comprised all elements of the SAP that they considered related to their proposals to delete the 36 housing site allocations and allocate proposed site EG2-37 for general employment use. This included all aspects of all policies and text that give reasons for and effect to the relevant allocations in the adopted SAP. The scope of the SAPR examination is focused on the 37 remitted sites including 'the aspects of all policies and text that give reasons for, and effect to those allocations.'
16. The policies, allocations, reasoned justification, and designations within the adopted SAP that do not relate to the 37 remitted sites remain as adopted and are not the subject of this examination.
17. It is necessary for me to determine whether the SAPR is sound in relation to being positively prepared, justified, effective, and consistent with national policy and if not, what modifications should be recommended to make them so.

Main Modifications

18. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [**MMs**] necessary to rectify matters that make the SAPR unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
19. Where necessary, the Council also carried out sustainability appraisal and habitats regulations assessment the MMs. The MM schedules and updated sustainability appraisal and habitat regulation reports were subject to public consultation for six weeks.
20. I have taken account of the consultation responses on the MMs in coming to my conclusions in this report.

Policies Map

21. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. The adopted Policies Map is dated July 2019 and was updated in August 2020 to show the deleted remitted sites.
22. 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. However, published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
23. These further changes to the policies map were published for consultation alongside the MMs as the Schedule of Policies Map Changes.
24. When the SAPR is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include all the changes published alongside the MMs.

Public Sector Equality Duty

25. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including affordable housing, the mix of housing types and accommodation for older persons.

Duty to Co-operate

26. Whilst section 20(5)(c) of the 2004 Act requires consideration of whether Councils comply with any duty imposed on them by section 33A in respect of the plan preparation, the Inspectors' Report for the SAP (CDREM1/9 paragraphs 19-23) concluded that the Duty to Cooperate in relation to plan preparation has been met. Consequently, there is not a need for me to formally consider this matter further in respect of the SAPR.
27. Nevertheless, there is a signed Statement of Common Ground between Leeds City and its neighbouring authorities. This sets out that there have been discussions with regards to the implications of the SAPR and that there remain no unresolved strategic matters. It is agreed between the relevant authorities that there are no cross-boundary impacts resulting in the deletion of the 37 Green Belt sites for housing or the proposed allocation of the employment land (the remitted mixed-use site) within the Green Belt.

Assessment of Other Aspects of Legal Compliance

Consultation on the SAPR and other engagement

28. Although this was not a part of the statutory process leading to submission of a plan, before the examination opened the Council carried out a consultation between January and February 2021 in the form of their 'Proposed Main Modifications'. An additional six-week consultation on the Council's proposal for allocating site EG2-37 for general employment use, took place in May-June 2021.
29. The Council's Statement of Community Involvement (SCI) was adopted in 2007 and revised and adopted in November 2022.
30. In response to the impact of the pandemic on community engagement and consultation the Council produced an Interim Statement of Community Involvement 2021 (CDREM 1/8). This set out that the scope of consultation and engagement activities on development plan documents, which included the SAPR, would be limited but would comply with the regulations in place at the time.
31. The Council contacted all those who were listed on their Local Plan database which includes a range of statutory and non-statutory consultees and those who responded to previous consultations on the SAP. Letters and / or emails were also sent to all groups with made or in the process of preparing Neighbourhood Plans. All Ward Members and Members of Parliament were also notified by email. A virtual meeting was held with representatives from the development industry in January 2021.
32. The Council provided details of the reasons for the SAPR, outlined the consultation and the Council's proposed changes on the Council's website including an interactive map showing the proposals. The Council received over 250 submissions on their consultation. Whilst this number is very significantly below the responses to the SAP, there was nevertheless a range of responses from local community groups, individuals and developers and representative bodies and a wide range of objections to, and support for the Council's 'suggested changes'.
33. The use of on-line consultation was undertaken in accordance with the Interim SCI and the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020, which were extant at the time.

34. Main Modifications to the SAPR were consulted on for six weeks starting in December 2021. This included MMs to allocate site EG2-37 for general employment use and consequential changes to the text of the SAPR. When the Government produced the Integrated Rail Plan in 2021, this led to a further hearing session in May 2022 with subsequent consultation on MMs deleting site EG2-37 from the SAP and the consequential changes in the text of the SAPR. Since then, there have been further changes in circumstance relating to HS2 and the implications for the SAPR.
35. I have sought comments solely from the Council on points or matters relating to site EG2-37 where changes in circumstance have arisen since October 2023. This opportunity has not been extended to other parties. The responses to the MMs from other parties have been detailed, particularly in relation to the potential allocation of the Green Belt site for wholly employment use, where representations have been made that exceptional circumstances do not exist to release this site from the Green Belt.

Sustainability Appraisal

36. The Council carried out a sustainability appraisal (SA) of their 'Proposed Main Modifications' for the SAPR, prepared a Sustainability Appraisal Addendum of the findings of the appraisal, and published Addendum along with the SAPR and other submission documents. The appraisal was also updated to assess the MMs.
37. The Environmental Assessment of Plans and Programmes Regulations 2004 require an assessment of reasonable alternatives having regard to the objectives and geographical scope of a plan. The Council assessed 4 reasonable alternatives during the preparation of the SAPR. The SA considers the overall effects of these options with Option 4 being selected by the Council which was to not allocate the Green Belt sites for housing and to allocate a site (EG2-37) for general employment use. All four options are assessed against the SA objectives and the framework used for the SAP, CS and the CSSR which contained an additional objective.
38. The Council considered and rejected other options as reasonable alternatives. These included the adjustment of the plan period and the allocation of the parts of the Remitted sites which contained brownfield land. The scope of the SAPR examination is focused on the 37 remitted sites and not other potential sites for housing or employment use, and the Council concluded that these options would widen the scope of the examination beyond these matters and that the issues raised would be better addressed through any future update on the Local Plan. I refer to these later in my report.

39. The extent of the reasonable alternatives has been considered within the context of the scope of the Remittal and the SA has sufficiently evaluated the reasonable alternatives.

