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## EXECUTIVE BOARD

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Meeting to be held in Civic Hall, Leeds on  
Wednesday, 18th May, 2011 at 1.00 pm

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### MEMBERSHIP

#### Councillors

K Wakefield (Chair)	A Carter	S Golton	A Blackburn	R Finnigan*
J Blake				
P Gruen				
R Lewis				
T Murray				
A Ogilvie				
L Yeadon				
J Dowson*				

\*non voting advisory member

## CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

# A G E N D A

Item No K=Key Decision	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>	

Item No K=Key Decision	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF INTERESTS</b></p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p><b>MINUTES</b></p> <p>To confirm as a correct record the minutes of the meeting held on 30<sup>th</sup> March 2011.</p> <p><b><u>DEVELOPMENT AND REGENERATION</u></b></p>	1 - 10
6			<p><b>SCRUTINY BOARD RECOMMENDATIONS - LEEDS BRADFORD INTERNATIONAL AIRPORT - PROVISION FOR PUBLIC HIRE TAXIS</b></p> <p>To consider the report of the Head of Scrutiny and Member Development providing a summary of the responses to the recommendations arising from Scrutiny Board (City Development) inquiry into 'Leeds Bradford International Airport: Provision for Public Hire Taxis' and inviting the Board to rule on the recommendation presented, in which agreement cannot be reached.</p> <p><b><u>NEIGHBOURHOODS AND HOUSING</u></b></p>	11 - 14



Item No K=Key Decision	Ward	Item Not Open		Page No
7 K	Middleton Park;		<p><b>LAND AT WEST GRANGE ROAD, BELLE ISLE, LEEDS, LS10</b></p> <p>To consider the report of the Director of Environment and Neighbourhoods regarding the proposed disposal of land at West Grange Road, Belle Isle, to Leeds Federated Housing Association at less than best consideration.</p>	15 - 20
8 K	Chapel Allerton; City and Hunslet; Hyde Park and Woodhouse; Wetherby;	10.4(1) Appendix 2 only	<p><b>PROPERTY EXCHANGE WITH LEEDS FEDERATED HOUSING ASSOCIATION</b></p> <p>To consider the report of the Director of Environment and Neighbourhoods detailing proposals regarding the transfer of 14 Council owned miscellaneous properties to Leeds Federated Housing Association in exchange for 15 properties, which would contribute towards the wider regeneration of the area.</p> <p>Appendix 2 to the report is designated as exempt under Access to Information Procedure Rule 10.4(1) and will be circulated and collected back in at the meeting.</p> <p><b><u>CHILDREN'S SERVICES</u></b></p>	21 - 30
9 K	Hyde Park and Woodhouse; Moortown; Roundhay;		<p><b>BASIC NEED PROGRAMME 2012 - OUTCOME OF CONSULTATION ON PROPOSALS FOR PRIMARY PROVISION FOR 2012</b></p> <p>To consider the report of the Director of Children's Services providing the outcome of work undertaken following the consultation exercise on proposals to expand primary provision at three schools in Leeds from September 2012, whilst seeking permission to publish statutory notices for one of those proposals.</p>	31 - 38

Item No K=Key Decision	Ward	Item Not Open		Page No
10			<p><b>OUTCOME OF FEASIBILITY ON PROVIDING GIRLS ONLY EDUCATION AT A CENTRAL LOCATION IN LEEDS</b></p> <p>To consider the report of the Director of Children's Services providing an update on the feasibility work undertaken in respect of single sex education provision for girls at a central location in the city.</p>	39 - 44
11			<p><b>SCRUTINY BOARD RECOMMENDATIONS - OUTDOOR EDUCATION CENTRES</b></p> <p>To consider the report of the Head of Scrutiny and Member Development providing a summary of the responses to the recommendations arising from Scrutiny Board (Children's Services) inquiry into Outdoor Education Centres and inviting the Board to consider the recommendations.</p> <p><b><u>LEISURE</u></b></p>	45 - 48
12 K			<p><b>LEEDS LIBRARIES AND INFORMATION SERVICE: PROPOSALS FOR THE FUTURE</b></p> <p>To consider the report of the Acting Director of City Development providing the outcomes of the consultation exercise undertaken in relation to the proposals outlined within, 'A New Chapter for Leeds Libraries' and seeking to agree the resultant proposals for library provision in the city.</p>	49 - 66

Item No K=Key Decision	Ward	Item Not Open		Page No
13 K	Garforth and Swillington;		<p><b>CALL IN OF DECISION ON GARFORTH SQUASH AND LEISURE CENTRE</b></p> <p>To consider the report of the Acting Director of City Development advising that at a meeting of Scrutiny Board (City Development) on 20<sup>th</sup> April 2011, the Scrutiny Board resolved to refer back Executive Board's decision of 30<sup>th</sup> March 2011 on Garforth Squash and Leisure Centre, whilst recommending that the original decision taken by Executive Board be reaffirmed.</p>	67 - 74
14 K	Harewood;		<p><b>LONG TERM SUPPLY OF BURIAL SPACE</b></p> <p>To consider the report of the Acting Director of City Development advising that as a result of a call in meeting, Scrutiny Board (City Development) has referred back to Executive Board its decision concerning proposals to consult on the Draft Informal Planning Statement for Whinmoor Grange, including plans for a cemetery on the site. The report considers the issues raised by the Scrutiny Board and details proposals in respect of how this matter can be progressed.</p>	75 - 84
15			<p><b>SCRUTINY BOARD RECOMMENDATIONS: CEMETERIES AND CREMATORIA HORTICULTURAL MAINTENANCE</b></p> <p>To consider the report of the Head of Scrutiny and Member Development providing a summary of the responses to the recommendations arising from Scrutiny Board (City Development) inquiry into 'Cemeteries and Crematoria Horticultural Maintenance' and inviting the Board to pronounce on the recommendation where there is a difference of opinion between the Scrutiny Board and the Director/Executive Member.</p> <p><b><u>ADULT HEALTH AND SOCIAL CARE</u></b></p>	85 - 88

Item No K=Key Decision	Ward	Item Not Open		Page No
16			<p><b>REVIEW OF CONSULTATION PROCESS FOR BUILDING BASED SERVICES</b></p> <p>To consider the report of the Director of Adult Social Services advising that following the resolutions made by Executive Board at its meeting on 11<sup>th</sup> February 2011 regarding mental health day service provision, representations have been made to the Scrutiny Board (Adult Social Care). In response, the report invites Executive Board to review the decisions made in February 2011.</p> <p><b><u>DEVELOPMENT AND REGENERATION</u></b></p>	89 - 102
17			<p><b>NATURAL RESOURCES AND WASTE DEVELOPMENT PLAN DOCUMENT: FORMAL SUBMISSION</b></p> <p>To consider the report of the Acting Director of City Development detailing the outcomes from the consultation exercise undertaken in respect of the Natural Resources and Waste Development Plan Document (DPD) and presenting the DPD to the Board with the request that it is recommended to Council for the purposes of formal submission to the Secretary of State for Independent Examination.</p>	103 - 138
18 K			<p><b>PROPOSAL TO INVEST IN ADDITIONAL ENERGY SAVING MEASURES FOR STREET LIGHTING</b></p> <p>To consider the report of the Acting Director of City Development providing an overview of the current energy saving initiatives embedded within the current street lighting service and outlining the possible opportunities for further reductions in energy consumption with recommendations as to how they may be achieved.</p>	139 - 156

Item No K=Key Decision	Ward	Item Not Open		Page No
19 K	Adel and Wharfedale; Burmantofts and Richmond Hill; Headingley; Hyde Park and Woodhouse; Middleton Park; Weetwood;	10.4(3) Appendix 1 only	<p><b>SUBMISSION OF THE BEST AND FINAL BID FOR THE NEW GENERATION TRANSPORT (NGT) SCHEME</b></p> <p>To consider the report of the Acting Director of City Development seeking approval of the submission of the 'Best and Final Bid' for the New Generation Transport Scheme to the Department for Transport.</p> <p>Appendix 1 to the report is designated as exempt under Access to Information Procedure Rule 10.4(3).</p>	157 - 168
20 K			<p><b>INTERIM AFFORDABLE HOUSING POLICY</b></p> <p>To consider the report of the Acting Director of City Development providing details of the public consultation exercise undertaken in respect of the Draft Interim Affordable Housing Policy and seeking agreement of the proposed amendments to the policy and its immediate implementation.</p>	169 - 200
21	Cross Gates and Whinmoor; Harewood; Killingbeck and Seacroft;		<p><b>JOHN SMEATON ACADEMY</b></p> <p>To consider the report of the Acting Director of City Development seeking approval to the Heads of Terms for the leasehold disposal at nil consideration of John Smeaton Community College for the Academy scheme to John Smeaton Academy, who are the Council's selected operator for an Academy at this school.</p>	201 - 206
22	Burmantofts and Richmond Hill; City and Hunslet; Gipton and Harehills;		<p><b>PRIMROSE HIGH SCHOOL</b></p> <p>To consider the report of the Acting Director of City Development seeking approval to the Heads of Terms for the leasehold disposal at nil consideration of Primrose High School to the Co-operative Academy scheme, who are the Council's selected operator for an Academy at this school.</p>	207 - 212

<b>Item No K=Key Decision</b>	<b>Ward</b>	<b>Item Not Open</b>		<b>Page No</b>

## EXECUTIVE BOARD

WEDNESDAY, 30TH MARCH, 2011

**PRESENT:** Councillor K Wakefield in the Chair

Councillors A Blackburn, J Blake, S Golton,  
P Gruen, R Lewis, T Murray, A Ogilvie and  
L Yeadon

Councillors J Dowson and R Finnigan – Non-Voting Advisory Members  
Councillor J Procter – Substitute Member

**192 Substitute Member**

Under the terms of Executive Procedure Rule 2.3, Councillor J Procter was invited to attend the meeting on behalf of Councillor A Carter.

**193 Appeals Against Refusal of Inspection of Documents**

The Board noted that a request to access relevant background papers relating to agenda item 13, entitled, 'Garforth Squash and Leisure Centre' (Minute No. 205 refers) had been made by Councillor J Procter.

In response, the Board was advised that the provision for an appeal to access information, as set out within the first item on the agenda and within the Council's Access to Information Procedure Rule 25.2, related solely to appeals made by members of the public in respect of information which formed part of a report to be considered at this meeting. However, responding to the Member's request, the Acting Director of City Development undertook to collate all relevant data in respect of this matter and provide to Councillor J Procter those parts which were deemed eligible for disclosure.

In conclusion, the Chair advised that a Member who had been denied inspection of a relevant document could appeal to access such documentation via the procedures as set out within the Council's Access to Information Procedure Rule 25.3.

**194 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 1 to the report referred to in Minute No. 198, under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that in the Council's judgment, the commercial information relating to this proposal should not be disclosed for two reasons: Firstly, disclosure may prejudice negotiations yet to be concluded between the

Council, Community Energy Solutions (CES) and their funding partners Empower Community Management (ECM). Secondly, CES and ECM's commercial interests could be prejudiced if these financial terms became available to their competitors. Therefore, the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

**195 Late Items**

There were no late items as such, however, it was noted that supplementary information had been circulated to Board Members following the despatch of the agenda, in the form of the Local Transport Plan Executive Summary, which accompanied the report entitled, 'West Yorkshire Local Transport Plan 2011-2026' (Minute No. 211 refers).

**196 Declaration of Interests**

Councillors Golton, Murray, Ogilvie, R Lewis, Blake, A Blackburn and Finnigan all declared personal interests in the item entitled, 'ALMO Review Update and Use of Reserves', due to their respective positions as either a Board Director or an Area Panel member of an Arms Length Management Organisation (ALMO) or Belle Isle Tenant Management Organisation (BITMO) (Minute No. 200 refers).

Councillor Dowson declared personal interests in the items entitled, 'Basic Need Programme 2012' and 'Annual Consultation on Admission Arrangements for September 2012', due to her position as a governor of Bracken Edge Primary School. (Minute Nos. 203 and 204 refer respectively).

Councillor Murray declared a personal and prejudicial interest in the item entitled, 'Young People's Employability Initiative', due to his position as Chief Executive of the Learning Partnerships organisation. (Minute No. 201 refers).

Councillors Murray and Blake both declared personal interests in the item entitled, 'Garforth Squash and Leisure Centre', due to their respective positions as a governor of Garforth College and as a trustee of South Leeds Academy. (Minute No. 205 refers).

**197 Minutes**

**RESOLVED** – That the minutes of the meeting held on 9<sup>th</sup> March 2011 be approved as a correct record.

**ENVIRONMENTAL SERVICES**

**198 Solar Photovoltaic (PV) Initiative - Use of Income to Fund Home Insulation Scheme**

The Director of Environment and Neighbourhoods submitted a report providing an update on the progress made in respect of the Solar Photovoltaic (PV) Panels Initiative whilst also outlining proposals regarding the ring-fencing of income generated by the initiative to fund a city wide, private sector free insulation scheme and other energy efficiency and carbon reduction projects.



The Board thanked the members of the cross party working group which had been established in relation to this matter for all of their contributions, and received further details in respect of proposals regarding private housing stock.

Following consideration of appendix 1 to the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting it was

**RESOLVED –**

- (a) That the income generated from the Solar PV Initiative be ring fenced to finance Prudential Borrowing for the Home Insulation scheme and/or energy efficiency/carbon reduction works to the HRA stock, as set out within the exempt appendix 1 to the submitted report.
- (b) That authority be delegated to the Director of Environment and Neighbourhoods to conclude negotiations with Community Energy Solutions (CES) and Empower Community Management (ECM), to secure Prudential Borrowing against the Solar PV Initiative income and to secure delivery partners for the Home Insulation scheme.

