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Supplementary information for 8 October 2013 Scrutiny Board (Sustainable Economy and Culture)

Pages 1-4: Agenda item 8 – Report submitted by George Hall in relation to a request for scrutiny

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**For The Sustainable Economy and Cultural Scrutiny Board
To Conduct an Inquiry into the Actions of Developers and Their Representatives
Who, it is Contended,
Seek to Abuse the Planning Process Established by Leeds City Council**

1.0 INTRODUCTION

- 1.1 My name is George Edward Hall and I am a Scholes resident, formerly a Parish Council Member. I was member of the Leeds City Council Strategic Housing Land Availability Assessment Partnership 2011-2013. I also served as a co-opted member of the Leeds City Council Housing & Regeneration Scrutiny Board from 2011-2013.
- 1.2 I am conversant with government guidance and local planning protocol.
- 1.3 I recognise that the invitation extended to me today is purely to establish if there are reasons why further inquiry should be made into the assertions being made, and that they are not singular to one person or community.
- 1.4 I do not seek to ask members of this board to establish mechanisms which are *ultra vires*.

2.0 CONTENTION

2.1 Development Plan and Site Allocations Processes

- 2.1.1 The request for Scrutiny arises from what appears to be the desire of developers to circumvent the emerging development plan process and site allocations process throughout the metropolitan area, i.e. Developers are seeking to bring forward sites which are not allocated for housing under the current development plan, contrary to plan policies H3 and H4;

2.2 Protected Areas of Search & Five Year Housing Land Requirement

- 2.2.1 Developers may argue that certain sites are eligible to be brought forward as they are identified in the current development plan as "Protected Areas of Search." These may be brought forward late in the current development Plan period if there is a failure of the Council to show that the supply of development land meets the 5 year requirement determined by National Government. My understanding is that Leeds City Council is confident that it has a five year land supply;
- 2.2.2 Leeds City Council Executive Board resolved to bring forward phased housing allocations and release certain Protected Areas of Search which were less than 10 hectare capacity subject to Sustainability appraisals;
- 2.2.3 Developers are seeking to bring forward larger PAS Sites which are outside the parameters above, which the Executive Board specifically said should not be released. It is therefore contended that they are not co-operatively working with Leeds City Council at the present time;
- 2.2.4 It may well be the case that some members of the House Builders Federation, particularly the major players, seek to gain advantage by obtaining planning permission before the Council adopts a new plan. It is general knowledge that the housing requirement of 70,000 advocated by this Authority falls below the HBF

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aspirations, but this is no excuse for attempting to override established plan making process;

2.3 Community Infrastructure Levy

2.3.1 Members will also appreciate that the Community Infrastructure Levy only comes into force in April 2014. This may be one further reason which prompts the eagerness of Developers to seek the early approval of schemes which are not anticipated for imminent commencement. Indeed in most instances build-out rates will be nominally small, meaning that several years will elapse before the larger sites are completed.

3.0 OBSERVATIONS

3.1 Leeds City Council follows guidance contained in the National Planning Policy Framework and has a statement of Community Involvement. Furthermore a new draft protocol has been prepared with input from the development fraternity. This protocol clearly requires early involvement with elected members when proposals are being brought forward.

3.2 While it is acknowledged that such engagements are not mandatory, good practice and the desire which the Council has to encourage frontloading and engagement, is not being totally reciprocated by Developers. I cite below two examples for the information of Board members:

3.2.1 In the Village of Scholes , developers came into our community several months ago uninvited and without the knowledge of Ward members, Officers or Community governance;

3.2.2 Notwithstanding protocol, recently the same developer affixed seven separate pieces of CCTV equipment to street furniture, without obtaining permissions from the Local Authority and without the knowledge of Elected Members. The siting of the cameras gave cause for the immediate concern of residents, and in particular the Principal of Scholes Elmet Infant School, who had not been consulted.

4.0 SUMMARY

4.1 In asking this Board to conduct a formal inquiry and make recommendations, it is my firm belief that communities across the Metropolitan area which are currently “under siege” will have affirmation that the Council will not allow them to be further subject to the arrogance of developers or their agents.

4.2 Notwithstanding paragraph 4.1 above, if the Board are minded to agree to this request and proceed, may I respectfully suggest that members also consider the following:

4.2.1 Are the current provisions, both mandatory and otherwise, being observed?

4.2.2 If not, what powers of enforcement or redress are available to the Council?

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- 4.2.3 Should all protocol failures be brought to the attention of the Executive Board Development Plans Panel and other standing Committees and, when required, Appeal Inspectors appointed by the Secretary of State?
- 4.2.4 Should failures be recorded and monitored, and annually reported to the Executive and Standing Committees?
- 4.2.5 Should this Board recommend that The Safe and Sustainable Communities Scrutiny Board undertake an inquiry into the use of CCTV when it is thought to be unlawful and in contravention of Article 8 of the Human Rights Act 1991?

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