Leeds CITY COUNCIL

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Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Housing and Regeneration)

Date: 11 November 2014

Subject: Request for Scrutiny

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

1. At its meeting in September, the Board considered a request for scrutiny from Mr George Hall relating to a previous scrutiny inquiry report produced by the Board in 2011 on housing growth. A copy of Mr Hall's request is attached as Appendix 1.

2. The Aireborough Neighbourhood Forum (ANF), Wharfedale & Airedale Review Development (WARD) and Boston Spa Parish Council/Boston Spa Neighbourhood Plan Group all wrote in support of Mr Hall's request. Their comments are also attached at Appendix 1. A representative of ANF, Ms Jennifer Kirby, attended the Board with Mr Hall.

3. Having heard from the speakers in support of the request and questioned officers from City Development, the Board decided that they wished to receive further information before deciding how to respond to the request for scrutiny.

4. Members agreed to invite Peter Boden of Edge Analytics to attend the Board and give his views on the latest population figures and their implications in terms of projections for housing growth. The Board had appreciated his input to a previous scrutiny inquiry.

5. Peter Boden has agreed to attend today's Board meeting. Mr Hall and Ms Kirby have also been invited to attend again, as well as officers from City Development, in order that Members can clarify any further points with all parties before coming to a conclusion on how to respond to the original request for scrutiny.

6. Also at the September Board meeting, Members considered a recommendation tracking report in relation to previous scrutiny inquiries. Members decided to defer consideration of the response to recommendation 9(i) of the inquiry on Affordable Housing by Private Developers, and to revisit this at the same time as considering how to respond to Mr Hall's request. The recommendation tracking response is attached at Appendix 2.

7. The decision whether or not to further investigate matters raised by a request for scrutiny is the sole responsibility of the Scrutiny Board. As such, any decision in this regard is final and there is no right of appeal.

8. When considering the request for Scrutiny, the Scrutiny Board may wish to consider:

- If further information is required before considering whether further scrutiny should be undertaken;
- If a similar or related issue is already being examined by Scrutiny or has been considered by Scrutiny recently;
- If the matter raised is of sufficient significance and has the potential for scrutiny to produce realistic recommendations that could be implemented and lead to tangible improvements;
- The impact on the Board's current workload;
- The time available to undertake further scrutiny;
- The level of resources required to carry out further scrutiny;
- Whether an Inquiry should be undertaken.

Recommendations

9. The Scrutiny Board is asked to:

(i) Consider the request for Scrutiny.
(ii) Determine if it wishes to undertake further scrutiny of these matters.
(iii) Agree the status of recommendation 9(i) of the inquiry on Affordable Housing by Private Developers.

Background papers[1]

10. None used

[1] The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Appendix 1

Subject ; **Housing Growth Inquiry Published 30 September 2011**

Formal request;

For the Leeds City Council Housing and Regeneration Scrutiny Board to include in their work programme, **as a matter of urgency**, a review of the above

1. To ascertain if recommendations 1 and 2 arising from paragraphs 35 to 38 of the inquiry have been carried out effectively.
2. To consider if the monitoring reports brought back to the board for the consideration by members were an accurate reflection of progress. Such reports were intended to enable board members to determine the effectiveness of "monitoring" and make appropriate recommendations.
3. To consider any further options open to the "Scrutiny Board" including referring the issue back to the Executive Board or preferably as a "White Paper" for debate, in public, by the Full Council

Reasons;

1. The report provided by GVA/ Edge called Strategic Housing Market Assessment was presented to the Housing and Regeneration Scrutiny Board during their "Housing Growth inquiry. It is significant to the evidence base submitted for the examination of the Local Development Framework. It can now be seen, in the light of recently published 2012 ONS statistics to be inaccurate. Reference and confirmation of the discrepant figures can be drawn from the letter from the Councils Deputy Chief Planning officer , to Mr Thickett dated 3 June 2014