**NEIGHBOURHOODS AND HOUSING**

**199 Delegation of Executive Functions in relation to Street Scene Management to Area Committees**

The Director of Environment and Neighbourhoods submitted a report outlining proposals in respect of amendments to the Constitution, in order to expand the delegations from Executive Board to Area Committees, with effect from the commencement of the new municipal year.

**RESOLVED –**

- (a) That the revisions to the Area Committee Function Schedules, as shown within Appendix 1 to the submitted report, together with the amendment to the Area Committee Procedure Rules, as shown in Appendix 2 to the submitted report be approved with effect from Thursday, 26<sup>th</sup> May 2011.
- (b) That all Area Committees be asked to establish a Members' Environment Working Group to manage the detailed oversight of the delegated services with officer support.

(Under the provisions of Council Procedure Rule 16.5, Councillor Golton required it to be recorded that he abstained from voting on this matter).

**200 ALMO Review Update and Use of Reserves**

The Director of Environment and Neighbourhoods submitted a report outlining proposals regarding the use of Housing Revenue Account reserves, providing an update on the progress made in relation to the implementation of the key reforms to the three ALMO model and detailing the key principles contained

within the government's proposals for a self financing Housing Revenue Account.

In presenting the report, the Executive Member for Neighbourhoods and Housing paid tribute to and thanked the staff of the Strategic Landlord, for the work which they had undertaken on this matter.

**RESOLVED –**

- (a) That the allocation of the transferred Housing Revenue Account reserves in line with the arrangements as set out within the submitted report, be approved.
- (b) That the progress made in respect of implementing the key reforms to the ALMO model in Leeds be noted.
- (c) That the Director of Environment and Neighbourhoods submit a report to the June 2011 Executive Board meeting setting out the detailed implications for Leeds of the government's proposals for a self financing Housing Revenue Account.

**201 Young People's Employability Initiative**

The Director of Environment and Neighbourhoods and the Director of Children's Services submitted a joint report detailing proposals regarding an employability initiative targeted at young people, offering a tailored programme of skills training, work experience and continued support enabling up to 600 young people between the ages of 16 – 24 to move into employment, an apprenticeship or accredited learning.

In response to Members' enquiries, assurances were received in respect of the involvement of the private sector, together with third sector organisations and the manufacturing sector in the initiative.

**RESOLVED –**

- (a) That the proposed programme be agreed, and that expenditure of up to £500,000 from the Council's revenue budget for 2011/12 be authorised.
- (b) That further update reports on the progress made in relation to the initiative be submitted to the Board in due course.

(Having declared a personal and prejudicial interest in this item, Councillor Murray left the meeting for the duration of this item).

**CHILDREN'S SERVICES**

**202 Deputation to Council: Mayor For A Day: The Winning Manifesto: 'Don't Get Ill, Get Soap'**

The Director of Children's Services submitted a report in response to the 'Mayor for a Day' deputation to Council on 19<sup>th</sup> January 2011 entitled, 'Don't

Get Ill, Get Soap', which had been presented by Emily Humphreys of Bramley St. Peter's Church of England Primary School.

**RESOLVED –**

- (a) That a letter be sent on behalf of the Executive Board to Emily, thanking and congratulating her for bringing the issue of hand hygiene to our attention and for highlighting the important work of the charity WaterAid.
- (b) That support be given to the work of Children's Services Participation Officers in helping Emily and her peers raise awareness of hand washing through a school based competition and other appropriate initiatives.
- (c) That the importance of good hand washing hygiene be recognised and that Emily's message be endorsed.

**203 Basic Need Programme 2012**

The Director of Children's Services submitted a report presenting the outcome of statutory consultation on six proposals to increase primary provision in Leeds from September 2012, detailing proposals to publish the relevant statutory notices for three of these proposals, whilst outlining the further work to be completed prior to making a recommendations in respect of the remaining three. In addition, the report also provided details in relation to the related expenditure required.

**RESOLVED –**

- (a) That the responses to the statutory consultation on the six proposals be noted.
- (b) That individual approval be given to the publication of statutory notices for the following:-
  - i) **Proposal one:** Expand the capacity of Wykebeck Primary School from 315 places to 420 places on its existing site
  - ii) **Proposal four:** Change the age range of Carr Manor High School to 4-18, with a reception admission limit of 30, and use land next to the school for the primary provision
  - iii) **Proposal five:** Expand the capacity of Bracken Edge Primary School from 315 places to 420 places on its existing site
- (c) That it be noted that further work will be completed by officers prior to bringing forward recommendations to the May 2011 Executive Board on the following proposals:-
  - i) **Proposal two:** Change the age range of Roundhay School Technology and Language College to 4-18, with a reception admission limit of 60, and use land off Elmete Lane for the primary provision.
  - ii) **Proposal three:** Change the age range of Allerton Grange School to 4-18, with a reception admission limit of 60, and use land next to the school for the primary provision.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 18th May, 2011

iii) **Proposal six:** Expand the capacity of Little London Primary School from 210 to 630 using land off Cambridge Road

- (d) That expenditure of £839,000 from scheme number 15822 be authorised to allow the development of the designs of the capital proposals for the expansions for 2012 at risk and to allow the basic need programme for 2012 to be delivered.

**204 Annual Consultation on Admission Arrangements for September 2012**

The Director of Children's Services submitted a report on the proposed admission numbers, the Local Authority admission policy and the related arrangements for September 2012.

**RESOLVED –**

- (a) That the following proposals, as detailed within the submitted report, be approved for implementation in the 2012 admission round:-

- Coordinated scheme – primary annual cycle
- Coordinated scheme – secondary annual cycle
- Coordinated scheme – in year allocations
- Introduction of in year waiting lists
- No changes to the sibling priority
  
- Changes to school admission numbers, as follows:

Middleton St Mary's	50	to	60
Middleton St Phillips	25	to	30
Micklefield CE Primary	30	to	20
Corpus Christi Primary	50	to	45
Oulton Primary	50	to	60
Richmond Hill Primary	60	to	90
Wykebeck Primary	45	to	60
Bracken Edge	45	to	60
Cottingley Primary	40	to	45
<b>Secondary</b>			
Allerton High	180	to	185

- (b) That the requested increase to the admission number at Rodillian not be progressed at this time.
- (c) That permission be granted to publish the relevant statutory notice where the planned admission numbers are below the indicated admission numbers.

**LEISURE**

**205 Garforth Squash and Leisure Centre**

The Acting Director of City Development submitted a report outlining proposals regarding the granting of a lease to the School Partnership Trust in respect of Garforth Squash and Leisure Centre from a date to be agreed and seeking approval to delegate the necessary authority to the Acting Director of City Development in order to finalise and conclude the lease.

Draft minutes to be approved at the meeting to be held on Wednesday, 18th May, 2011

The report noted that an Equality Impact Assessment had been completed in relation to this matter, which had been published within the Equalities Section of the Council's website.

**RESOLVED –**

- (a) That the proposed method of disposal via direct negotiation with the Schools Partnership Trust, together with the aims of the proposed transfer and the risks and mitigations identified within the submitted report, be noted.
- (b) That the principle of a community asset transfer of Garforth Squash and Leisure Centre to the School Partnership Trust at less than best consideration be approved.
- (c) That the Acting Director of City Development, in consultation with the Executive Member for Leisure, be authorised to finalise a lease agreement in keeping with the principles and terms outlined within the submitted report and subject to receipt of a suitable and robust business plan to conclude a lease with the School Partnership Trust.

**RESOURCES AND CORPORATE FUNCTIONS**

**206 Driving the City Forward: City Marketing, Supporting Investment and Engaging Business**

The Acting Director of City Development and the Assistant Chief Executive (Planning, Policy and Improvement) submitted a joint report providing an update on the work undertaken since December 2010 on the marketing and promotion of the city. In addition, the report also sought approval to the secondment of City Council staff to the public-private partnership company, Marketing Leeds, the transfer of relevant operational budgets and the development of a detailed service specification and business plan which would form the basis of the formal agreement between the Council and Marketing Leeds.

The report noted that an equality impact assessment had been undertaken in respect of this matter, and highlighted that further work would be required once a new structure had been determined and before staff were finally seconded to the new organisation.

**RESOLVED –**

- (a) That the progress made and the timetable for the appointment of a Chief Executive be noted.
- (b) That the secondment of staff to Marketing Leeds be approved, with the relevant authority being delegated to the Acting Director of City Development in order to enable him to determine the detailed arrangements.

- (c) That the destination marketing, tourism and inward investment activities required by the Council be delivered in partnership with the Council by Marketing Leeds, from a date to be determined by the Acting Director of City Development.
- (d) That the level of operational budget to be provided to Marketing Leeds to deliver the services associated with the staff to be seconded, be delegated to the Acting Director of City Development, in consultation with the Director of Resources.

**207 The Illegal Money Lending Project - Tackling Loan Sharks**

The Assistant Chief Executive (Corporate Governance) submitted a report outlining proposals regarding the extension of existing delegations to Birmingham City Council, to enable the arrangements in respect of the Illegal Money Lending Project, which had been operating in partnership with West Yorkshire Trading Standards Service, to continue from March 2011 to 31st March 2015.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That in the light of the extension of funding for the project from the Department of Business Innovation and Skills, the authority delegated to Birmingham City Council to undertake investigations and institute proceedings against illegal money lenders operating within the Leeds district, be extended from March 2011 to 31st March 2015.
- (c) That Executive Board receives an annual update report on the outcomes arising from this delegation.

**DEVELOPMENT AND REGENERATION**

**208 Deputation to Council: Wood Lane Neighbourhood Residents' Association regarding Safety Issues for Local Residents in relation to Traffic Management and Parking**

The Acting Director of City Development submitted a report in response to the deputation to Council on 19<sup>th</sup> January 2011 from Wood Lane Neighbourhood Residents' Association regarding Safety Issues for Local Residents in relation to Traffic Management and Parking.

Members advised that correspondence which had been received from local Ward Members in relation to this matter would be submitted to the Acting Director of City Development for his consideration.

In line with the Council's Equality, Diversity, Cohesion and Integration Impact Assessment Guidance, the report provided details of the screening process which had been undertaken in respect of the proposals against the Equality Impact Assessment (EIA) criteria.

**RESOLVED –**

- (a) That the contents of the submitted report be noted.
- (b) That the actions outlined within paragraph 3.3 of the submitted report be supported, including the maintenance of the existing road markings, arranging appropriate traffic parking surveys, subsequent consideration of changes to parking restrictions and advising the organisers of the process and costs of introducing a parking restriction traffic order on the private section of Wood Lane.

**209 Deputation to Council: Horsforth Residents' Association regarding the Impact of Planning Consents within Horsforth and the Wider Area**

The Acting Director of City Development submitted a report in response to the deputation to Council on 19<sup>th</sup> January 2011 from Horsforth Residents' Association regarding the Impact of Planning Consents within Horsforth and the Wider Area.

**RESOLVED –** That the contents of the submitted report be noted.

**210 City Centre Commuter Car Parking Policy**

The Acting Director of City Development submitted a report regarding proposals to introduce an informal interim policy to deal with commuter car parking sites within Leeds city centre.

The report provided details of the screening process which had been undertaken in respect of the proposals against the Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EIA) criteria.

**RESOLVED –** That the draft city centre commuter car parking policy be approved for the purposes of public consultation.

(Under the provisions of Council Procedure Rule 16.5, Councillor A Blackburn required it to be recorded that she abstained from voting on this matter).

**211 West Yorkshire Local Transport Plan 2011 - 2026**

The Acting Director of City Development submitted a report regarding the production of a new West Yorkshire Local Transport Plan (WYLTP) for the period 2011-2026, as considered by the West Yorkshire Integrated Transport Authority on the 25<sup>th</sup> March 2011.

Upon being made available, copies of the Local Transport Plan Executive Summary had been circulated to Board Members for their consideration following the publication and despatch of the agenda papers.

The report noted that an Integrated Sustainability Assessment of the proposals had been undertaken, which had incorporated a Strategic Environmental Assessment (SEA), Health Impact Assessment (HIA), Equalities Impact Assessment (EQIA) and a Habitats Regulation Assessment (HRA).

**RESOLVED –**

- (a) That the contents of the submitted report, together with the proposed West Yorkshire Local Transport Plan for the period 2011-2026, be noted.
- (b) That the decision made by the West Yorkshire Integrated Transport Authority at its meeting on 25th March 2011, to approve the WYLTP, be noted.

**212 Carbon and Water Management Plan 2011 - 2021**

The Acting Director of City Development submitted a report outlining the Council's proposed approach towards the reduction of operational energy and water consumption and costs, together with associated carbon dioxide emissions over the next decade, whilst also presenting for approval the Council's Carbon and Water Management Plan for the period 2011-2021.

The report provided details of the Equality, Diversity, Cohesion and Integration screening process which had been undertaken in respect of the proposals. The report concluded that both the current and the proposed measures had given proper consideration to equality, diversity, cohesion and integration and that a full impact assessment was not required.

**RESOLVED –** That in order to meet the Council's aim of reducing its carbon emissions by 40% from its own operations by 2021, the Carbon and Water Management Plan for the period 2011-2021 be approved.

**213 Retirement of Chief Officer (Legal, Licensing and Registration) - Stuart Turnock**

On behalf of the Board, the Chair paid tribute to and thanked the Chief Officer (Legal, Licensing and Registration), Stuart Turnock, as this marked the final Board meeting in which he would be in attendance prior to his retirement on the 31<sup>st</sup> March 2011.