Habitats Regulation Assessment

40. The Habitats Regulations Assessment Addendum: Screening and Appropriate Assessment Report (January 2021) considers the effects of the proposed deletion of four sites (HG2-1, HG2-2, HG2-4 and HG2-9) that are within the 7km zone of influence for potential increased recreational disturbance of the South Pennine Moors Phase 2 Special Protection Area/Special Area of Conservation (SPA/SAC). The deletion of these sites will lessen the potential for Likely Significant Effects on the SPA/SAC as the occurrence of possible recreational disturbance would diminish due to the deletion of housing allocations.
41. Measures already in place for mitigation of any effects as part of the adopted SAP would remain. These are at Chevin Forest Park Local Nature Reserve and the North West Leeds Country Park and Green Gateways project. These two areas are not dependent on funding from housing development and would continue to function properly in terms of mitigation without the relevant remitted sites.
42. In respect of proposed allocation EG2-37 this was screened out of consideration in the May 2021 HRA (CDREM1/5a), in line with the Screening Stage Assessment of the HRA of the SAP because it does not give rise to potential Likely Significant Effects. The site is more than 25km away from South Pennines Moors SPA and North Pennines Moors SPA. There is no objection to the allocation of this site from Natural England in relation to the HRA.

Other legal aspects

43. As concluded in the Inspectors' report for the SAP (CDREM1/9 paragraph 225), the Plan had been prepared in accordance with the Council's Local Development Scheme (LDS). The Local Development Scheme dated June 2021 also refers to the SAP after its adoption and the implications of the High Court Challenge.
44. In terms of other legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, these had been met as concluded in the Inspectors' report for the SAP (CDREM1/9 paragraphs 229-230). The SAPR does not alter that assessment.

Assessment of Soundness

Main Issues

45. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified two main issues upon which the soundness of the Remitted Parts of the Leeds Site Allocation Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors.
46. My report first covers issues relating to housing under Issue 1. Issue 2 addresses the sole mixed-use site in relation to general employment use. My conclusions relating to housing also apply to the housing element of the mixed-use site (MX2-38).

Issue 1 – Whether the removal of 36 sites from the Green Belt and their allocation for housing development is justified and consistent with national policy including that relating to Green Belts.

47. Paragraph 83 of the 2012 Framework indicates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. There is no definition in the 2012 Framework of what constitutes exceptional circumstances.

Housing requirement

48. The 2014 Core Strategy had a housing requirement of 70,000 net dwellings between 2012 and 2028, and a subsequent need to allocate 66,000 homes (gross). This meant that the release of Green Belt land was deemed to be necessary, as set out in Policy SP10 of the Core Strategy. The SAP was adopted in July 2019 covering the period up to 2028. It included the 37 Green Belt site allocations to contribute to this need, and which were needed to cover the period only up to 2023.
49. The 2019 Core Strategy (incorporating the Core Strategy Selective Review) includes a revised housing requirement in policy SP6 of 51,952 (net) dwellings for the period between 2017 and 2033. The 2019 Core Strategy therefore has a lower housing requirement than was in place at the time the SAP was adopted.
50. Policy SP6 also sets out a gross need for 46,352 dwellings to be identified, annually this is 2,897 dwellings. The reason for the difference between the requirement of 51,952 dwellings and the gross need of 46,352 arises from policy SP6 also including a windfall allowance for 500 dwellings per annum on small and unidentified sites between 2017 and 2033.

51. Policy SP6 of the 2019 Core Strategy has a base date of 2017. As this is now the adopted position on the housing requirement, using the base date of 2017 for the purposes of assessing the implications of that on the remitted sites is appropriate. From 2017 to 2028 (the end of the SAP plan period) the annual requirement of 2,897 homes would result in a need to identify 31,867 homes up to 2028 (11 years x 2,897).
52. The aim of the SAP is to deliver a supply of housing to meet the requirement in the adopted 2019 Core Strategy. The version of the NPPF which includes the Standard Method for assessing housing need does not apply to this examination, nor does the Planning Practice Guidance on Local Housing Need where it relates to the Standard Method. Any housing requirement figure that would replace the 2019 Core Strategy requirement would need to form part of a new Local Plan or review and be examined accordingly.
53. The SAP plan period is from April 1, 2012, to 31 March 2028. This is a different time frame than the 2019 Core Strategy, which covers the period from 2017 to 2033. In terms of whether it is appropriate to adjust the SAP plan period end date of the SAP to 2033 to match the 2019 Core Strategy, this is outside the scope of this examination and is not a remitted matter. A review or new plan would be the appropriate mechanism for extending the SAP plan period.

Conclusion on Housing requirement

54. For the reasons set out above, for the purposes of the SAPR the relevant housing requirement is from the 2019 Core Strategy, which results in the need to identify land for 31,867 homes between 2017 and 2028.

Housing land supply

55. The Strategic Housing Market Land Availability Assessment (SHLAA) indicates that as of April 2020, sites under construction (7,555 homes), sites with detailed and outline planning permission (14,781 homes) and the remainder of the housing allocations in the SAP and AVLAAP which are not remitted sites (12,899 homes) bring the total to 35,235 homes in the supply. Completions between 2017 (the base date of the 2019 Core Strategy) and 2020 totalled 7,900 homes. This demonstrates that there is a substantial margin of 11,268 homes above need to identify 31,867 homes to 2028.
56. Since the adoption of the SAP the Council's evidence on housing supply is that there has been a significant increase in the number of sites that have been given planning permission. These are mainly in the form of 'large windfall sites' in the City Centre and Inner Housing Market Characteristic Areas (HMCAs). These sites are over the threshold of small sites, are not allocated in the SAP or the AVLAAP and were given planning permission after 2016. Planning permissions being granted for large windfall sites formed part of the

consideration of the legal challenge. In the future there may also be large sites that come forward which do not yet have planning permission. Given the margin of the surplus, these windfalls would provide an even greater margin of flexibility.