2. If the board consider that on the basis of the most recent evidence the number of dwelling to be built within the plan period is justified to be reduced, members may be of a mind to make such a recommendation providing it is not *Ultra Vires* .To suggest then the 5 years supply and beyond could be achieved with confidence is a compelling reason

3. National Planning Policy Government Guidance requires the Council to provide/incorporate robust and "most up to date" to the Secretary of State, through his appointed Inspector. This is required in evidence submitted during the examination of the Development Plan/Core Strategy. In a letter dated 12 June 2014 from the Council's Head of Legal Services to Mr Anthony Thickett BA (Hons), BTP, MRTPI Dip RSA, who is examining the soundness of the development plan, there is confirmation of " a serious risk of legal challenge" to the plan arising from the statistical evidence. A legal challenge could be costly and can interpreted as suggesting the plan would be revoked.

4. The number of houses required and the locations of such development, emerging through the Site allocations process, would not be correctly informed by the inaccurate statistics. The need to review the "Green belt" is questionable .

5. The premise that Phasing would resolve the excessive land use, infrastructure has the potential to return the council to the situation it currently finds itself , with developers "cherry picking" sites which they see as most profitable.

I was a co-opted member and served on the Board which carried out the 2011 scrutiny board inquiry and to be content ask that this matter has your earliest consideration. I will provide any further information you may require if so requested. I will be pleased to attend either as an observer or as a participant in any session the board holds which is relevant to this inquiry.

Please advise me of your decision, and if appropriate advise the ldf examining inspector.

George Hall

George Hall is very aware that his request for scrutiny of the Leeds Housing Target in the LDF by the Housing and Regeneration Board, is FULLY backed by a number of community organizations. I apologise to him , that the Aireborough Neighbourhood Forum has not yet been able to officially support his request in writing, as we have a great deal to do with setting up our recently designated Forum and putting together our evidence base for site allocations. However, please find below the ANF's official request for scrutiny of the Leeds Housing Target by the Board, in support of the one Mr Hall sent in July.

The ANF and many community members in Aireborough are extremely concerned about the robust and timely nature of the data supporting current Leeds Housing Targets in the LDF. If that data is not robust and up-to-date, as required by the NPPF, then it will seriously affect the well being of many parts of the City - both regeneration area and fringe areas. We have attended all the LDF Inspector hearings on this issue and are fully aware of the range of scenarios prepared by Edge Analytics for the LDF, the various data sets behind them, and, their implications.

Many regards
Jennifer Kirkby
Acting Programme Manager
Aireborough Neighbourhood Forum
www.aireboroughnf.com
Twitter: @aireboroughnf
Facebook: Aireborough Voice

The Scrutiny Committee is, I believe, to meet on 23 September. As a matter of urgency the WARD organisation strongly supports George Hall's request for the Scrutiny body to revisit the Housing Growth Inquiry conducted in 2011. Accordingly, I would like this matter to be brought to the attention of the Chairman and for it to be included on the agenda for the meeting on 23 September.

The WARD organisation considers this matter to be extremely important as the Inspector's report is now at the 'Fact Check' stage.

Please acknowledge receipt of this email.
David
Dr David Ingham
Chairman
Wharfedale & Airedale Review Development
www.wardyorkshire.org

We would like to add our voice to the request by George Hall of Scholes for the above subject to be considered at the next Housing and Regeneration Scrutiny Board in view of the recently issued ONS population growth figures for Leeds which are considerably lower than those used in the calculations for 70,000 new houses by 2028.

We can fully understand the wish to get the Leeds Local Plan adopted as soon as possible but the problem is that the volume housebuilding industry is using the 70,000 figure and the lack of a provable five year land supply as the basis of their applications and subsequent appeals on various sites yet thus far all Leeds has done is indicate that they will, at some undefined stage in the future, reconsider the 70,000 house figure. By then it may well be far too late to challenge the housebuilders who may well obtain planning consent by default under the NPPF rules.

David Thomson
Boston Spa Parish Council
Boston Spa Neighbourhood Plan Group