**DATE OF PUBLICATION:** 1<sup>ST</sup> APRIL 2011

**LAST DATE FOR CALL IN OF ELIGIBLE DECISIONS:** 8<sup>TH</sup> APRIL 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12noon on 11<sup>th</sup> April 2011)

Draft minutes to be approved at the meeting to be held on Wednesday, 18th May, 2011





Originator: P N Marrington

Tel: 39 51151

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## Report of the Head of Scrutiny and Member Development

### Executive Board

Date: 18<sup>th</sup> May 2011

**Subject: Scrutiny Board Recommendations – Leeds Bradford International Airport – Provision for Public Hire Taxis**

<p><b>Electoral Wards Affected:</b></p>          <input type="checkbox"/> Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Eligible for Call In

Not Eligible for Call In (Details contained in the report)

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## EXECUTIVE SUMMARY

1. Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director, in consultation with the relevant Executive Member, since the last Executive Board meeting.
2. Where there is a difference of opinion between Scrutiny and the Director/Executive Member, or where recommendations are directed specifically at Executive Board, a more detailed narrative will be given and Executive Board will be asked to pronounce on the matter.
3. This report presents a recommendation where agreement cannot be reached.
4. Executive Board is asked to rule on the recommendation where agreement cannot be reached.

## **1.0 Purpose Of This Report**

- 1.1 This report provides a summary of the response to a Scrutiny Board recommendation, to which agreement cannot be reached.

## **2.0 Background Information**

- 2.1 Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director/Executive Member since the last Executive Board meeting. This report will include, if required, a more detailed narrative around any recommendations where there is a difference of opinion between Scrutiny and the Director/Executive.
- 2.2 Where there is a difference of opinion between Scrutiny and the Director/Executive Member or where recommendations are directed specifically at Executive Board, Executive Board will be asked to pronounce on the matter.

## **3.0 Main Issues**

- 3.1 A response has been received to the following recommendation made by Scrutiny Board (City Development):
- That Executive Board be informed of the unanimous view of the Scrutiny Board (City Development) that provision should be made for a hackney carriage stand at Whitehouse Lane adjacent to Leeds Bradford International Airport.
- 3.2 The Directorate has responded that the proposal for a hackney carriage rank at the airport was one option investigated and developed in response to issues within the city centre and representations from the hackney carriage trade regarding service levels at the airport.
- 3.3 The initial road safety review has raised concerns with the proposals due to issues with the pedestrian route and the proposed mini-roundabout.
- 3.4 Any improvement to the pedestrian route to the proposed rank would have to be delivered with the co-operation of LBIA who are the land owners.
- 3.5 In order to solve the congestion issue within the city centre the officer view is that other more localised solutions should be considered. Whilst the proposed rank has some support from Ward Members and the taxi operators, the proposals are not supported by LBIA and the pedestrian routes are unsuitable.
- 3.6 To solve any issues regarding taxi provision at the airport the officer view is that Leeds City Council should work with LBIA to provide an integrated solution within an agreed surface access strategy.
- 3.7 It is the view of the Acting Director that it is clear from the consultation responses that there is no common opinion and the opposing views are unlikely to be reconciled.

#### **4.0 Implications For Council Policy And Governance**

4.1 There are no governance and policy implications arising from the recommendation.

#### **5.0 Legal And Resource Implications**

5.1 There are no legal implications. The cost of the scheme, to provide a taxi rank on Whitehouse Lane, is estimated to be £80,000 and the Hackney Carriage Associations have offered to contribute £20,000 to these costs. The estimated costs are very provisional and could be much higher if the scheme is progressed.

#### **6.0 Conclusions**

6.1 Scrutiny Board (City Development) has made a recommendation that cannot be agreed by the Directorate.

#### **7.0 Recommendations**

7.1 That the Executive Board notes the response to the Scrutiny Board recommendation and pronounce on the recommendation. .

#### **8.0 Background Papers**

8.1 Report of the Acting Director of City Development - Leeds Bradford International Airport – Provision for Public Hire Taxis - 5<sup>th</sup> April 2011

8.2 Minutes of Scrutiny Board (City Development) - 5<sup>th</sup> April 2011

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Originator: Megan Godsell  
2478276

**Report of: The Director of Environment and Neighbourhoods**

**Meeting: Executive Board**

**Date: 18<sup>th</sup> May 2011**

**Subject: Land at West Grange Road, Belle Isle, Leeds, LS10**

**Electoral Wards Affected:**

**X**

 Ward Members consulted  
(Middleton Park Ward)
 

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

## EXECUTIVE SUMMARY

In order to progress an affordable housing opportunity, this report seeks approval for the disposal of land at West Grange Rd, Belle Isle , LS10 , outlined on the attached plan, at less than best consideration, in order to allow Leeds Federated Housing Association to build 16 units of affordable housing on the site.

### 1.0 Purpose of This Report

1.1 The purpose of this report is to seek approval to dispose of land at West Grange to Leeds Federated HA at less than best consideration.

### 2.0 Background Information

2.1 Leeds Federated HA have approached the council with a development opportunity for the site at West Grange Road. The HA have accumulated £1m within their recycled grant fund to be spent in Leeds. The HA have a lot of housing stock surrounding this site and would like to build an additional sixteen family houses to be let at an affordable rent.

2.2 In order to spend grant accumulated in this way the housing association (HA) have to seek approval from the Homes and Communities Agency (HCA). The HCA will only support the use of grant when the HA are purchasing the land from the local authority if the acquisition price is £5k per plot. On this basis the Association are

able to purchase the site at West Grange from the Council at £80k. The site has been valued at £150k, therefore a less than best approval is required.

- 2.3 Leeds Federated HA will be investing £1m into developing the scheme. This money is from their own internal recycled capital grant pot. The procedures regarding how this money is spent state that if the money is not spent within a certain timescale it has to be returned to the Homes and Community Agency who will then spend it anywhere across the country. As this capital surplus was generated in Leeds it is important that the money gets reinvested in Leeds.
- 2.4 The Council will have nomination rights to the new properties, enabling people in housing need on the Councils housing register to be rehoused in these new properties.
- 2.5 The proposal has been approved by Asset Management Board on 11 March 11 and the Strategic Affordable Housing Partnership Board on 10 March 11 who were both supportive of the proposal
- 2.6 Local Ward Members were consulted by letter on 3 March 11 And have raised no objection.

### **3.0 Main Issues**

- 3.1 At the moment the site at West Grange is an eyesore and contains a derelict and dangerous property which is blighting the area, and which has recently been burnt down. The proposal by LFHA would provide additional much needed good quality homes for social rent within the area. This additional stock would be integrated within the associations existing management in the neighbourhood.
- 3.2 Critical to the success of the development is effective and customer focussed housing management services which will integrate the new homes into the existing community. The Council will be working with LFHA to ensure the quality of housing and environmental management of the area meets community needs and expectations.
- 3.3 The proposals for the new scheme are be:
  - 4 x 2bedroom/3person houses at 67m<sup>2</sup>
  - 4 x 3bedroom/4person houses at 81m<sup>2</sup>
  - 6 x 2bedroom/3person houses at 65m<sup>2</sup>
  - 2 x 4bedroom/6person houses at 107m<sup>2</sup>
- 3.4 The development will achieve at least Code level 3 for Sustainable Homes. A strong boundary will be incorporated adjacent to the multi use games area. Consultation with residents and the community will commence following the sale of the land.
- 3.5 Leeds Federated HA will be applying for planning permission to build affordable housing on the subject site comprising 16 new homes for affordable rent.

### **4.0 Implications for Council Policy and Governance**

- 4.1 The sale of the subject site will generate a capital receipt and release the Council from future maintenance liabilities.

## **5.0 Legal And Resource Implications**

- 5.1 Under the provisions of the Section 123 of the Local Government Act 1972, local authorities have a fiduciary duty to dispose of surplus land and property for the best consideration reasonably obtainable. However, it is recognized that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue.
- 5.2 The General Disposal Consent (England) 2003 allows local authorities to dispose of any interest in land at less than the best consideration that can reasonably be obtained subject to the following conditions:
- (a) The authority must be of the opinion that the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area or people living or working there; and
  - (b) The difference between the unrestricted value of the land (basically the unrestricted market value of the land ignoring any conditions voluntarily imposed by the authority) and the actual consideration for the disposal must not exceed £2,000,000.
- 5.3 The proposal set out in this report enables the council to use the General Disposal Consent to dispose of land at less than best consideration to a housing association for the provision of affordable housing.

## **6.0 Conclusions**

- 6.1 To enable Leeds Federated HA to construct 16 dwellings for affordable rent using grant monies generated via their recycled capital grant fund, it is necessary to sell the land at West Grange Rd at less than best consideration. The amount which the HA are allowed to purchase the land for equates to £80k and the open market valuation is £150k. Therefore the council is foregoing the difference of £70k. However for this amount the Council will be enabling the construction of 16 new affordable properties for rent to which the Council will nominate people in housing need from the housing register. It also allows Leeds Federated HA to invest £1m in the area.

## **7.0 Recommendation**

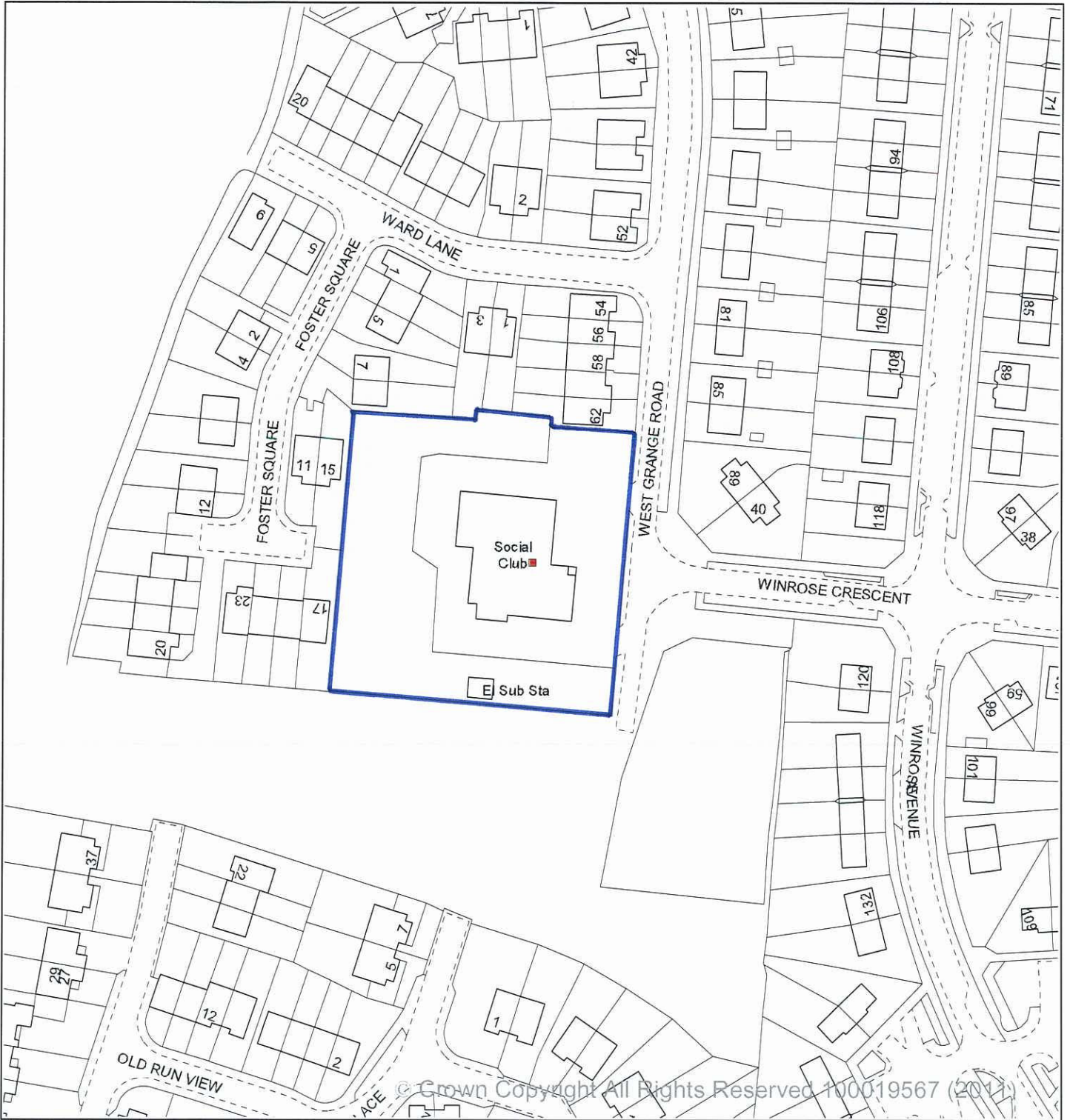
- 7.1 That Executive Board approval is given to the disposal of the land at West Grange Road Belle Isle at less than best consideration.

## **8.0 Background Papers**

- 8.1 Delegated decision report signed by Director of Environment and Neighbourhoods 25<sup>th</sup> March 2011.

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This map is based upon the Ordnance Survey's Digital Data with the Permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office

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<b>Leeds City Council</b>	
<b>Scale</b>	1:1250
<b>Date</b>	18 February 2011
<b>Comments</b>	Not Set

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Originator: Sue Morse

Tel: 247 4111

**Not for Publication:** Report exempt from Access to Information Procedure Rules by reason of 10.4(1) - Appendix 2 only

## Report of the Director of Environment and Neighbourhoods

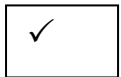
### Executive Board

**Date:** 18<sup>th</sup> May, 2011

**Subject:** Property Exchange with Leeds Federated Housing Association

#### Electoral Wards Affected:

City and Hunslet,  
Hyde Park and Woodhouse,  
Wetherby,  
Chapel Allerton



Ward Members consulted  
(referred to in report)

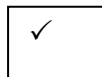
#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In



Not Eligible for Call In

(Details contained in the report)



## EXECUTIVE SUMMARY

In 2009 the Councils Executive Board approved proposals for the acquisition and demolition of a number of back to back properties in the Garnets area of Beeston as part of The Single Regional Housing Pot (SRHP) 2008/11 programme. The aim of the project was to provide a development site for the provision of affordable housing in a gateway location to Beeston Hill and the retail centre on Dewsbury Road in order to contribute to the wider regeneration of the area. The clearance area contains 15 properties currently owned by Leeds Federated Housing Association (LFHA). It is proposed that these 15 properties should be transferred to the ownership of the Council in exchange for 14 Council owned miscellaneous properties of an equivalent value. This arrangement will facilitate the partial clearance of the site and the demolition of empty properties to provide an area of temporary greenspace pending the long term redevelopment of the site.