57. In terms of whether the SHLAA is robust, it was produced in accordance with the most up to date national guidance and follows the same methodology that used for the SAP. This includes consultation with landowners, agents, developers, and organisations such as the Home Builders Federation. The process of engagement was proportionate and adequate, and the information provided to the Council is from those engaged in the process and this is adequately reflected in the SHLAA. The SHLAA includes details on site suitability, availability and start dates. Build out rates including for large sites and lead in times are based on what has previously been achieved and not unrealistic.
58. The Council's information on completions between 2017 and 2020, and the number of units in the supply from 2020 up to 2028 is adequate. I acknowledge that there are a small number of sites in the SHLAA which have been included for some years now and do not yet have planning permission. However, given that the Council have been pragmatic and realistic in discounting sites which are subject to expired planning permissions and with no current planning activity, the approach on the remaining longer-term sites is reasonable. The assessment of sites in the SHLAA which addresses site suitability, availability and achievability, remains an appropriate basis for establishing the housing supply figure and is proportionate and adequate.
59. The housing land supply includes contributions from the Private Rental Sector and student accommodation, both sectors can contribute to the Council's housing land supply as set out in the Planning Practice Guidance (PPG). A proportion of the Council's supply is provided in this way, but it is not wholly reliant on these for the supply.
60. The allocation of the remitted sites (excluding HG2-17 which is included in the Council's calculation of supply as it had planning permission at the time the SHLAA was produced) would provide a total of 3,558 homes up to 2028. However, the Council can reasonably demonstrate a supply of land that exceeds the 2019 Core Strategy requirement to 2028, this being a margin of 11,268 homes above the 2019 Core Strategy remaining need to identify 31,867 homes to 2028.

5-year supply of housing land and Housing Delivery Test

61. The total five-year requirement from 1 April 2020 to 31 March 2025 is 17,573 homes (3,515 per annum). This includes a 5% buffer and taking account of undersupply. The Council's sources of supply for the period are sites under

construction (6,146 homes), sites with detailed planning permission (10,863 homes, sites with outline planning permission (1,862 homes) and allocated sites without planning permission (3,261 homes) which total 22,132 homes. Including the 500 homes per annum of windfall sites (as in the 2019 Core Strategy) and accounting for demolitions, the total supply is 23,882 homes, equating to a five-year supply of housing land of 6.8 years. From the evidence provided by the Council, these sites would be deliverable.

62. There is sufficient flexibility within the overall five-year supply to respond to changes should there be slippage in building out the committed or allocated sites, including accounting for the larger sites with multiple sale outlets. In addition, from 2025 there are around 150 sites that will continue to contribute to the delivery of housing including sites which have already commenced.
63. In relation to the Housing Delivery Test the Council would need to take account of the latest guidance including the 35% uplift to be applied to Cities once the 2019 Core Strategy is over five years old. At present, the 2019 Core Strategy is not yet five years old, and the SAP/SAPR as a whole delivers sufficient supply to meet the housing requirement and to deliver a 5-year supply of housing land. Therefore, whilst the Core Strategy is less than five years old, there is the likelihood that the Housing Delivery Test would be met.

Distribution of housing land

64. Policy SP6 of the 2019 Core Strategy bullets (ii) and (iii) refer to the preference for brownfield land and the least impact on Green Belt purposes respectively. Greenfield sites also remain a source of provision of housing within the area and the plan does not prevent these types of sites coming forward.
65. Policy SP7 of the 2019 Core Strategy sets out that the distribution of housing land will be planned based on the Housing Market Characteristic Areas (HMCAs). HMCAs are long established by the Strategic Housing Market Assessment in 2011 and reflect functional submarkets in the Leeds area. The policy provides a percentage for each HMCA as part of the requirement for SP6 in terms of overall numbers, but as explained in paragraph 4.6.8, this distribution reflects the quantum of housing growth that accords with the housing growth principles and overall spatial strategy (the focus upon opportunities within the Settlement Hierarchy) and the potential availability of suitable sites (derived from the SHLAA). It does not reflect identified need in individual HMCAs. Paragraph 4.6.8 explains that SP7 'provides an indication of the overall scale and distribution of development' and also that the percentages 'are intended as a guide rather than rigid targets'.
66. Evidence set out in the table in paragraph 6.3 of the Council's Remittal Background Paper (CDREM1/3) shows the numerical value for each HMCA against the percentages for the period 2017-2028, taking account of

completions and 2020 SHLAA supply. The City Centre and Inner HMCAs are significantly above. The Outer North West HMCA and Outer West HMCA are also slightly above.

67. The current position in these HMCAs would be in accordance with Policy SP1 of the 2019 Core Strategy. This seeks to concentrate development within and adjacent to urban areas, with the largest amounts focused on the Main Urban Area and Major settlements and sets priorities for previously developed land and brownfield land followed by suitable infill sites and then sustainable extensions.
68. The North Leeds HMCA is marginally below the numbers to meet the guidelines. Several HMCAs have a figure that would be lower than the percentages, these are Aireborough, East Leeds, Outer North East, Outer South, Outer South East and Outer South West. To some extent then, Policy SP7 for housing distribution is not currently being achieved but in general the aims and requirements of other policies of the Core Strategy such as SP1 and SP6 are still being met.
69. If the remitted sites are allocated this would mean that the figures for 4 of the HMCAs would still remain below the percentage in policy SP7. These are Aireborough, East Leeds, Outer North East and Outer South East. Three of the HMCAs would be above the percentage, these are North, Outer South and Outer South West. The allocation of the remitted sites for housing, some of which would be sustainable urban extensions, would assist in providing choice and competition in the market within those HMCAs. It would improve the ability of the SAP to achieve the aims of Policy SP7.
70. Policy SP10 does not address any need for a Green Belt review that is based on the distribution of housing land within policy SP7. Policies SP1 and SP6 also provide for development focussed on development within existing settlements, re-use of brownfield land and infilling, in accessible locations with the least impact on the Green Belt. If the sites are not allocated for housing, this would not be contrary to these policies.

Affordable Housing

71. The 2017 Strategic Housing Market Assessment identified the affordable housing needs in the whole Leeds City area as being 1,230 new affordable homes per annum, in order to meet a combination of annual need and to contribute towards remedying the waiting list. In terms of the 2019 Core Strategy requirements for affordable housing, percentage targets for affordable homes are calculated using four market zones as set out in policy H5. These zones differ from the HMCAs with policy requirements ranging from 35% in the Outer North area to 7% in the City Centre Area.

