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Supplementary Information for 7<sup>th</sup> September 2010 Scrutiny Board (City Development)

Item 7 Request for Scrutiny of the Strategic Housing Land Availability Assessment

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**Parish Councillor G E Hall  
Barwick-in-Elmet & Scholes Parish Council**

## **Scrutiny Board (City Development)**

### **Subject: Strategic Housing Land Availability Assessment**

Chairman and Board members, thank you for agreeing to my request to consider if the Strategic Housing Land Availability Assessment has been prepared following national and local guidance. You are invited to consider whether or not it has been prepared transparently and robustly enough to satisfy the inspector at a public inquiry, it is for you to decide if the current SHLAA is “flawed” on the basis of the evidence which is provided below. If you have any doubt whatsoever then you will undoubtedly make appropriate recommendations to the Chief Planning Officer and the Director of Development so that the error can be corrected prior to the Enquiry in Public of the local development framework.

In a report to the Executive Board on 12 February 2010, the Director of City Development, the EB was informed, Para 3.1 *“All local authorities are required to produce a SHLAA according to national planning policy guidance.”* Paragraph 3.2 advises *“National Good Practise guidance sets out how the SHLAA’s should be undertaken and what they should include.”* In part 2 of the final report, paragraph 3.1, the writer states *“The preparation of the Leeds SHLAA has followed the advice of practice guidance issued by Communities and local government dated July 2007.”*

I respectfully suggest that the statements contained in the above report are not sustainable and provide the authority for making this assertion. The CLD guidance advises on the importance of a partnership approach, *“Housing market partnerships should include key stakeholders such as housbuilders, social landlords, local property agents, **local communities** (my emphasis) and other agencies, such as English Partnerships where they have recognised interest in the area.”* Attention is drawn to Figure 2.1, which relates to the core requirements of the assessment and points to the fact that the assessment should be robust and credible in order to meet the tests for soundness contained in Planning Policy Statement 12 local development frameworks (ODPM 2004)\*. The **minimum** guidance adds that the core outputs in Figure 1 and process requirements in Figure 2 shown below are followed.

**Figure 1: Strategic Housing Land availability Assessment – Core Outputs**

1. A list of sites, cross referenced to maps showing locations and boundaries of specific sites (and showing broad locations, where necessary);
2. Assessment of the deliverability/developability of each identified site (in terms of suitability, availability and achievability);
3. Potential quantity of housing that could be delivered on each identified site or within the identified broad location (where necessary) or on windfall sites (where justified);
4. Constraints on the delivery of identified sites;
5. Recommendations on how these constraints could be overcome and when.

**Figure 2: Strategic Housing Land Availability Assessment - Process Checklist**

1. The survey and Assessment should involve key stakeholders including house builders, social landlords, local property agents and local communities. Other relevant parties may include the Housing Corporation and English Partnerships (a requirement where they are particularly active).
2. The methods and assumptions and findings should be discussed and agreed upon throughout the process in an open and transparent way, and explained in the Assessment report. The report should include an explanation as to why particular sites or areas have been excluded from the Assessment.

It is clear from Paragraph 3.5 of the report to the EB that neither local communities nor democratically elected Parish Councils were contacted to ascertain their interest. Consequently their exclusion did not accord with the National advice which the report writer acknowledges in paragraph 3.4 was modified from the CLG guidance

Planning Policy Statement 12 (ODPM 2004) referred to above \* advises:

- Paragraph 2.7: “All development plan documents must be subject to rigorous procedures of community involvement, consultation and independent examination to test the soundness of the document and ensure the necessary legal requirements for its preparation have been undertaken. Development plan documents must be adopted after the receipt of an inspectors binding report.”
- Chapter 4, Paragraph 4.1 informs on Early Involvement, *“It is essential that anyone who has an interest in the planning of an area actively seeks to assist the local planning authority to shape the future of that area from the earliest possible stage, both at the core strategy level as well as the detailed area action level. Those*

*interested including National organisations, government agencies, regional organisations, developers local organisations, local community groups and communities must not wait for the authority to finalise their document before getting involved. **To do so would be contrary to the aim of the new system to produce plans which deliver sustainable communities and have been prepared taking all interests into account.***

- Paragraph 4.3: *“Front loading is particularly important when the development plan is dealing with site allocations. All those who wish land to be allocated should ensure that their sites are brought forward early in the process so that they can be considered by the local planning authority and subjected to a sustainability appraisal. Local authorities should consult with bodies set out in their “Statement of Community Involvement” or the minimum requirements set out in Regulations. This will ensure that the community and stakeholders have a real say in the evolution of the development plan documents and on the suitability of any sites put forward, before the local planning authority prepares the development plan for submission. Where community involvement or sustainability appraisal cannot be demonstrated ... the inspector, in a binding report would not be able to recommend inclusion in a development plan document.”*
- Paragraph 4.39 requirement: *“Local planning authorities should prepare supplementary planning documents taking into consideration the process of continuous community involvement. Whilst it is recognised that the SHLAA is not a development plan document in itself it is clearly a call for evidence which will be the basis of consideration for specific site allocations. When the DPD is prepared presumably there will be a “preferred options” stage which will encompass the SHLAA evidence and will become a part of the Local Development Framework (ie the Adopted development plan for Leeds and its environs).”*
- Annex A states, *“**The preparation of local plans gives local communities the opportunity to participate in planning choices about where development should be accommodated in their area. Particularly in areas of development pressure, it is not sufficient for local authorities to seek to rely on national and regional guidance and the provisions of the structure plan.**”*

The main issue which I hope will be addressed at this inquiry is that of “Community Involvement” and whether the correct amount of emphasis has been placed on the preparation of the SHLAA. It is clear from the Planning and Compulsory Purchase Act which received Royal assent on the 13 May 2004 that intention of the legislation was to encourage local communities to play a more active roll in creating better places to live and work. This was reinforced in Planning Policy Statement.1. (Key Principle v1, paragraph 13), Community Involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. In developing the vision for their areas planning authorities should ensure that communities are able to contribute ideas on how that vision can be achieved; have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies; and be involved in development proposals. Paragraphs 40 to 44 of PPS.1. provide further guidance for local planning authorities noting that Town & Parish Councils should play a key role in developing full and active community involvement in their areas.