### 1.0 Purpose Of This Report

1.1 This report sets out the proposals for the transfer of 14 Council owned miscellaneous properties to LFHA in exchange for the 15 properties they will contribute to the regeneration scheme for demolition and seeks approval for the transfer.

## **2.0 Background Information**

- 2.1.1 At its meeting of 13 May, 2009 the Councils Executive Board approved proposals for the acquisition of 44 privately owned properties and the demolition, ultimately, of 112 back to back houses in the Garnets area of Beeston utilising the Leeds 2008/11 SRHP funding allocation. Of these 112 properties 53 were already owned by LCC and managed by Aire Valley Homes (AVH), 15 are owned and managed by Leeds Federated Housing Association. Of the 15 properties owned by LFHA 14 are currently void and 1 tenant is actively seeking rehousing.
- 2.1.2 The proposals for acquisition and demolition of these properties had been the subject of an intensive period of consultation. One ward member in particular was opposed to the proposals on the grounds that there were other locations where it was felt that property conditions were worse.
- 2.1.3 Prior to a submission for SRHP funding ward members were presented with three scenarios which had been developed by the Civic Architects office in relation to the remodeling of the Garnets area to achieve comprehensive regeneration objectives.
1. Comprehensive redevelopment
  2. Combination of selective demolition/redevelopment and refurbishment of retained housing
  3. Minimal change refurbishment
- Ward members expressed a preference for scenario 2 which included some selective demolition, re-provision of housing and future proposals for investment in the retained stock in the surrounding area.
- 2.1.4 It was considered that the location provided a particularly significant regeneration opportunity due to the fact that it serves as a gateway to Beeston Hill and the retail centre on Dewsbury Road. It was hoped, at that time, that this would be the first phase of a longer term regeneration strategy for the wider area.
- 2.1.5 Leeds Federated Housing Association (LFHA) owned a significant proportion of homes within the Garnets and investment in their stock had been suspended pending a decision by the Council on proposals for regeneration of the area. Without a commitment to the comprehensive regeneration of the area LFHA had serious concerns about the areas sustainability and were considering whether to dispose of their holdings.
- 2.1.6 At the time the estimated cost of maintaining the 53 properties owned by the Council and managed by AVH, at the Governments Decent Homes Standard was estimated at £630,550 over the next 10 years. However, It was considered that, even with investment of this nature, the poor design and layout of the properties would not be addressed and added to sustainability issues, investment in these properties would prove financially unviable.
- 2.1.7 Face to face consultation with residents of the affected properties resulted in 67 responses of these 55 (82%) were in favour of demolition.
- 2.1.8 The total available budget for the acquisition and demolition of the 112 properties from the 2008/11 SRHP allocation was originally £3m. Due to limited resource availability from the SRHP the budgetary requirements for this project were based

upon an assumption that LFHA would forgo a cash payment for their properties but agreement was reached for LFHA to take replacement properties of an equal value instead.

- 2.1.9 In September 2009 officers were advised of the governments intention to transfer £75m nationally from the Private Sector Renewal (PSR) element of regional housing resources for 2010/11 (SRHP) to the 'Housing Pledge' element of 'Building Britain's Future' to assist recovery of the construction industry. This resulted in a 20% cut in the 2010/11 SRHP allocation for all West Yorkshire authorities, a £4.07m reduction for Leeds, leading to a shortfall in funding to complete all ongoing acquisition and demolition schemes.
- 2.1.10 In light of this reduction in funding a review of all outstanding acquisition and demolition schemes was undertaken and findings reported to the Director of Environment and Neighbourhoods in November, 2010. The Director approved proposals to withdraw from the Holbeck phase 4 scheme in order that available remaining resources could be focused on the demolition of blocks wholly within Council ownership in the Garnets. It was agreed that the demolition area would be revised to exclude blocks which still contained properties in private ownership and that the aim would be to bring Council owned properties in these blocks back into use (Blocks hatched in red on the plan at appendix 1). The revised clearance area will include 76 properties, 15 of which are owned by LFHA.

## **2.2 Current position**

- 2.2.1 The 15 properties within LFHA ownership are concentrated in two blocks of 8 properties each (Blocks 2 and 4 identified on the plan at appendix 1). In addition to the 15 LFHA properties block 4 also contains a property which has been acquired by the Council from a private owner.
- 2.2.2 It is proposed that 5 of the properties acquired by agreement from private owners within the original Garnets target area but out with the revised demolition phases (outlined in blue on the plan at appendix 1) should be exchanged with LFHA along with a further 9 miscellaneous properties in other areas of the city which are already on lease to LFHA and tenanted by LFHA tenants.
- 2.2.3 These 5 properties sit within blocks containing privately owned properties. Because the likelihood of securing further funding to complete the scheme is remote if left empty indefinitely these properties have the potential to create blight. If they remain in Council ownership their improvement to bring them back into use will require significant resources. Their transfer to LFHA will ensure that they are brought up to the Decent Homes Standard in line with other LFHA owned properties in the surrounding area.
- 2.2.4 The first phase of demolition (20 properties) has already been completed. Further phases are due to take place over the coming months as the five remaining tenants are rehoused.

## **2.3 Options**

- 2.3.1 The proposals contained within this report consider how best to ensure a positive outcome for the regeneration of the Garnets area by ensuring that 16 properties vacated for the purpose of demolition can be demolished and other vacant properties within blocks not wholly within Council ownership can be refurbished and

brought back into use with the resources available. The option appraisal has considered 3 options for the area with reference to their ability to meet the defined objectives:

Option A: Do nothing

Option B: Purchase LFHA properties in the Garnets demolition area

Option C: Exchange LFHA properties in the Garnets demolition area for other council owned miscellaneous properties

### 2.3.2 Option A: Do nothing

Currently 56 properties, including 15 currently owned by LFHA, within the Garnets are vacant and ready for demolition. If the ownership of the 15 properties is not transferred to the Council for demolition they will remain as an “island” of vacant properties within an otherwise cleared area. This situation could result in a number of issues including:

- Community Safety Issues arising from the concentration of empty properties e.g. the risk of arson
- Environmental issues including fly tipping and maintenance of the cleared area
- Resources issues to secure or bring back into use the properties which have been vacated as a result of the Councils decision to undertake the acquisition and demolition scheme.
- Damage to the Councils reputation arising from the use of public funding to commence a scheme without reaching a positive outcome.
- Affect of the concentration of empty properties on the sustainability of surrounding stock
- Render the cleared area incapable of long term redevelopment

In addition 19 properties in the area surrounding the revised demolition zone have been vacated for demolition and will require significant resources to bring them up to a decent standard and back into use. Surveys are currently being undertaken to establish the cost of bringing these properties back into use but the level of Major Repairs Allowance available for this purpose is limited. If LFHA do not take ownership of 5 of these empty properties additional Council resources will be required to bring all 19 back into use.

### 2.3.3 Option B: Purchase LFHA properties in the Garnets area

The 15 properties currently owned by LFHA have been valued by independent valuers as worth £1,017,000. The SRHP programme was reviewed and revised in 2010 due to the shortage in funding to complete all ongoing schemes. Insufficient funding, therefore, renders this option impracticable.

### 2.3.4 Option C: Exchange LFHA properties in the Garnets demolition area for other council owned miscellaneous properties

It is proposed that 9 miscellaneous properties which are currently leased to LFHA plus 5 properties which have been acquired from private owners within the Garnets which are now out with the demolition zone should be transferred to LFHA in exchange for the 15 LFHA properties within the Garnets target area for demolition. This proposal will ensure that the area outlined in blue on the plan at appendix 1 can be cleared so that a temporary area of green space may be provided to

enhance the environmental conditions and improve the outlook for remaining residents until redevelopment can take place. In addition a further 5 properties in the surrounding area can be brought up to standard and back into use for allocation to applicants on the Leeds Homes Register at no additional cost to the Council.

## **2.4 Strategic Context**

Acquisition and demolition schemes undertaken as part of the 2008/11SRHP programme aim to tackle poor quality, pre 1919 housing stock in the regeneration priority areas of the city to help deliver the objectives of the Vision for Leeds 2004-2020, Leeds Housing Strategy and the Private Sector Housing Strategy.

## **2.5 Effects on ALMO Business and Investment Plans**

Consultation with AVH on the options has resulted in an agreement from their Senior Management team to negotiate with the Council and LFHA to gain the best outcome for the area.

## **2.6 Financial Implications**

2.6.1 Valuations undertaken by independent chartered surveyors esurv have been used to establish the comparable values of properties to be exchanged. Valuations have been undertaken for all of the LFHA properties earmarked for demolition (£1,017,000). The Council owned miscellaneous properties proposed for exchange have also been valued by esurv for consistency (£1,037,000). It is proposed that the shortfall in value match should be made up by a contribution of £20,000 from LFHA. The Acting Director of City Development has confirmed that in his opinion the disposal of the council owned properties of land on this basis represents the best consideration that can be reasonably obtained under the Housing Act 1985.

2.6.2 It was agreed at the outset of the scheme that LFHA would be responsible for the payment of home loss and disturbance compensation to their tenants and for the costs of demolition of the 15 properties they currently own and that the combined legal costs for the transfer would be the joint responsibility of LFHA and LCC (SRHP).

## **3.0 PROPOSALS**

Option C is the proposed option - 9 miscellaneous properties which are currently leased to LFHA plus 5 properties acquired from private owners within the Garnets should be transferred to LFHA in exchange for the 15 LFHA properties within the Garnets target area for demolition. The shortfall of £20,000 in the value match of properties will be met by payment from LFHA. It is proposed that this payment would help to supplement the budget for the Councils legal costs associated with the transfer.

## **4.0 LEGAL & RESOURCE IMPLICATIONS**

4.1 Advice received from LCC Legal Services with regard to transfer of miscellaneous properties from LCC to LFHA sets out that the Council will be required to pay Stamp Duty Land Tax in view of the number and value of transactions at a rate of 5% of the total value of properties it is to acquire, around £52,000.

- 4.2 The combined legal costs of the transfer to be shared equally between LCC (SRHP funding) and LFHA.
- 4.3 Any disposal of land which is held by the council for the purposes of Part II of the Housing Act 1985 requires the consent of the Secretary of State pursuant to Section 32 of that Act. Legal Services have confirmed that subject to confirmation from the Acting Director of City Development that the aggregate number of dwelling-houses disposed of by the council has not exceeded the total set out at (iii) below, the consent to the disposal of the 14 council properties is given by The General Consent for the Disposal of Part II Dwelling-Houses 2005, paragraph A5.2.1. This provides that a local authority may dispose of a dwelling-house to a registered social landlord for the best consideration that can be reasonably obtained, where:
- (i) the dwelling-house is in need of substantial works of repair, improvement or conversion; and
  - (ii) the dwelling-house is vacant or already let by the authority to the registered social landlord; and
  - (iii) the aggregate number of dwelling-houses comprised in the disposal and any previous disposal by the authority in the same financial year under the consent does not exceed one quarter of one percent of the number of dwelling houses owned by the local authority at the commencement of the financial year in which the disposal takes place.
- 4.4 The power for the council to acquire the 15 properties from LFHA is contained in Section 17 of the Housing Act 1985.

## **5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

- 5.1 The public interest in maintaining the exemption in relation to appendix 2 attached to this report outweighs the public interest in disclosing the information by reason of the fact that the information contained within this appendix relates to individuals who are current tenants of the properties leased by LFHA from the Council.
- 5.2 Copies of the exempt appendix 2 will be circulated to members of the Executive Board once members of the public have been excluded and will be collected in at the conclusion of the meeting.

## **6.0 COMMUNITY SAFETY**

If the exchange of properties with LFHA does not take place the proportion of empty properties in the area is likely to result in exacerbated levels of anti social behaviour, vandalism and arson and hence implications under Section 17 of the Crime and Disorder Act 1998.

## **7.0 CONSULTATION**

- 7.1 The 15 LFHA tenants affected by the demolition proposals and Ward Members were consulted prior to the recommendation to demolish being submitted to the Councils Executive Board. All but one of the 15 tenants have since been rehoused and the final tenant is actively seeking rehousing.
- 7.2 Ward members of all of the affected wards have been consulted on the proposal within this report. One particular ward member who was averse to the original proposal to acquire and demolish properties within the Garnets remains opposed to



this proposal on the grounds that *“there are houses in the rest of Leeds in a far worse condition”*.

- 7.3 During the autumn of 2010 owners and residents of the Garnets area were consulted on the proposals emerging from the review of the outstanding acquisition and demolition schemes in response to the reduction in SRHP funding. The majority of the responses from the community supported continuation of the scheme and the demolition of empty properties without delay.
- 7.4 The community group were particularly concerned about the environmental impact of the high proportion of empty properties within the target area and were anxious that demolition should take place without delay. Residents complained of an infestation of rats and were hopeful that demolition would reduce the incidence of fly tipping in bin yards and that an area of green space, albeit temporary, could be provided.
- 7.5 Agreement has been secured from LFHA board to transfer its 15 properties within the demolition area to LCC on condition that they receive, in return, miscellaneous properties of an equal value.
- 7.6 Colleagues from the South Area Management Team have been represented on the Garnets Regeneration Steering Group which meets regularly and is made up of Council officers and partners from AVH and LFHA to discuss issues surrounding regeneration of the area.