72. There are consequences if the sites were not allocated for housing. There would be two HMCAs which would have fewer than 100 affordable homes delivered over the period up to 2028 based on the overall supply at present, these are Aireborough and Outer South. In total three HMCAs would see a reduction of around 30% in their affordable housing delivery (North Leeds, Outer South West and Outer North West).
73. In the current supply, forecasts from the SHLAA indicate that up to the year 2028, schemes would provide a total of 4,455 affordable homes. As of 2020, due to planning permission granted, two of the remitted sites would contribute 260 affordable homes (HG2-43 and HG2-17) assuming that they are built out. This is still well below overall need for affordable housing.
74. The Council have several initiatives and programmes which aim to secure affordable homes through routes other than solely relying on Section 106 delivery on allocated sites. These measures include amongst other things, affordable scheme delivery by Registered Providers, the Council's own housing programmes, Right to Buy funding and loans schemes. A significant proportion of affordable homes in the area (around 70%) has been delivered in this way and there is little evidence to indicate that these would not be available in the affected HMCAs. The way in which the Council's various affordable housing programmes work together would provide housing in the areas even if the sites were to be deleted, although there would remain a shortfall.
75. The provision of affordable homes is a key issue in the Leeds area. The remitted sites would have contributed 904 affordable housing units if the schemes were to be compliant with Policy H5 of the 2019 Core Strategy.

Housing mix

76. Paragraph 50 of the NPPF indicates the need for delivery of a wide choice of homes. Policy H4 of the 2019 Core Strategy relates to the provision of housing mix in the area. The policy includes flexibility and seeks to provide an appropriate mix of dwelling types and sizes to address needs measured over the long-term taking into account the nature of the development and character of the location. Table H4 in the supporting text shows a range of minimum and maximum house types outside of the City Centre and a minimum and maximum of bedroom targets for the whole of the City.
77. Up to the plan period end date of 2028, the 2020 SHLAA shows that the supply of flats and houses up to 2028 is roughly evenly distributed with flats at 48% houses at 43%, and mixed housing/flatted schemes at 9%. Although it may be that the majority of the large windfall sites have been in the Inner and City HMCAs, policy H4 refers to the need to provide 1 and 2 bedrooms in the city. The provision of these types of homes is not out of step with the aims of the 2019 Core Strategy. Additionally, the Council's Annual Monitoring Report

(CDREM1/11) indicates there has also been a tendency towards delivery of 3- and 4-bedroom homes in the HMCAs outside of the City and Inner areas.

78. Several of the allocated sites include designations for older persons housing/independent living. The removal of the remitted sites would mean that this type of accommodation would not be delivered on three sites, but this would have a limited impact on the supply of these types of homes.
79. If the remitted sites were not to be allocated for housing, it is likely there would be a reduction of 3- and 4-bedroom homes being delivered in some HMCAs, although in any event the exact mix would not be established until such time as planning applications came forward on sites.

School places

80. Policy HG5 of the SAP specifically allocates land for schools separate from any housing allocations. These allocations are unaffected by the remitted sites. However, five of the remitted sites included land which was reserved for future school use. These were HG2-36, HG2-17, HG2-180, HG2-150 and HG2-72. These had been identified to accommodate additional school places which arose mainly in the context of those housing allocations.
81. Evidence from the Council [EBREM9/2] in terms of school places indicates that for site HG2-36 the deletion of the site would reduce demand for school places, with sufficient capacity in the existing system to manage any future demand. The deletion of other remitted housing sites in the Rothwell/Robin Hood/Woodlesford area would also mean that there will be sufficient capacity as demand would be reduced by nearly a form of entry. This would be a similar situation in relation to the Pudsey/Swinnow area where HG2-72 is located.
82. In respect of remitted site HG2-17 it is proposed to expand the existing primary school at Bramhope. Although there are local objections to the school's expansion, the evidence indicates there is not sufficient demand to require a new 2 form-entry school which would have been part of the site allocation. There are plans instead to extend the Bramhope Primary school, which would generate sufficient capacity within the area without the need for a new school. Initial feasibility work has taken place and funding has been approved. The retention of the school provision on this site would not be justified, and the individual site circumstances are not of sufficient weight for allocation.
83. In relation to site HG2-150 which has planning permission, the requirement for a school is now being met through the provision at an alternative site ahead of development on HG2-150 (at site HG2-149). The deletion of a further remitted site in the Morley area would reduce the need to an extent that there would be sufficient capacity in existing reception places.

84. The demand for school places within the Place Planning Areas indicates that school rolls are expected to decline across the city region as set out in the evidence from the Council [EBREM9/1]. The fall in birth rates apply across the relevant HMCAs affected by the remittal.
85. This is due to falling birth rates since 2016. This information on school places is based on figures provided by the Office of National Statistics and it is proportionate. The evidence covers the years up to 2024 but the data indicates this will continue to fall in the following year. In the City and Inner HMCAs, which have mainly been the focus of the large windfall sites, school place need has been assessed as part of planning applications, an approach which seems appropriate given the circumstances and is part of the Council's wider strategy for addressing school places.
86. The assessment of school places undertaken by the Council is based on the same methodology used for the SAP and the evidence is proportionate and robust. The combination of falling birth rates and reduction in housing provision in the relevant HMCAs and alternative ways of providing school capacity where it is needed, means that there are adequate school places. The Council will be able to address any unexpected demand post 2024 through feasibility studies if this is required. There is no evidence to suggest that it would not be possible to do this or meet it through existing capacity or expansion of schools in the relevant HMCAs.