It is of considerable importance that the LPA acknowledges paragraph 43; Community involvement in planning should not be a reactive, tick box, process. It should enable the local community to say what sort of place they want to live in **at a stage when this can make a difference**, confirming ***“it is not sufficient to invite them (inter alios - local communities) to simply comment once these have been worked up.”***

The SHLAA is now a public document which has been presented to Leeds City Council, the GOYH and before the inquiry inspector at the Church Fields, Boston Spa and Grimes Dyke planning appeals. It is therefore questionable as to whether the procedures outlined in appendices 4&5 have been followed in a way or manner which satisfies the SCI and in that regard RUDP policy GP9 *“The Council will involve the community fully in the development plan process.”*

A supplementary planning Charter between Leeds City Council and the Town and Parish Councils within the administrative area of Leeds City council was adopted on the 4 January 2010.

This protocol was reviewed on the 20 July 2010, with Section Eight of the charter applying to the local development framework. Town and Parish Council representatives considered that

this section was not being implemented to the standard set out in the code. Attention should be drawn, to paragraph 8.1 which states *“It is recognised that Parish & Town councils have an important role to play in their local areas and therefore the city council will consult prior to the production of relevant documents.”* At the suggestion of the Chairman of the ‘Planning Working Party’ the Head of Planning services was requested to refer the matter back to the Chief Planning Officer, whose response is awaited.

### **The Suitability of Elected Parish Councillors or Parish Council Representatives to be Members of the SHLAA Partnership**

A senior officer of the forward planning team advised the writer of this report that Parish Councils were not included into the group-partnership determining Land Availability, as Parishes would be “too parochial.” This statement suggests parish councillors do not approach important issues with an open mind. Even if accurate in some instances, the conclusion carries little weight or merit, for a vested interest can only be said for the proportion of the SHLAA partnership who are representatives of the construction industry.

I was personally told that I *“dipped into and out of planning matters”* inferring that any expertise I might have would be unhelpful. This comment was personally offensive, and that is putting it politely. I rebut such a statement for the following reasons and trust a formal apology will be provided in due course:

1. I am an elected member of Barwick-in-Elmet & Scholes Parish Council and lead colleagues who form the planning committee;
2. I was elected to represent the councils of the Harewood & Wetherby wards in the preparation of the Town & Parish Council Planning Charter;
3. I believe that the Head of Planning Services would agree that in the preparation and writing of the draft charter I had significant involvement;
4. I have been a witness at four scrutiny board inquiries, the last two being on planning matters;
5. I have represented and given evidence on behalf of my Parish Council and Community at five planning appeals, the most recent being Grimes Dyke;
6. I have prepared and drafted the Barwick-in-Elmet & Scholes Parish Council responses to The LCC Core Strategy and Supplementary Planning Document consultations, also to the RSS and ‘Housing Challenge’ call for evidence.

These responses were carefully prepared having regard to the whole of Leeds Metropolitan area and in no way could they be sited as being “parochial”;

7. In times past I have given evidence at the Garforth Local Plan inquiry, Unitary Development Plan inquiry (2001) and at the review of the Development Plan (RUDP) in 2006.

The Executive Board received a report on 20 June 2010 which related to the Scrutiny Inquiry report, ‘To review the method by which Planning Applications are publicised and consultation undertaken’, the Director of City Development advised (paragraph 3.10), *“the service will continue to work with the Major Development forum, which includes representatives from Parish Councils, to find ways to continuously improve the Service.”* Having made enquiries it is now understood that there was one appointed representative, no longer a parish councillor, who was not known as having been appointed. No minutes or information have been circulated to Parish Council Clerks. This only adds to the discontent which arises from our exclusion from the SHLAA process.

It would appear that to some degree it is recognised that the SHLAA, which the HBF contended was flawed at the two most recent Grimes Dyke and Boston Spa planning appeals, has earned sympathy from the Director of City Development. In the report dated 21 July 2010 entitled ‘Housing Appeals – issues arising from the proposed abolition of the Regional Spatial strategy and regional housing targets’ the following is noted:

### **Looking Forward**

Although the Council has already completed the SHMA and the SHLAA it would clearly take some time for local planning authorities, including Leeds, to undertake the “professional assessment of the housing needed for their locality’ **with a need for calculations to be robust**” (my emphasis) as the OSP suggests. Furthermore, in arriving at a target it is clear that such an assessment is only the starting point, with considerable emphasis given to the views of local communities so that:

***“Local people in each neighbourhood – a term we use to include villages, towns, estates, wards or other local areas will be able to specify what kind of development and use of land they want to see in their area and in drawing up the local (district) plan.”***



***“The evolution of the plan starting at ‘ground level’ in neighbourhoods with every single resident of a neighbourhood taking part.”***

**In Summary**

- The SHLAA has not been prepared following guidance and has been prepared in a less than robust or transparent manner.
- The standard of community involvement has been substandard and failed to meet national and local guidance.
- A review of the SHLAA is immediately requested with the active participation of Parish Council members and local community representatives.

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