## **8.0 RECOMMENDATION**

Executive Board are requested to

- Authorise the transfer of 15 LFHA properties in the Garnets clearance area to LCC in exchange for 14 Council owned miscellaneous properties to LFHA. The difference in value to be contributed by LFHA to the costs of demolition on the scheme.
- Declare all properties in the attached appendix 2 surplus for disposal to LFHA.
- Authorise the Director of City Development to approve the detailed terms of the transaction

## **Appendices**

1. Plan of proposed demolition phases
2. Address list of Council owned Miscellaneous Properties for exchange (Exempt from Access to Information Procedure Rules 10.4(1))

## **Background Papers**

Regeneration of the Garnets, Beeston  
Regional Housing Board Programme 2008-11 – Update  
Regional Housing Board Programme 2008-11  
– Acquisition and demolition schemes update.

Exec Board 13<sup>th</sup> May 09  
Exec Board 9<sup>th</sup> Dec 09

Exec Board 25<sup>th</sup> Aug 2010



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# Garnets Regeneration Area

## Demolition Phases



**Legend**

-  Demolition Phases
-  Blocks containing privately owned properties. Cannot be demolished until further funding available for acquisitions



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Originator: Jackie Green

Tel: 0113 2477163

## Report of the Director of Children's Services

### Executive Board

Date: 18 May 2011

**Subject: Basic Need Programme 2012 - Outcome of consultation on proposals for primary provision for 2012.**

**Electoral Wards Affected:**  
Roundhay, Moortown, Woodhouse

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

## EXECUTIVE SUMMARY

### 1 PURPOSE OF THIS REPORT

1.1 This paper provides the outcome of further work following consultation on proposals to expand primary provision at three schools in Leeds from September 2012, and seeks permission to publish statutory notices for one of those proposals.

### 2 BACKGROUND INFORMATION

2.1 At its meeting of 30 March 2011 the Executive Board considered a paper detailing the outcome of consultation on six proposals for the expansion of primary provision in the city from September 2012. These six proposals would create a total of 240 reception places. At that meeting the Board agreed to publish statutory notices on three of the proposals, and agreed further work be undertaken before receiving recommendations on the other three. This paper contains the outcome of that work.

2.2 The three proposals are for the significant expansion of one existing primary school, and for primary expansion to be delivered through changes to the age ranges of two existing secondary schools. Together they would create 180 reception places. Under the Education and Inspections Act 2006, these changes all constitute prescribed alterations, and each requires a statutory process to make

the permanent changes. Public consultation is the first stage of this process. The consultation period ran from 5 January to 18 February 2011.

### 3 **RESOURCE IMPLICATIONS**

3.1 At its meeting on 30 March 2011, the Executive Board authorised the expenditure of £839,000 to progress the design, up to stage 1 costs. This represents nearly 5% of the high level cost estimate for all six schemes (£17,364,000) to deliver 240 places. This estimate excludes site acquisition costs or site specific risk or abnormals. The three schemes to which this report refers total £13,290,000 for 180 places, and the one for which it recommends proceeding for 2012 totals £4,430,000 for 60 places.

3.2 Having agreed to earmark the use of three Council sites the Executive Board has also already agreed to a loss to the Council's capital programme of £2.675m.

### 4 **RECOMMENDATIONS IN RELATION TO BOTH PARTS OF THIS REPORT**

Executive Board is asked to

1) individually approve publication of statutory notices to:

- **Proposal two:** Change the age range of Roundhay School Technology and Language College to 4-18, with a reception admission limit of 60, and use land off Elmete Lane for the primary provision.

2) Note that further work will be done by officers before bringing forward a recommendation on:

- **Proposal three:** Change the age range of Allerton Grange School to 4-18, with a reception admission limit of 60, and use land next to the school for the primary provision.
- **Proposal six:** Expand the capacity of Little London Primary School from 210 to 630 using land off Cambridge Road.



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## Report of the Director of Children's Services

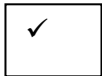
### Executive Board

Date: 18 May 2011

Subject: Basic Need Programme 2012 - Outcome of consultation on proposals for primary provision for 2012.

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#### Electoral Wards Affected:



Ward Members consulted  
(referred to in report)

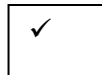
#### Specific Implications For:

Equality & Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call-in



Not Eligible for Call-in

(Details contained in the Report)



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## 1 PURPOSE OF THIS REPORT

- 1.1 This paper provides the outcome of further work following consultation on proposals to expand primary provision at three schools in Leeds from September 2012, and seeks permission to publish statutory notices for one of those proposals.

## 2 BACKGROUND INFORMATION

- 2.1 At its meeting of 30 March 2011 the Executive Board considered a paper detailing the outcome of consultation on six proposals for the expansion of primary provision in the city from September 2012. These six proposals would create a total of 240 reception places. At that meeting the Board agreed to publish statutory notices on three of the proposals, and agreed further work be undertaken before receiving recommendations on the other three. This paper contains the outcome of that work.
- 2.2 The three proposals are for the significant expansion of one existing primary school, and for primary expansion to be delivered through changes to the age ranges of two existing secondary schools. Together they would create 180 reception places. Under the Education and Inspections Act 2006, these changes

all constitute prescribed alterations, and each requires a statutory process to make the permanent changes. Public consultation is the first stage of this process. The consultation period ran from 5 January to 18 February 2011.

### 3 THE MAIN ISSUES

3.1 During consultation a range of issues were raised. Whilst the majority of these were addressed in the March report, it was agreed that before recommending how to proceed, some further work be conducted to address some specific issues regarding three of the proposals as follows.

3.2 **Proposal two:** Change the age range of Roundhay School Technology and Language College to 4 to 18, with a reception admission limit of 60, and use land off Elmete Lane for the primary provision.

3.3 Given the concerns expressed by two neighbouring primary schools about the effect the proposal may have on their future numbers, it was agreed to wait and review the most recent round of preferences and allocations for reception in September 2011 to inform the recommendation. The schools with concerns were Grange Farm Primary School, and Roundhay St John's Church Of England Primary School. The concerns assumed the new provision would be highly popular and take pupils otherwise happy to attend those schools.

3.4 The preferences show Grange Farm Primary School to be full in 2011, with 47 first preferences for 60 places. It is in the Seacroft planning area, where the birth cohort for that year was 260 children. The five schools in that planning area offer 225 places, and allocations were made for 205 places. Parklands Primary is the only school with any spare places. The pre school cohorts with Grange Farm as their nearest school are: 94 4-5 year olds, 96 3-4 year olds, 109 2-3 year olds, 74 1-2 year olds and 109 0-1 year olds.

3.5 Roundhay St John's was full with 69 first preferences for 30 places. The Roundhay planning area has filled all 480 places for reception for 2011. Eight of the nine schools were oversubscribed, with a total of 154 first preferences refused, and two schools refused places to children for whom it was their nearest school. Birth cohorts for the planning area increase in size for every successive year.

3.6 Further analysis was conducted on preferences and allocations for September 2011 for the children living in what would be the nearest polygon for the new Roundhay reception admissions point. These children would gain priority for the new school reception places, and changes to their behaviour would therefore have the greatest impact on other schools. There were 59 children living in this area who applied for a reception place this year.

3.7 Within this area six children were allocated Grange Farm; three as one of their preferences and three placed where their preferences could not be met. If all six of the children in the new polygon preferred the new provision and were allocated it the impact on the school would be a reception cohort of 54 instead of 60. There are likely to be late applicants who would add to this number. This compares to existing cohorts of between 56 and 53 in Key Stage 1, and between 42 and 52 in Key Stage 2. These larger numbers in Key stage 1 is common in many schools where the higher birth rate is impacting on numbers.

3.8 Within the polygon 32 children had Roundhay St John's as their first preference



school, while 37 children from outside the polygon had it as their first preference. It is reasonable to assume that many of the parents asking for the school do so because it is a faith school, and would continue to do so, on that basis. Even if all of the children living in the polygon for the new provision asked for it as their first preference, Roundhay St John's would still have been oversubscribed from those living outside of the priority area. Whilst there may be a change in the pattern of preferences that could result in Roundhay St John's with fewer first preferences and more second preferences it is probable that it would remain very popular and oversubscribed.

- 3.9 To further understand any likely impact, analysis was conducted on the 42 year 7 applications from that polygon. No nearest children were refused a place at Roundhay for 2011. Eight went to a faith based school, and two to Leeds Grammar. 16, of the 42, had Roundhay as their nearest school, 12 of these wanted and got Roundhay, four did not request the school as their first preference. 26 did not have it as their nearest school, 17 of these wanted Roundhay and five got it. Of the 42 children living in the polygon half would have gained places at Roundhay School without any connection with primary provision. There were 12 other children who had a first preference for Roundhay but were unsuccessful and would benefit from gaining access to the new primary provision.
- 3.10 On this evidence, whilst the areas that each school draws from might be impacted by the proposals, there is sufficient demand for these additional places without any adverse impact on the existing schools.
- 3.11 The authority remains in dialogue with Roundhay School regarding the detail of ongoing funding and design of the school. There are two issues which the governing body has requested but the authority has been unable to agree to: the funding of the appointment of a primary leader for two terms full time prior to opening rather than one term, and the insistence on full cooking kitchens at the school. The authority's position is that any change to this would set an unreasonable and unaffordable precedent, and that past experience shows these are not essential.
- 3.12 Based on the outcomes of the consultation, including this additional work, it is recommended that a statutory notice be published to proceed with this proposal.
- 3.13 **Proposal three:** Change the age range of Allerton Grange School to 4-18, with a reception admission limit of 60, and use land next to the school for the primary provision.
- 3.14 Based on the responses received, it was agreed that a traffic impact assessment be commissioned with regard to the proposal for Allerton Grange prior to any recommendation being made. Initial findings of the report raise a number of issues which would add to the expense of the scheme, and that relate to local planning regulations. These may make it undeliverable. Further analysis of the report and its impact is needed before a recommendation can be made.
- 3.15 Due to this delay, the earliest any scheme could be delivered would be 2013. To mitigate this deferral, discussions will be held with schools to progress alternative measures which would be required to meet the anticipated resultant shortfall of places in 2012.
- 3.16 **Proposal six:** Expand the capacity of Little London Primary School from 210 to

630 using land off Cambridge Road.

- 3.17 A recommendation on the proposal to create an additional two forms of entry using land off Cambridge Road was delayed to allow consideration of an alternative proposal put forward by Little London Community School governors. The original proposal would expand Little London Community School to three forms of entry using two sites. The governors counter proposal would limit the expansion of the school to two forms of entry using their current site and a piece of adjacent community land. This counter proposal would require re-consultation preventing delivery of the additional places by 2012. Further consultation would also be required to establish a new one form entry school on the land off Cambridge Road to meet the identified need for a total of three forms of entry.
- 3.18 There are a number of issues with the land comprising Little London school site and the adjacent community land including flood risk, contamination risks, different levels, sewers and underground cellars. There is no clear option for providing sufficient teaching space for two forms of entry without demolishing the existing buildings on the school site, and temporarily relocating the staff and pupils during the period of the build. In addition a further form of entry would still be required off Cambridge Road.
- 3.19 Emerging legislation is requiring local authorities to consider afresh how additional school places are provided. In many cases new schools will be necessary and these will need to be developed as academies, or potentially by Free school proposers. Discussions around partnership and Trust arrangements are also shaping future proposals. Whilst the headteacher has been clear about the ability of the school to manage the split site arrangement the concept of a single primary school operating an infant and junior school model on a split site has raised questions with some stakeholders, and led to the counter proposal by the governing body.
- 3.20 Whilst it is necessary for us to ensure there is one additional form of entry for September 2012 it is not until September 2013 that the second form of entry is expected to be required. Given this position, and the wide ranging debate this proposal has generated, we will create a single additional temporary form of entry at Little London Primary school for September 2012 on its existing site. This does not require a statutory process and no additional accommodation would be required. It is recommended that we explore further options arising from the discussions around this proposal and bring forward a proposal for further consultation to the July Executive Board, along with the other proposals that will be necessary for additional primary places in 2013.

#### **4 CONSULTATION**

- 4.1 The consultation process and full details of the responses are in the report previously considered by Executive Board in March. They are in line with all legal requirements.

#### **5 LEGAL AND RESOURCE IMPLICATIONS IN RELATION TO BOTH PARTS OF THE REPORT**

- 5.1 These proposals are necessary to meet the authority's statutory duty to ensure sufficiency of school places. If approved they would deliver 60 reception places, making a total of 9390 reception places in the City in 2012. Projections suggest a need for at least 9570 places. Actions required to address any shortfall will be

agreed once the consultation process is complete and outcomes are known.

- 5.2 The Executive Board has already authorised the expenditure of £839,000 to progress the design up to stage 1 costs. This represents nearly 5% of the high level estimate for all six schemes of £17,364,000 to deliver 180 reception places. This estimate excludes site acquisition costs or site specific risk or abnormalities. The three schemes to which this report refers total £13,290,000 for 180 places, and the one for which it recommends proceeding totals £4,430,000 for 60 places.
- 5.3 There are three sites included in the proposals (the former Braimwood site; land adjacent to the Carr Manor site; and the Blenheim centre site,) which were earmarked when the decision to proceed to public consultation was made in December 2010, and constitute a loss to the Council's capital programme of £2.675m

## 6 RECOMMENDATIONS

6.1 Executive Board is asked to

1) individually approve publication of statutory notices to:

- **Proposal two:** Change the age range of Roundhay School Technology and Language College to 4-18, with a reception admission limit of 60, and use land off Elmete Lane for the primary provision.