Infrastructure

87. Several of the remitted sites included requirements relating to infrastructure provision. Most of the infrastructure criteria related to highways and access, the local highway network and public transport and arose in relation to the direct requirements of the allocation and were intended to mitigate the effects of developing the sites. These requirements would not be needed if the sites are deleted.
88. Three of the remitted sites (HG2-17, HG2-43 and HG2-26) are the subject of planning permission with the necessary infrastructure requirements to be secured through planning application processes.
89. The projects in the Planned Infrastructure Projects (within the Infrastructure Delivery Plan 2019) are not affected except for the project listed as the A65/A612 Horsforth Roundabout. Three of the remitted sites (HG2-1, HG2-2 and HG2-4) would have potentially contributed to that project. Development of the sites would also have contributed to the cumulative impact on the A65 in particular. If these sites were not allocated for housing, this would lessen the cumulative impact. Given that this scheme is now delivered, the removal of these sites from the SAP would have a negligible impact on this project and the Infrastructure Delivery Plan as a whole.

Safeguarded land

90. The Framework at paragraph 139 indicates that safeguarded land is not allocated for development at the present time. Policy SP10 of the 2019 Core Strategy refers to 'an additional contingency to create new Protected Areas of Search (to replace those in the UDP which will be allocated for future development)'. Therefore, safeguard land was designated as part of the SAP (described as Protected Areas of Search, Policy HG3). These areas of safeguarded land would contribute over 4,600 homes.
91. Safeguarded land was referred to in the High Court judgement in respect of some of these designated sites contributing towards the supply of housing land as they have been granted planning permission (CDREM 1/7c). The High Court Judgment does not conclude on whether the remitted sites could be used as safeguarded land. Whether any additional safeguarded land is needed against any future housing requirement including the potential for the remitted sites to be designated as such, would need to be determined as part of any review of the SAP or replacement plan, where this can be considered in the context of a longer timescale.

Green Belt permanence, Policy SP10

92. Paragraph 83 of the 2012 Framework indicates that authorities should have regard to the intended permanence of the Green Belt in the long term, so they are capable of enduring beyond the plan period. If the sites were not allocated for housing, this would ensure that the permanence of the Green Belt is maintained for the purposes of the SAP, and they could only be taken out of the Green Belt if exceptional circumstances are demonstrated in the future.
93. Policy SP10 of the 2019 Core Strategy was not one of the policies which was changed during the Core Strategy Selective Review. This policy relates to the need to review the Green Belt to accommodate the scale of housing growth in policy SP6 and employment growth in policy SP9. The scale of required housing development has been reduced through revised policy SP6 and policy SP9 was not covered in the Core Strategy Selective Review. Even though the requirement for a Green Belt review is still extant, there is currently an overall positive housing land supply position. Policy SP10 itself is not within the scope of this examination.

Local Plan Review

94. The Council reviewed its Local Plan policies in 2020. This review indicated that several policies needed updating. The Council are in the process of producing a Local Plan update which focuses on matters relating to climate change and does not include any consideration of the housing requirement. Subsequent plan updates may include issues such as housing requirement and supply, and

these matters are referred to in the Council's LDS. This examination is on the remitted sites only and other sites which may be suitable for allocation for housing land would be outside of this. When updates to the Local Plan do occur, what they may contain is a matter for the Council and is outside the scope of this examination.

Policy HGR1 of the SAP

95. Policy HGR1 of the adopted SAP sets out that the SAP itself will be subject to a review in certain circumstances as Green Belt housing sites were only allocated for the period up to 2023. The explanation set out in paragraph 2.29 of the SAP is that when the Core Strategy Selective Review is adopted, the Council shall consider whether there is a need for further housing allocations and whether there are exceptional circumstances for any further release of Green Belt land to meet the up-to-date housing requirements of the City. Paragraph 2.29 indicates the Council's commitment to this review.
96. The date for submission of a review has passed as bullet 2 of policy HGR1 required this to be no later than the end of December 2021. Bullet 3 requires the Council to ensure that sufficient land for housing is allocated and safeguarded land designated so as to comply with core strategy selective review housing requirements. The Council can demonstrate that there is sufficient land to meet the Core Strategy requirements up to 2028. In any event, I conclude that the implementation of Policy HGR1 is a matter for the Council and is not within the scope of the examination, including the consequences of not complying with Bullet 2 for the requirement to submit a review.

Other factors

97. In respect of the Council's climate emergency declaration, if the sites were not to be allocated for housing there would be no conflict with this. There is also no detailed evidence to suggest that not allocating the sites for housing would have a negative impact on overall economic growth within the area.
98. In terms of whether the sites should be allocated to address the longer-term impacts of Covid by providing opportunities to work for home and in an environment with green spaces, the long term impacts of the pandemic on working patterns are not yet fully understood and can be assessed during a review of the plan.

Conclusion on Issue 1

The effect of developing the remitted sites on the Green Belt

99. Paragraph 80 of the 2012 NPPF explains that the Green Belt serves five purposes. In examining the SAP, it was concluded that the housing allocations released from the Green Belt had been appropriately assessed against the purposes of including land in the Green Belt to ensure those selected would have the least impact on those purposes. Development on each site would clearly result in a loss of openness. Whilst these sites resulted in the least harm to Green Belt purposes 'ensuring limited sprawl and encroachment into the countryside or merging of neighbouring towns' (IR CDREM1/9 paragraph 108) there would be harm to these purposes, nonetheless. The government attaches great importance to Green Belts. Therefore, I give great weight to the harm that would be caused.

Conclusion

100. The adopted housing requirement of the Core Strategy has reduced since the adoption of the SAP. The presence of a significant positive margin of housing land in relation to that requirement is consistent with paragraph 47 of the 2012 NPPF, which seeks to boost significantly the supply of housing.

101. It would not be necessary to allocate the remitted sites for housing to achieve a five-year housing land supply or in respect of the Housing Delivery Test nor in relation to the delivery of and need for school places, and infrastructure. Some of the remitted sites contain a portion of brownfield land. Given the existing positive land supply position, it would not be justified to allocate all of the sites or the relevant part of the brownfield element to help in meeting the 2019 Core Strategy housing requirement.

102. The deletion of the sites as allocations would reduce delivery of affordable housing particularly in some HMCAs, this is a factor that weighs positively in favour of allocating sites. However, this is in the context of a significant margin of overall housing supply, coupled with other means of delivering affordable housing being proactively sought and currently achieved by the Council. In this respect, the Council's approach towards providing affordable housing is still consistent with paragraph 50 of the 2012 Framework. In addition, the affordable housing requirement will not be met through the allocation of sites, it will still fall significantly short. Therefore, the impact on some individual HMCAs and for the delivery of affordable housing and shortfall against the overall need, is not sufficient to justify the release of sites from the Green Belt.