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## 7 BACKGROUND REPORTS

7.1 Executive Board Reports

17 June 2009 Expanding Primary Place Provision

22 July 2009 Proposed increases in Admissions Limits for September 2010

19 May 2010 Outcome of statutory notices for changes to primary provision for September 2010, 2011 and 2012

21 July 2010 - Outcome of statutory notices for proposals for expansion of primary provision for September 2011, and

Outcome of statutory notices for changes to primary age provision in Horsforth for September 2011

15 Dec 2010 Primary provision for 2012

30 March 2011 Basic Need Programme 2012 – Part A Outcome of consultation on proposals for primary provision for 2012 and Part B Request for Authority to spend.

Officer reports

21 May 2010 and 5 November 2010 SIB reports

7 May 2010 and 17 September 2010 AMB reports

April 2011 Initial Transport Assessment





Originator: Viv Buckland

Tel: 75577

**Report of the Director of Children's Services**

**Executive Board**

**Date: 18 May 2011**

**Subject: Outcome of feasibility on providing girls-only education at a central location in Leeds**

**Electoral Wards Affected:**

Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In (Details contained in the report)

**EXECUTIVE SUMMARY**

**1 PURPOSE OF THIS REPORT**

1.1 The purpose of this report is to provide the Executive Board with an update on the feasibility of providing single sex education for girls at a central location in the city as resolved at the 7 April 2010 Executive Board meeting.

**2 BACKGROUND INFORMATION**

2.1 At its meeting in January 2010, the Executive Board approved a public consultation on a proposal to stop providing girls-only education in Leeds. The Executive Board approved this consultation alongside a separate consultation on a proposal to close Parklands Girls' High School and replace it with a coeducational academy.

2.2 The consultation on the proposal to stop providing girls-only education in Leeds ran from 7 January to 5 March 2010, during which time 8 public meetings were widely advertised and held across the City. The report summarising the consultation was considered at the 7 April 2010 Executive Board meeting, and recommended that the Executive Board agree to stop providing girls-only secondary education at Parklands Girls' High School in Leeds, and receive a further report on the feasibility of making single sex education available for girls in a more central location

### **3 RESOURCE IMPLICATIONS**

- 3.1 The local authority has a duty to promote choice and diversity, as well as ensuring the sufficiency of all educational provision to make sure that it is meeting the needs of children and young people. The establishing of girls-only provision would require the local authority to identify, and prioritise, an appropriate site for the purpose. There are limited resources available and the increasing birth rate is currently affecting entry into primary schools most significantly.

### **4 RECOMMENDATIONS**

Executive Board is asked to agree that:

- The Local Authority does not move to establish girls-only education in Leeds at this time
- The Local Authority continues to undertake a choice and diversity survey each year during its admissions process to inform its statutory duty.
- The Local Authority continues to take account of parental responses around choice and diversity, and effectively integrates emerging academies and free schools into strategic planning.



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## Report of the Director of Children's Services

### Executive Board

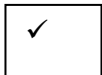
Date: 18 May 2011

Subject: Outcome of feasibility on providing girls-only education at a central location in Leeds

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#### Electoral Wards Affected:

ALL



Ward Members consulted  
(referred to in report)

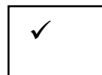
#### Specific Implications For:

Equality & Diversity

Community Cohesion

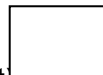
Narrowing the Gap

Eligible for Call-in



Not Eligible for Call-in

(Details contained in the Report)



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## 1 Purpose of this Report

- 1.1 The purpose of this report is to provide the Executive Board with an update on the feasibility of providing single sex education for girls at a central location in the city as resolved at the 7 April 2010 Executive Board meeting.

## 2 Background Information

- 2.1 At its meeting in January 2010, the Executive Board approved a public consultation on a proposal to stop providing girls-only education in Leeds. The Executive Board approved this consultation alongside a separate consultation on a proposal to close Parklands Girls' High School and replace it with a coeducational academy.
- 2.2 The consultation on the proposal to stop providing girls-only education in Leeds ran from 7 January to 5 March 2010, during which time 8 public meetings were widely advertised and held across the City. The report summarising the consultation was considered at the 7 April 2010 Executive Board meeting, and recommended that the Executive Board agree to stop providing girls-only secondary education at Parklands Girls' High School in Leeds, and receive a further report on the feasibility of making single sex education available for girls in a more central location.

## 3 Main Issues

- 3.1 Local Authorities have a duty to promote choice and diversity, as well as ensuring the

sufficiency of places for children and young people. Since the Education and Inspections Act 2006 local authorities have been the commissioners of school places, rather than the providers. Where a local authority identifies a need for a particular type of provision it is required to bring forward a consultation and competition in order to establish any new provision. Currently the local authority can choose to bid in that competition if it wishes to, in order to establish a community school. Alternatively, where it does not bid, the local authority is able to make a decision on its preferred bidder.

- 3.2 Whilst this was the position at the time the decision was made to stop providing girls only secondary education, and is currently the position, the Education Bill proposes to change this. It is likely that the Education Bill will have been enacted before such consultation and competition could take place, and as such current decisions should be made in light of the emerging legislation.
- 3.3 The Education Bill, if enacted in its current form, will require a local authority to first seek an academy proposer for any new provision, and only progress to a competition in the event of no academy proposer being forthcoming. The local authority will not be able to submit a bid at the competition stage and will only be able to open a new community school if there is no suitable alternative interested party.
- 3.4 The Academies Act 2010 delivers the new government's aims to provide a fast-track mechanism for schools to achieve academy status. Academies are publicly funded, all-ability independent schools, which are not maintained by the local authority. The Secretary of State has invited all schools to register their interest if they wish to become an academy. The Academies Act underpins the government's invitation for bids from groups who wished to put forward proposals to open 'Free schools'. Free schools are non-profit making, state-funded schools set up in response to local demand from communities.
- 3.5 Proposers who wish to open a Free School for September 2012 must apply between 16 May 2011 and 1 June 2011. This is a much faster process than local authorities must go through in order to open new provision. The advantage of the application window is that local authorities should be able to gain a clearer picture of Free school proposals that are likely to proceed, in order to inform the strategic planning of school places.
- 3.6 It is within this context of current and emerging legislation that this reports presents further information on the feasibility of providing girls only education in a more central location.
- 3.7 The original consultation did not expose any new or significant demand for girls-only education in Leeds other than that already at Parklands Girls School. Despite the scale of the consultation, the overall attendance at public meetings was low. At five of the meetings, there were no members of the public present, which suggested a lack of interest in the subject of girls-only education in those parts of the city. Parents across the city who did participate in the consultation emphasised the importance of high quality provision as the main factor influencing their decision when expressing a school preference for their children.
- 3.8 The consultation did expose some views that there should be some choice in the local area for those parents and carers who wish to express a preference for girls-only provision. In order to gain to understand this further a Choice and Diversity survey was hosted on the admissions area of the website, during the recent admissions application period, to seek views from a much wider range of parents on a number of issues. One question specifically asked parents if they would apply for a single sex school if one was available. Although over 10,000 parents applied online during this time, and many more visited the website, only 181 chose to complete the survey. Of these 25 answered yes to wishing to apply for a single sex school if one were available. There were no additional comments submitted by any parents on the subject.
- 3.9 Recent applications for secondary school show only one parent requesting a girl's only maintained school. All parents at Parklands were contacted, in November 2010, about its



closure and asked to indicate if they wished us to support them to transfer to an alternative all girls' school. Only one family has indicated that they wish to find an all girls' school for their two daughters. There were a number of other parents who expressed an interest in changing school, but all were seeking to move to an alternative coeducational school. This was reinforcing a point, made clearly during the original consultation, that the quality of education was the most important factor for the majority of parents.

- 3.10 A comprehensive site search has been undertaken to identify possible locations, throughout the city, as potential school sites. This work has also been necessary in light of the rapidly increasing birth rate and demand for Reception places. There are a limited number of suitable sites available for the purpose, and none that have been identified as suitable for girls' only secondary provision in a central location.
- 3.11 The local authority has a duty to balance its limited resources to best meet the needs of the whole City. The need to provide additional primary places to accommodate the higher level of births in the City has not yet begun to impact on the number of young people entering our secondary schools. The larger cohorts start to enter secondary schools in two to three years time, and will bring about a need for additional places in due course. At present there are more than sufficient places in our secondary schools.

#### **4 Implications For Council Policy And Governance**

- 4.1 The local authority's role in education is that of commissioner of school places rather than provider. Where the local authority seeks to establish new provision it must, at present, look to a competition, although it is possible that the Education Bill will be enacted before any such competition could take place, and the first consideration would be for an academy.

#### **5 Legal And Resource Implications**

- 5.1 The local authority has a duty to promote choice and diversity, as well as ensuring the sufficiency of all educational provision to make sure that it is meeting the needs of children and young people. The establishing of girls-only provision would require the local authority to identify, and prioritise, an appropriate site for the purpose. There are limited resources available and the increasing birth rate is currently affecting entry into primary schools most significantly.

#### **6 Conclusions**

- 6.1 The local authority has a duty to ensure there are sufficient places available. To that end resources have been prioritised towards meeting the increased demand for primary school places. There is no significant pressure for secondary school places at present. The local authority also has a duty to promote choice and diversity. To emphasise its role as the commissioner of places there is emerging legislation that will make the local authority the provider of last resort when establishing new provision.
- 6.2 There is evidence of some interest from parents in girls only provision, but significant emphasis from parents that a good quality of education is the most important factor to them when choosing a school. The launching of the Choice and Diversity survey this year, linked to the Admission round when over 10,000 parents are using the website, enables us to capture a wide range of views to help us to better inform planning.
- 6.3 The application 'window' for Free School proposers will give the local authority an opportunity to incorporate such demand led provision to be integral to its strategic planning. Central government anticipate that successful bidders will have been notified by August if they have been successful. This route is most suited to smaller scale provision that is particularly seeking to fulfil perceived gaps in terms of choice and diversity, rather than sufficiency.

#### **7 Recommendations**

7.1 Executive Board is asked to agree that:

- The Local Authority does not move to establish girls-only education in Leeds at this time
- The Local Authority continues to undertake a choice and diversity survey each year during its admissions process to inform its statutory duty.
- The Local Authority continues to take account of parental responses around choice and diversity, and effectively integrates emerging academies and free schools into strategic planning.

### **Background Documents**

Executive Board January 2009 – The National Challenge and structural change to secondary provision in Leeds progress report.

Executive Board March 2009 – The National Challenge and structural change to secondary provision in Leeds.

Executive Board October 2009 – The National Challenge and structural change to secondary provision in Leeds.

Executive Board January 2010 – The future of Primrose, City of Leeds, and Parklands Girls' High Schools, and of girls-only secondary education in Leeds.

Executive Board April 2010 – Outcome of consultation on closure of Parklands

Executive Board April 2010 – Outcome of consultation on the provision of girls-only education in Leeds.



Originator: P N Marrington

Tel: 39 51151

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**Report of the Head of Scrutiny and Member Development**

**Executive Board**

**Date: 18<sup>th</sup> May 2011**

**Subject: Scrutiny Board Recommendations – Outdoor Education Centres**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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**EXECUTIVE SUMMARY**

1. Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director, in consultation with the relevant Executive Member, since the last Executive Board meeting.
2. Where there is a difference of opinion between Scrutiny and the Director/Executive Member, or where recommendations are directed specifically at Executive Board, a more detailed narrative will be given and Executive Board will be asked to pronounce on the matter.
3. This report lists those Scrutiny Board recommendations which have been agreed by the relevant Director, in consultation with the appropriate Executive Board. There are no recommendation where agreement cannot be reached.
4. Executive Board is asked to note the agreed recommendations.

## **1.0 Purpose Of This Report**

- 1.1 This report provides a summary of responses to Scrutiny Board recommendations received since the last Executive Board meeting.

## **2.0 Background Information**

- 2.1 Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director/Executive Member since the last Executive Board meeting. This report will include, if required, a more detailed narrative around any recommendations where there is a difference of opinion between Scrutiny and the Director/Executive Member.
- 2.2 Where there is a difference of opinion between Scrutiny and the Director/Executive Member or where recommendations are directed specifically at Executive Board, Executive Board will be asked to pronounce on the matter.

## **3.0 Main Issues**

- 3.1 Responses have been received to the following Scrutiny Board report:  
Scrutiny Board (Children's Services) - Inquiry into Outdoor Education Centres
- 3.2 The recommendations arising from this report are shown in Appendix 1. There are no recommendations where there is disagreement.

## **4.0 Implications For Council Policy And Governance**

- 4.1 There are no policy and governance implications arising from the recommendations.

## **5.0 Legal And Resource Implications**

- 5.1 There are no legal implications. The Scrutiny Board agreed with officers that, in order for the continuance of both Herd Farm and Lineham Farm to be a sustainable approach in the longer term, significant savings needed to be achieved, and the most effective way to do this would appear to be through greater co-operation between the two facilities on both a formal and informal basis. This includes the streamlining of costs where possible.
- 5.2 The Scrutiny Board's recommendations are intended to have a positive impact on the service by encouraging significantly more joint working to maximise available resources and to improve the service provided.
- 5.3 The Board also hoped to see more Leeds schools considering using the centres as a resource for their pupils.

## **6.0 Conclusions**

- 6.1 Scrutiny Board (Children's Services) has received responses to recommendations made in its final report; Outdoor education Centres. All the recommendations have been agreed by the Director in consultation with the Executive Member.