103. If the remitted sites were to be allocated this would provide some additional choice and competition in the market and help achieve the aims of policy SP7 in

terms of distribution. Although in the context of the overall land supply position being significantly above the identified need, this would be of little weight. This is also set in the context of the requirements of policies SP1, SP6 and SP10 relating to the settlement hierarchy, re-use of brownfield land and infilling first, and the lack of any evidence on any negative impact on settlement sustainability. Policy SP7 is not based on specific local need within each HMCA and the percentages in the policy are intended to be a guide.

104. In terms of the provision of a mix of units, this would be a factor which would also weigh in favour of allocation of the remitted sites, but I give this very limited weight as any shortfall in delivering a mix of homes would not be significant in the context of the wider oversupply of housing. There is also no detailed evidence to suggest this would lead to a significant increase in commuting with residents looking for larger family homes elsewhere.

105. In respect of safeguarded land, in the context of the positive housing land supply position, that safeguarded land is already included in the SAP and longer-term housing needs or preferred strategy are not yet known, it would not be justified to designate the remitted sites as such. The housing land supply position does not indicate that there is a need to allocate the sites on the basis of Policy SP10.

106. I conclude that even considered in combination, the benefits of allocating the remitted sites for housing in terms of delivering more market and affordable housing, improving housing mix and type, and helping to achieve the Core Strategy's spatial distribution would not be sufficient to outweigh the harm to the Green Belt. I do not therefore consider that the exceptional circumstances required to alter the Green Belt boundaries have been demonstrated as required by the NPPF. This applies equally to those individual remitted sites that have planning permission or a resolution to grant permission. The removal of 36 sites from the Green Belt and their allocation for housing development is not justified or consistent with national policy including that relating to Green Belts.

107. Therefore, the 36 remitted allocated housing sites will need to be removed from the SAP. My conclusion also applies to the mixed-use site MX2-38 in respect of its housing component.

Are any modifications needed to the SAP to delete the remitted housing Green Belt allocations along with consequential changes including policies and text that give reasons for and effect to those sites (including the housing element of MX2-38)?

108. The housing requirement, residual housing requirement and housing supply positions set out in the adopted SAP derived from the 2014 Core Strategy gave effect to the requirement for Green Belt release. Main modifications are needed to ensure that aspects of all policies and text that give reasons for and effect to

the relevant allocations in the adopted SAP are addressed in the context of the 2019 Core Strategy. Therefore, it is necessary to reflect the most recently adopted housing requirement in the 2019 Core Strategy and update the housing land supply position, which includes the effect of deleting the remitted sites from the SAP.

109. The references to the emerging requirement in the Core Strategy Selective Review are now out of date, the Core Strategy requirement has changed and has resulted in a lower housing requirement. To be effective and justified **MM1** updates the position on these in paragraph 1.15. As Green Belt release for housing is no longer needed, **MM1** also makes the necessary changes to paragraph 1.15 by deleting the references to the Green Belt. This ensures the plan is effective and justified.
110. To reflect the updates to 2019 Core Strategy policy SP6, changes to the timeframe of the Core Strategy and the need to allocate sites for 31, 867 homes, references to the SAP not meeting Core Strategy requirements are no longer justified and **MM2** deletes this element in paragraph 2.26 accordingly. Paragraph 2.28 of the SAP explains that in order to meet the Core Strategy requirement, Green Belt release was needed. The Core Strategy requirement is being met up to 2028, and there are now no exceptional circumstances to justify the release of Green Belt land for housing. Therefore, in order to be effective **MM2** also revises paragraph 2.28 accordingly. It also is necessary in this respect to remove the wording relating to Green Belt in paragraph 2.29 and to refer to Policy HGR1 and the adoption of the Core Strategy Selective Review, through **MM2**. This is to ensure the plan is effective and justified.
111. Table 1 of the SAP sets out the housing distribution by HMCA and it is necessary to show the updated figures for completions, the Core Strategy requirements and 2017 base date, to refer to the SAP allocated sites which remain as such, indicate windfall supply and performance against Core Strategy targets. **MM3** achieves this in order to be effective. **MM3** also revises paragraph 2.31 to indicate that there are no exceptional circumstances to release Green Belt land as does **MM4** to paragraph 2.32. This ensures that the plan is effective and justified. **MM4** replaces paragraph 2.32 with an explanation of the examination on the remitted sites, changes in base date against which the supply has been assessed, provision of sites including large windfall sites and the consequences of this and the Core Strategy Selective Review. For effectiveness, **MM5** deletes references to the Green Belt in paragraph 2.34 that related to the Housing Allocation Assessment undertaken by the Council.
112. Table 2 of the SAP indicates housing allocations by settlement hierarchy, number of sites and capacity it is necessary to reflect the position in 2020 and the changes made as a result of the Core Strategy Selective Review. In order to be effective, **MM6** revises this table. It is not necessary to include a comparison against the requirements of Core Strategy policy SP7 as this was changed

when policy SP7 was amended. However, **MM7** updates figures and dates in relation to the split between brownfield and greenfield land in paragraph 2.36. **MM9** updates windfall figures to the position in 2020 and its impact on the amount to be allocated in the SAP.

113. Paragraph 2.37 of the SAP refers to a Green Belt review, but now this does not result in allocation of Green Belt sites for housing land. **MM8** is necessary to paragraph 2.37 which now confirms that there are no housing sites allocated on Green Belt land, however references to the employment allocations and the Green Belt are needed with a cross-reference to paragraph 2.88 of the SAP.

114. **MM1-MM9** are all MMs that are necessary as they are part of the SAP which originally gave effect to the need to release Green Belt land and related to the reasons for the allocation of the remitted housing sites.

115. The change to the figures also require consequential amendments to the following elements of each of the HMCA's chapter for the SAP to be effective and justified.