**7.0 Recommendations**

7.1 That the Executive Board notes the responses to the Scrutiny Board recommendations.

**8.0 Background Papers**

8.1 Scrutiny Board (Children's Services) - Final Inquiry Report – Outdoor Education Centres.

## Scrutiny Board Final Reports, Recommendations and Responses

<b>Scrutiny Board (Children's Services) - Inquiry into Outdoor Education Centres</b>
<p><u>Recommendation One</u></p> <p>That the DCS considers extending the role of the Business Support Adviser (BSA) to include Herd Farm and possibly also Lineham Farm, and reports back to us in 3 months.</p> <p><b>Agreed</b></p>
<p><u>Recommendation Two:</u></p> <p>That the DCS explores the scope for children's social care to make more effective use of Silverdale Holiday Camp, and reports back to us in 3 months.</p> <p><b>Agreed</b></p>
<p><u>Recommendation Three:</u></p> <p>That the Director of Children's Services considers future governance options for Herd Farm's long term sustainability, including the establishment of a 'Friends' organisation or exploring a Trust option and reports back to us in 3 months on any avenues to be pursued in more depth</p> <p><b>Agreed</b></p>
<p><u>Recommendation Four</u></p> <p>That the DCS explores the potential to use students on a similar basis to Nell Bank in order to reduce costs and reports back to us in 3 months on a decision whether or not to proceed</p> <p><b>Agreed</b></p>
<p><u>Recommendation Five</u></p> <p>That the DCS ensures that the links established with Nell Bank are maintained to maximise joint benefits for the centres</p> <p><b>Agreed</b></p>
<p><u>Recommendation Six</u></p> <p>That the DCS ensures that all schools are reminded of the value of outdoor education activities for pupils and of the value for money offered by Lineham farm, Herd Farm and Silverdale.</p> <p><b>Agreed</b></p>
<p><u>Recommendation Seven</u></p> <p>That the DCS and the Trustees of Lineham Farm explore opportunities for greater co-operation between Herd Farm and Lineham Farm with the aim of securing the long term sustainability of both centres in the current economic climate.</p> <p>That the DCS and Lineham Farm Trustees be asked to confirm their commitment to this recommendation and that the DCS reports back to us regularly on progress</p> <p><b>Agreed</b></p>



**Report of the Acting Director City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Leeds Library and Information Service: Proposals for the Future**

<p><b>Electoral Wards Affected:</b></p>    <p><input type="checkbox"/> Ward Members consulted (Referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input checked="" type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Eligible for Call In

Not Eligible for Call In  
(Details contained in the re

**EXECUTIVE SUMMARY**

Leeds Library and Information Service carried out a detailed analysis of costs, usage, need and value for money and recognised there were aspects of service provision that were not being provided in the most user focused, cost effective way. The viability of some libraries was questioned and proposals made to redistribute the service to unlock resources. Executive Board authorised consultation on the proposals with local people in late 2010.

The proposals considered the needs of those who only used one library and tried to balance their needs with cost effectiveness, value for money and more general user need. While many can travel, some cannot and so the provision of a quality mobile service was included.

Consultation included a survey of The Citizens' Panel, a public on-line survey and comment cards in every library. All equality groups affiliated to the Council, and Parish Councils have had the opportunity to respond. Meetings and questionnaires have been arranged in some communities, petitions submitted and electronic media has supported lively conversations. In total 4351 responses and 5 petitions have been received.

The consultation gave a strong mandate for change with 82% of the Citizens' Panel agreeing the Council should consolidate the number of libraries it has and improve the quality and location of those that remain, to improve sustainability including controlling costs. Conversations in various communities focused on local provision and assisted in developing the proposals for change. The outcomes of the consultation (detailed in Appendix 1) have been carefully considered within the budget. This report makes the following recommendations:

- To replace some building based provision with mobile library provision in the area

- To relocate other services into existing libraries, or library services into other premises
- To extend the opening hours of some libraries
- To retain some building based provision for a maximum of a year to investigate the potential of transferring the asset to the local community or other viable solution.
- To introduce a new mobile service across the whole of the city.

## **1.0 Purpose of this Report**

- 1.1.1 To outline the outcomes of the consultation on a New Chapter for Leeds Libraries and to seek agreement to the resulting proposals for library provision.

## **2.0 Background Information**

2.1.1 Leeds Library and Information Service annually collects significant usage data. A review of this data shows that for a number of libraries there is a small user base and, of those, the majority also use other larger, more sustainable buildings. Leeds has significantly more library buildings than any other city in the UK but a smaller number of books, staff and budget than most.

2.1.2 Currently a large part of the budget is invested in running, staffing and stocking these buildings yet some are open only a few hours a week. This is not offering taxpayers best value for money, as a million pounds worth of books and computers are unavailable most of the week.

2.1.3 In Autumn 2010 Executive Board considered 'New Chapter'. This was a proposal to consult local people for their views on the viability of all the libraries in the city, and the potential of redistributing the books and computers across fewer buildings, which were open longer and more able to meet users information needs. In addition, it was proposed to develop a state of the art mobile service to attract those currently not using the library or unable to travel to the larger venues.

## **3.0 Consultation**

3.1.1 The consultation took place from late December 2010 through to the end of February 2011 using a range of methods. The Citizens' Panel was surveyed, local people could complete comment cards in libraries or download them from the Internet and there was an online survey on the Council website. Talking Point drew attention to these different options. All equality groups registered with the Council were given the opportunity to comment as were Parish Councils. Petitions, letters and locally initiated questionnaire were also welcomed.

3.1.2 A number of meetings and discussions were held across the City and others were offered the opportunity to discuss if they wished. Social media played an important role. Conversations were initiated by the service using social media and it also followed other electronic discussions both locally in communities and nationally.

3.1.3 The range and breadth of the consultation resulted in the following response

<b>Source</b>	<b>Numbers returned</b>
Citizens' Panel	1737 people surveyed: 487 returned
Online survey	330 completed survey of whom 276 are members
Comment Cards	3282 of whom 90.5% are members and 64% active borrowers



Local questionnaires in Scholes and Shadwell	212 returned
Petitions and letters	5 petitions and 40 letters
Total	4351 plus 5 petitions

- 3.1.4 Users and non-users were asked, via the Citizens' Panel and the online survey, what the basic principles should be for the design of Leeds Library and Information Service. They were also asked what the priorities for service delivery were and what the approximate cost per visit should be. Through the online survey and comment cards, views were sought about individual libraries opening hours, potential mobile stops, what they thought of the viability of the library they used and if they would benefit from the changes proposed. A few negative comments were received about the comments cards but the majority of respondents were able to communicate their issues either using the form or via letter or discussion. All respondents were given the opportunity to propose better locations for provision, services which could be joined together and innovative ideas for improvement.
- 3.1.5 The consultation has been a valuable opportunity to talk to local people about what a library service today is like and how it has changed. The Citizens' Panel showed that non-users had a much lower assessment of the quality of the service than those who have used it in the last year. Equally the important symbol of 'the library' to a community was reinforced by a small number of respondents who when responding to the consultation said they didn't use it now, but they also thought nothing should happen to it. Others meanwhile were more interested in change.
- 3.1.6 The wide-ranging response has allowed the service to fully consider its original proposals and more detail is available in Appendix 1. The issues that have emerged have been summarised and grouped into a series of topics: principles for the future design of the service; library provision delivered direct into the community electronically or via mobile libraries; ideas for service integration; ideas for greater community involvement in the running of libraries; cost reduction and innovative service development.

#### **4.0 Service Design Principles**

- 4.1.1 The Citizens' Panel was asked to consider a set of principles to be used as the core criteria for designing future service provision. 90% agreed with the following principles.
- To provide easy-to-access, quality libraries in buildings fit for purpose.
  - To locate these libraries in the key district and town centres which people are already in the habit of visiting regularly.
  - To take the library service deep into communities through state of the art mobile provision, tailored to meet the specific needs of children and families, older people and communities.
  - To ensure the mobiles give access to the full range of the city's library service.
  - To ensure expert, welcoming staff with time to help customers and support them in accessing information and knowledge.
  - To continue to innovate to ensure the service is offering what customers need.
  - To provide busy and active libraries, whether static or mobile.

- To continually exploit technology to streamline services and ensure that Leeds doesn't have a digitally divided community.

94% said the service should regularly look at ways to deliver better services. When asked to choose, 82% said the Council should consolidate the number of libraries it has and improve the quality and location of those that remain, to improve sustainability including controlling costs. This provides the Council with a very strong mandate to develop a quality library service using the design principles proposed.

## 4.2 Location

- 4.2.1 6 out of 10 respondents said location in town or district centres or close to shops should be the priority when providing library services. The second priority with 27% of the vote said that they should be based with other services. Infrequent users showed a preference to have library services near shops or other services suggesting, if this occurred, the level of use amongst this group might increase.

## 4.3 Quality

- 4.3.1 60% of respondents thought the libraries were currently of reasonable or high quality with only 4% thinking they were of low quality. It was the none or infrequent users who perceived quality as low, which suggests there is important marketing of services required. When planning for the future, 57% of online respondents thought that quality of service was more important than the number of libraries.

## 4.4 Service Provision

- 4.4.1 Access to book stock is still considered to be the most important service and 98% of respondents felt that Leeds Library book stock should be made available to as many people as possible. Computers are also clearly important, with 85% feeling that these should be made available to as many people as possible. While 91% felt the service should maximise the number of hours library services are available. This gives clear support for the proposals to redistribute services in order to improve access to books and computers.

## 4.5 Continual Review of Libraries

- 4.5.1 The Citizens' Panel and online respondents urged the Council to constantly review the service. 96% of online respondents said it should regularly look at ways to deliver better services, 86% said it should continually assess use and cost to inform provision. They also provided some useful parameters for this review.

- Mobile stops should be reviewed if 10 or less people used them (79%).
- Mobile stops should be reviewed at least annually (88%).
- The cost for the Council of a visit to a library should be less than £3.50 per hour (60%) although those on lower income (70%), those with disabilities (67%) and those retired (67%) were more likely to agree that the cost to the Council of a visit to a library should be lower than £1.50.

## **5.0 Libraries Direct**

### **5.1 Mobile Provision**

5.1.1 The original report proposed a radical rethink of mobile library provision to deliver tailored services direct to meet need. Proposals include a specially designed service for children and families, going to where they currently meet to support both early learning and parenting skills. Early trials of this service have begun to make a real difference. The older people's service is tailored to support independent living and is popular, but like other mobile services is known of by some but not all.

5.1.2 We were asked during the consultation to compare a mobile service to a small library whose viability was in question. The mobiles proposed to visit the community would bring a much larger range of stock, which would change much more frequently. The small library in question has a shelf stock of approximately 2,400 items and one computer. The proposals would be to replace this with

- a weekly visit from the Children's and Family mobile with about 2,000 items and up to 4 computers (the library building in question has 800 children's books);
- a fortnightly visits of the older people's mobile with 1,700 items and up to 2 computers
- weekly visits of the community mobile with 2,800 items and up to 4 computers.
- The approximate cost per hour of the mobile is £13 (the cost per hour of the building is £29).

5.1.3 The third highest scoring innovative idea from survey respondents was 'having more mobiles', yet it is clear that for some they perceive the mobile service would not meet their needs. For some the permanence of a building gives their community a certain status, for others they have little knowledge of a mobile service today and are concerned that it won't arrive or it is much easier to remove provision. A number of proposals for services on the mobiles made by respondents are already provided.

5.1.4 There is clearly not a full appreciation that Libraries Direct will give access to more resources, which will be more up to date and changed more frequently. Yet 93% of respondents said services should be delivered where people find them easy to access and only 38% were willing to travel further to a library. Taking the mobiles into the community is clearly a positive response to this, however significant work is required to market this service.

5.1.5 Access to all the books available in library buildings with no charge for reservations was ranked first of those services that would encourage people to use the mobile. It is therefore proposed to introduce this for mobile library users. Mobile users will be able to make 2 free reservations for stock held within Leeds Library and Information Service<sup>1</sup> per mobile visit. If they wish to be notified of availability other than via the mobile service the user will be asked to pay a notification charge.

### **5.2 E-Libraries**

5.2.1 The direct delivery of services to homes electronically, raised interest with respondents. The second highest innovative proposal from the Citizens' Panel was

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<sup>1</sup>Reservations for material obtained for the reader from other authorities or the British Library will be charged for  
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for an increase in the role of the Internet in borrowing. When asked if there were services they wished were on offer the highest response was getting more books or materials on-line.

## **6.0 Ideas for Service Development or Integration**

Almost half the respondents to the Citizens' Panel felt they currently received everything they were looking for, however a range of proposals were made for service development or integration. The service has also been scanning developments in other authorities and in other countries to ensure Leeds offers the best mix of approaches. The service has summarized the findings of this desk research into a background paper.

### **6.1 Joining services together**

71% of the Citizens' Panel agreed with bringing services together. 14% suggested integrating libraries with other facilities as an innovative idea and 25% proposed one stop centres or other Council services as their preferred partner. Only 4% said do not integrate. However, only 48% of online respondents agreed with joining up services and this was the only point of difference between the two surveys.

#### **6.1.1 One Stop Centres**

6.1.2 Libraries have a successful track record of joint provision. Long-standing examples include Armley, Dewsbury Road, Middleton, Garforth and Holt Park, while The Compton Road Centre and The Reginald Centre incorporating Chapeltown Library opened just before the consultation. It is proposed to work closely with customer services and local communities to progress further opportunities for joint provision with at least two being progressed during 2011.

#### **6.1.3 Children's and Family Services**

6.1.4 It is proposed to develop a new style of provision from Whinmoor Library in partnership with Early Years. It is proposed to start by offering one session a week to support pregnant women and new families in the area. The children's library will be extended to support this activity although this will not impact on other users of the service. Early Years are currently in discussion with ward members and the local primary school about the future of children's services in the area.