- Total housing targets – to delete the original housing target resulting and replace with the adopted target resulting from the Core Strategy Selective Review.
- Total number of dwellings/capacity to be allocated – by deleting the sentences relating to the CS and replacing with the information from Table 1 of the SAP for each HMCA including the large windfall sites; and,
- Setting out the position on capacity deliverable between 1 April 2017 and 31 March 2028 and the residual requirement for the HMCA.

116. These are **MM11** (Aireborough), **MM15** (City Centre), **MM16** (East), **MM21** (Inner), **MM22** (North), **MM26** (Outer North East), **MM29** (Outer North West), **MM33** (Outer South), **MM38** (Outer South East), **MM41** (Outer South West) and **MM46** (Outer West).

117. To be effective, MMs are needed to delete the 37 sites from Policy HG2: Housing Allocations for each HMCA, with consequential amendments to remove the site schedules within the SAP, and for consistency there is a need to revise the housing allocation totals and capacity figures for each HMCA accordingly.

- **MM12, MM13** HG2-1, HG2-2, HG2-4, HG2-9 (Aireborough)
- **MM17, MM18** HG2-119, HG2-123, HG2-174, MX2-38 (East)

- **MM23, MM24** HG2-36, HG2-38, HG2-42, HG2-43, HG2-46 (North)
- **MM27, MM28** HG2-26 (Outer North East)
- **MM30, MM31** HG2-17 (Outer North West)
- **MM34, MM35** HG2-174, HG2-175, HG2-177, HG2-180, HG2-183, HG2-186
- **MM39, MM40** HG2-126, HG2-133 (Outer South East)
- **MM42, MM43** HG2-136, HG2-150, HG2-153, HG2-159, HG2-165, HG2-166, HG2-167, HG2-233 (Outer South West)
- **MM47, MM48** HG2-53, HG2-63, HG2-65, HG2-68, HG2-69, HG2-71, HG2-72 (Outer West)

118. The geographic illustration of the remitted sites should not be shown on the adopted policies map and the sites should instead be shown as Green Belt.

119. For consistency with the deletion of the remitted site allocations for housing and to be effective, MMs are necessary to remove the references to site designations for older persons housing/independent living. These are **MM14** (HG2-2), **MM36** (HG2-183) and **MM44** (HG2-136).

120. For consistency with the deletion of the remitted housing site allocations and to be effective, MMs are necessary to remove the references to school provision on these sites. These are **MM25** (HG2-36), **MM32** (HG2-17), **MM37** (HG2-180), **MM45** (HG2-150) and **MM49** (HG2-72).

Issue 2 – Whether removal of remitted site MX2-38 from the Green Belt and its allocation for mixed use development is justified and consistent with national policy?

Background

121. Site MX2-38 (21.17ha) was allocated for mixed use in the SAP, which was split between land for general employment use (10ha) and the rest for residential development. It is the only remitted site for mixed use. My conclusions in respect of Issue 1 apply to the housing element of this site. In other words, that element of the policy is not justified or consistent with national policy.

122. Representations from the landowner to the consultation carried out between January and February 2021 by the Council, proposed the site for employment use instead of mixed use. The Council's 'suggested changes' included the site as an allocated site (EG2-37) for 21.2 hectares of general employment use, rather than proposing it for deletion.
123. The focus of the High Court challenge was on housing requirement and supply, and matters relating to employment land did not form part of the High Court deliberations. The High Court relief judgement (CDREM1/7c paragraph 32) does specifically refer to the effect of remitting the plan on the mixed used site, noting that there will be an impact. The judgement also indicates this would have to be dealt with through the development control processes on a site-specific basis if that was considered appropriate.

Employment land requirement

124. The requirement for general employment land supply is set out in policy SP9 of the 2019 Core Strategy and amounts to a minimum of 493 hectares. Policy SP9 was not affected by the Core Strategy Selective Review. At the time of the SAP adoption in 2019 the general employment overall supply was 475.45 hectares. In other words, there was a shortfall of 17.55 hectares against the minimum requirement.
125. The supply was made up of 244.65 ha from identified and allocated sites in the SAP (including 10ha on MX2-38), along with other identified and allocated sites in the AVLAAP and the NRWLP (230.8 ha). The deficit of 17.55 hectares against the requirement of 493ha was viewed as a modest deficit by the Inspectors examining the SAP (SAP IR paragraph 74).
126. The Council did review policy SP9 in 2020 and concluded that the policy needed updating. The Council's LDS indicates that this would take place in a future Local Plan review, including looking at employment land requirements beyond 2028. The Council would be able to address the implications of any updated requirement in a review. Employment need evidence produced by the Council may show different requirements. However, in the absence of any updated information on the requirement for employment land, the Core Strategy figure of 493 hectares is currently the appropriate basis for calculating the general employment land supply for the purposes of the SAPR.

General employment land supply

127. Phase 2b (Eastern Leg) of the HS2 scheme was planned to serve Leeds and other destinations. Land for the proposed route is safeguarded through a direction. This has the effect of preventing some of the allocated and identified sites in the development plan being available for employment development. At the time of submission of the SAPR in 2021, 50.15 hectares of general employment land was within a Safeguarding Direction area. This included sites which are either allocated in the AVLAAP, the NRWLP or are identified sites under policy EG1 in the SAP.

128. The safeguarding directions were kept under review and updated periodically to reflect the latest HS2 route design and to keep the provisions in place, which ensured that affected residential property owners retained access to the various support schemes. Since 2016 there have been several Safeguarding Directions.
129. The Council produced a note on employment supply position (EXR23), which updated the employment land supply position up to December 2021. Table 3 of that document sets out that the current supply of land for the period between 2012 and 2028 was 498ha. This included some windfall gains and losses. It set out that the amount of land within the Safeguarding Direction Area had fallen slightly to 46.9 hectares due (as of October 2021). Therefore, there is still a deficit of 41.9 ha of general employment land in relation to the overall Core Strategy requirement which is of a much bigger margin than that accepted by the SAP Inspectors.

HS2 and current position on safeguarded direction land

130. The Government published the Integrated Rail Plan (IRP) in November 2021. The IRP focuses on the development of train services across the Midlands and North and towards Scotland and London (2.1). The IRP set out the Government will consider alternatives to current plans for the Eastern Leg of HS2 and that a wider range of options need to be considered including the most effective way to run HS2 trains to Leeds⁴.
131. On 4th October 2023 the Prime Minister announced that HS2 funding was to be redirected to other projects and confirmed that the Phase 2 line from Birmingham to Manchester will not be delivered. Phase 2b would also not proceed. In October 2023 the Government published a document⁵ which at paragraph 36 indicates that 'Phase 2a safeguarding will be formally lifted in weeks and Phase 2b safeguarding will be amended by summer next year, to allow for any safeguarding needed for Northern Powerhouse Rail'. There is a clear distinction between what is expected to happen to safeguarding land between the two phases of HS2 referred to in the document. Therefore, although it is not known how much land would be needed, there would be the possibility that land would continue to be covered by safeguarding directions for a longer period and remain unavailable for employment development. Furthermore, even if the safeguarding direction for Phase 2b was to be lifted in full in 2024, it is possible that relevant sites would not receive planning permission straight away, nor is there evidence that third party investment in sites would come forward in the short term.
132. There are no planning consents on these sites at present. This is unsurprising given that they are currently under the Safeguarding Direction. I note that before the Direction, some of the sites had detailed or outline planning consent. However, the position on this would have changed given the time which has elapsed since the sites were covered by the Safeguarded Direction. Therefore, although these sites are allocated /identified sites, it is not known when they would be able to contribute to the supply of available employment land.

⁴ IRP 3.30, IRP 3.47, IRP 3.48

⁵ Network North: Transforming British Transport, Department for Transport, October 2023

133. If all the sites covered by the safeguarded direction were able to be counted towards the general employment land supply before 2028 as well as including site EG2-37, there would be a positive supply position of 26.2 hectares. However, the requirement for general employment land is expressed as a minimum and there is no detailed evidence to indicate that such a modest oversupply of this nature would result in 'holding back land which could otherwise be developed for other forms of economic development or to meet other identified needs' as described in paragraph 4.7.25 of the 2019 Core Strategy. It would represent a positive approach and allow the identified need for employment development to be met in appropriate locations, whilst providing flexibility to potentially accommodate other needs and respond to changing economic circumstances in accordance with paragraph 21 of the NPPF.

Site allocation EG2-37 and the Green Belt

134. The proposed site allocation MX2-38 was removed from the Green Belt in the SAP. Whilst sites were originally allocated because they resulted in the least harm to Green Belt purposes (IR CDREM1/9 paragraph 108), there would be harm to these purposes, nonetheless. However, the site would have a strong defensible boundary which would be defined by the Leeds-York railway to the north, with the M1 motorway to the east and south. It would assist in safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built-up areas. A significant gap between the site and Garforth would be retained and it would not lead to merging of built-up areas.

135. Paragraph 83 of the NPPF indicates that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It needs to be established in the case of general employment land supply whether the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary permanently.

136. As set out in my letter dated 25 May 2023 [EXR33], the issue of safeguarding direction sites coming forward in the plan period is a key factor in this case, in respect of my conclusion about the existence or otherwise of exceptional circumstances in respect of proposed site allocation EG2-37.

137. The Safeguarding Directions sterilising the affected general employment sites are still in place and the land may still be needed for other rail projects and this would not be known until Summer 2024 at the earliest. Whilst the Safeguarding Direction remains in place there will continue to be a shortfall of general employment land. The Council has granted a small number of permissions for general employment which are not allocated sites. However, windfall losses may also be a contributing factor to supply and could have a negative impact on the supply of general employment land.

138. In terms of whether other sites can be considered for employment use at this stage, sites that are not part of the SAPR are outside the scope of the

examination. The matter of additional allocations for general employment land could be appropriately addressed in a review including as part of any future assessment of employment land requirements.

139. There would clearly be a loss of openness if the whole site were to be developed for general employment use, with harm to Green Belt purposes. The allocation of MX2-38 for mixed use is not justified having regard to my conclusions in relation to the housing element of the policy.
140. However, given the employment land supply situation described above, I conclude that the exceptional circumstances required by paragraph 83 of the 2012 Framework does apply to this particular site. The site would be suitable for general employment use, and the release of the site EG2-37 from the Green Belt would provide 21.2 ha of general employment land making a significant contribution to the supply and reducing the shortfall. Therefore, the site's allocation as EG2-37 for wholly general employment land is justified, and it would be consistent with the NPPF as whole.

Are any modifications needed to policy MX2-38 to allocate the site for general employment use rather than mixed use (and to renumber it as EG2-37) along with consequential changes to the other parts of the SAPR including those relating to employment land supply?

141. It is necessary to reflect the most up to date position on the employment supply and the allocation of the site as site allocation EG2-37. This includes revisions to paragraph 2.82 of the SAP and the accompanying table to reflect the evidence on current supply as of December 2021, including the effect of the Safeguarded Direction. This is achieved by **MM10** for the inclusion of site allocation EG2-37 to be justified. For effectiveness, **MM19** is also necessary to add to EG2-37 to the schedule of employment sites for policy EG2 in the East HMCA.
142. The site schedule and site requirements are similar to those for site MX2-38 and the requirements are clearly expressed. Generic site requirements are set out in paragraph 2.53 of the SAP and no other site requirements are necessary other than those listed in the site requirements. However, it is necessary for effectiveness for **MM20** to include the site requirements for site EG2-37 in the SAP. One of the site requirements for the site has been updated since the SAP, the reference to the site not being brought forward until the completion of the Manston Lane Link Road no being longer necessary, **MM20** therefore deletes this element of the requirements.

Overall Conclusion and Recommendation

143. The Remitted Parts of the SAP has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as remitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

144. The Council has requested that I recommend MMs to make the SAPR sound and capable of adoption. With the recommended main modifications set out in the Appendix the Remitted Parts of the Leeds Site Allocations Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Louise Gibbons

Inspector

This report is accompanied by an Appendix containing the Main Modifications.