6.1.5 In Swarcliffe, Early Years will consider taking over the space released by the library and will work with the library service to improve support to young children and their families through both the Children and Family mobile and the community mobile.

#### **6.1.6 Learning Support**

6.1.6.1 Five exciting developments have emerged out of the consultations:

- When discussing the future of library services in Belle Isle, the new youth hub saw real benefits of targeted mobile services supporting the work they were doing. Work is on-going to plan this provision as part of the mobile services to be offered in this area as a replacement to the building based provision.
- It is proposed to work with The Allerton Bywater Community Partnership, The Brigshaw Co-operative Trust and other community groups to offer tailored

mobile provision both at the venue and throughout the surrounding villages. It is hoped that Allerton Bywater Community Partnership and the Trust will develop the existing Library space to provide a broader range of community learning, training, and arts activities.

- When discussing the future of library services in Richmond Hill a number of exciting opportunities have emerged. It is proposed to work with the new school to provide stops for the Children's and Family mobile within the school grounds, if possible. There would be separate times for families and children with Autism to use the service which will include support for Boardmaker as well as other library provision. The mobile will also visit at the end of the school day to support other children and families. The service will also work with the computer suite being installed in the newly extended community centre. Support to older people will be via mobile stops to sheltered accommodation and a community mobile will also visit the area.
- It is also proposed to relocate a small selection of books to Swillington Community Centre. Mobile services will be introduced to the area as well.
- All schools will continue to be supported by the Schools Library Service and will still benefit from access to events such as the Summer Reading Challenge and the Annual Book Award.

## **6.2 Community Involvement in Libraries**

### **6.2.1 Transferring the library to the community**

6.2.2 Transferring the library to the community to run has become a major topic of discussion nationally during the life of the consultation. A number of other authorities, particularly Gloucestershire, Somerset and Devon have offered a significant number of libraries to the community and are seeking a business plan from groups to take over their running. How a community asset transfer could work for a library in Leeds is included in Appendix 1.

6.2.3 The proposal did not appear on the innovative list of ideas in either of the surveys however the community running libraries did appear occasionally on the customer comment cards, and it was raised in discussions at some meetings. In Shadwell the community were very supportive of the Parish Council's proposals in their local questionnaire, to use the library building for a range of other services and volunteers were mentioned. It is clear that with such a range of options Shadwell would need time to organise and deliver the community's preferences.

6.2.4 It is proposed that the Council's Asset Management team discuss with the Parish Councils and communities of Shadwell and Drighlington the possibility of transferring the libraries to them. It is proposed to keep both libraries open until 31<sup>st</sup> March 2012 to see if this can be achieved.

### **6.2.5 Volunteers Running Libraries**

6.2.6 Volunteers taking over the library has been trialled with some limited success in some rural authorities however they cite significant difficulties in maintaining opening hours due to the very nature of the basis for volunteering. Indeed one authority that trialled handing a library over to volunteers had to close it after 6 months.

6.2.7 The community in Holbeck have however proposed an innovative solution which includes volunteers running the provision. It is proposed to work with St Matthews Church in Holbeck, who are progressing an EDRF bid to develop further the community use of the centre. It is proposed to include the creation of a locally run library as part of that bid. The library service will work closely with the local team to develop an innovative new type of local provision.

### 6.2.8 **Greater Involvement of Volunteers in Libraries**

6.2.9 There is some enthusiasm for greater involvement of volunteers. It was proposed by the Citizens' Panel as an innovative idea. A number of letters and comments were received from some communities and individuals offering a willingness to volunteer for things like coffee mornings, storytimes and other activities etc. Offers to volunteer were received in significant number on the local questionnaires completed in Scholes and Shadwell. One company offered one day a month of volunteering by their staff.

6.2.10 Leeds Library Service already has over 150 volunteers supporting its Library at Home service and greater awareness of this through targeted marketing will increase the demand for volunteers.

6.2.11 The service also runs a pioneering scheme for young volunteers who help support and motivate younger children during activities particularly the annual Summer Reading Challenge.

## 6.3 **Reducing Costs**

Only 3% of Citizens' Panel proposed this as an innovative idea, however it is an issue that has received a significant amount of national press coverage over the last few months with authorities being accused of high costs in relation to book purchase or management. Leeds Libraries has been at the forefront of reducing the 'Back Office' element of library provision.

### 6.3.1 **Library Suppliers providing book related back office services**

6.3.2 Over 10 years ago Leeds transferred the back office burden of library stock supply to the market. Through tender the library supplier selects, processes and delivers direct to most Leeds libraries. If the recommendations are agreed costs will reduce further. Currently the service has to deliver to the small libraries because it is not cost effective for the supplier to do so.

6.3.3 Leeds is part of the nationally negotiated subscriptions to electronic materials and gains financial benefit as a result. It currently does not purchase books through the West Yorkshire tender process as there was negative financial impact, however this is reviewed at each re-tender.

### 6.3.4 **Management Costs**

6.3.5 Leeds has one of the lowest staffing budgets of Core Cities. It is continually reviewing its needs. In 2010 it implemented a significant review of all but its front line staff, reducing management levels further.

### 6.3.6 **Self-Service**

6.3.7 Leeds was also an early adopter of self-service, both to enable the customers to be more in control, but also to free the staff to help the customer find what they are

looking for rather than being unable to help because of being 'tied' to the issue counter. 30 libraries in Leeds currently have self-service and usage is as high as 97%.

## **6.4 Introducing New Services or Improving Others**

The service is constantly trying to improve and a number of suggestions were received. The service has been able to respond rapidly to a number of small issues which it was unaware were impeding use.

### **6.4.1 Cafés**

6.4.1.1 A specific question was asked about cafés as the service and customers had seen real benefit from the introduction of a café into the refurbished Garforth Library. The results for this proposal are mixed. Of those who expressed an opinion: 63% of online respondents thought more libraries should have cafés.

- 45% of comment card respondents thought more libraries should have cafés
- It was the 5<sup>th</sup> ranked innovative idea of the Citizens' Panel respondents
- It was the 3<sup>rd</sup> ranked service that people wished Leeds Libraries offered
- The offer to run coffee mornings was received from a number of people in Scholes and Shadwell via their local questionnaire

6.4.1.2 This suggests it is not a vital ingredient to people's use of a library but that it would be a positive addition where it can fit. The service will look to see where cafés could be located and seek to introduce further outlets over the next few years as the market allows.

### **6.4.2 Other proposals**

6.4.3 One of the most common requests was for toilets in libraries. Other ideas split respondents. There were some people who warmly welcomed Sunday opening hours while others thought it wasn't required. Some wanted libraries open at 8am and closing earlier in the evening and others wanted them opening until 8 or 9pm. Some view the library as just for books and that libraries shouldn't be integrated with other services while others welcomed integration. Equally some saw it as a real resource for children while others felt that there shouldn't be any activities for children and they shouldn't be allowed to make a noise.

## **7.0 Proposals for the future of Leeds Library and Information Service**

7.1.1 The consultation offered a number of opportunities to discuss the service with people and to reconnect them to the delights and benefits of using libraries. The service has listened to a wide range of concerns, proposals, ideas and issues.

7.1.2 The proposals, which follow, have taken full account of these and the impact of the budget position. The core criteria used to reach these proposals are defined at 4.1.1. Appendix 1 provides detailed proposals for each area of the city which is summarised here.

## **7.2 Proposals for buildings considered viable in the original report**

<b>Libraries where hours have been extended or maintained</b>							
<b>Libraries to be open 21 hours a week (for timetables see Appendix 1)</b>							
<b>Library</b>	<b>Current</b>	<b>Original Proposal</b>	<b>Final Proposal</b>	<b>Library</b>	<b>Current</b>	<b>Original Proposal</b>	<b>Final Proposal</b>
Ardsley Tingley	17	21	<b>21</b>	Burley	20	30	<b>21<sup>2</sup></b>
Boston Spa	21	21	<b>21</b>	Gildersome	17	21	<b>21</b>
<b>Libraries to be open 30 hours a week (for timetables see Appendix 1)</b>							
Calverley	27.5	30	<b>30</b>	Hunslet	23.5	30	<b>30</b>
Chapelton	15 <sup>3</sup>	30	<b>30</b>	Kippax	28	30	<b>30</b>
Dewsbury Road	26	30	<b>30</b>	Middleton	31	31	<b>31</b>
Farsley	28	30	<b>30</b>				
<b>Libraries to be open 45 hours a week (for timetables see Appendix 1)</b>							
These have reduced from the original proposals due to changes to surrounding libraries							
Chapel Allerton	41	50	<b>45</b>	Seacroft	41	50	<b>45</b>
Oakwood	41	50	<b>45</b>				
<b>Libraries to be open 50 hours a week (for timetables see Appendix 1)</b>							
Bramley	41	60	<b>50</b>	Halton	44.5	50	<b>50</b>
Beeston	45	50	<b>50</b>	Yeadon	41	50	<b>50</b>
Guiseley	41	50	<b>50</b>				
<b>Libraries to be open 55 hours a week (for timetables see Appendix 1)</b>							
These have reduced from the original proposals to accommodate the demands of CSR							
Armley	53	60	<b>55</b>	Morley	52	60	<b>55</b>
Crossgates	52	60	<b>55</b>	Pudsey	52	60	<b>55</b>
Holt Park	52	60	<b>52<sup>4</sup></b>	Wetherby	52	60	<b>55</b>
Horsforth	52	60	<b>55</b>				
<b>Libraries to be open 60 hours a week (for timetables see Appendix 1)</b>							
Central	60	60	<b>60</b>	Moor Allerton	60	60	<b>60</b>
Compton Rd	50	60	<b>60</b>	Otley	60	60	<b>60</b>

<sup>2</sup> Until a new building can be found it is proposed to retain the current hours increasing by just one hour

<sup>3</sup> This library extended from 15 hours to 30 hours a week on moving into new premises in October 2010

<sup>4</sup> Remain at 52 due to cost of extending



Garforth	43.5 <sup>5</sup>	60	<b>60</b>	Rothwell	60	60	<b>60</b>
Headingley	60	60	<b>60</b>				

The original proposal extended hours in these libraries by 213 hours. Post consultation it is proposed to extend the hours in these libraries by 143 hours a week.

### 7.3 Proposals for buildings whose viability was questioned in the original report

7.3.1 The future of the following 20 libraries was questioned in the original report and the views of the public were sought. Following careful consideration of the feedback, application of the criteria at 4.1.1 and after discussions in some communities the following proposals are made:

Library buildings	Post consultation proposal – for more detail see the relevant page of Appendix 1
Allerton Bywater	To work with The Allerton Bywater Community Partnership, The Brigshaw Co-operative Trust, and other community groups to offer tailored mobile provision both at the venue and throughout the surrounding villages. It is hoped that the Partnership and the Trust will develop the existing Library space to provide a broader range of community learning, training, and arts activities. (Appendix 1 p17)
Armley Heights	The library is poorly used it is proposed to replace with mobile services (Appendix 1 p.18)
Belle Isle	This area will benefit from services which can get deep into the community and it is very near Middleton Library based in the District Centre. Replace with mobile services and work closely with the new youth hub to support their work. (p. 20)
Broad Lane	The library has limited use and is not in a district centre or near well used shops. Replace with mobile services (p.21)
Cow Close	Poorly located and used the library is to be replaced with mobile services which can overcome the problems of the steep hills in the area (p.25)
Drighlington	To work with the community and local ward members to investigate community asset transfer or alternative solutions or progress the closure of the library at the end of March 2012 (p.26)
Holbeck	Replace with mobile services and work with St Matthew's Church to provide a volunteer run service as part of their ERDF bid. There is interest in the community to use the current library for other vital services and this will be discussed further (p. 29-30)
Ireland Wood	This library meets very few criteria currently and the community would benefit from a mobile service which can visit a variety of locations and meet a variety of needs (p.31)
Kirkstall	Very poorly located this service point offers very limited provision. Replace with mobile services which can visit a number of communities and overcome the challenges of the busy roads and the steep hills. (p. 32)
Lofthouse	A poorly used, isolated library to be replaced with mobile services

<sup>5</sup> Garforth Library was extended to 60 hours a week on reopening after refurbishment

	stopping in a range of locations (p. 33)
Methley	Retain building based provision for 15 hours a week and consult local people on the new hours and how they can become more involved in the library as they suggested during consultation (p. 34)
Osmondthorpe	Replace with mobile services which can visit deep into the area (p.37)
Rawdon	This library is very close to other libraries based in town centres offering greater opening hours and more extensive services. It is proposed to replace with mobile services (p39)
Richmond Hill	To work in Richmond Hill to provide targeted children's and family mobile services to the new school, work with the new computers located in the community centre and provide other mobile provision around the area. (p. 39)
Scholes	Retain building based provision for 15 hours a week and consult local people on how they can become more involved in the library (p.41)
Shadwell	To work with the community and local ward members to investigate community asset transfer or to give them time to develop the range of ideas they proposed for alternative use. To close the library at the end of March 2012 if these can't be progressed. (p. 42)
Swarcliffe	Replace with mobile services and work with Early Years on provision (p.44)
Swillington	Replace with mobile services and a small loyalty collection in the community centre for a year in the first instance to assess use (p 43)
Swinnow	Mobile services will provide more access for the whole community (p.44)
Whinmoor	Retain building based provision for 15 hours a week and work in partnership with Early Years to deliver support to pregnant women and new families (p. 45)

The original proposals removed 349.75 hours from building based provision. In 2011/12 the number of hours removed from building based provision is 274.75 hours a week.

#### 7.4 **Proposals for a new mobile service, Libraries Direct, across the city**

7.4.1 Local people were very helpful with the initial proposals for stops for the mobile library service and the whole route plan for the service has been revised. There will be a minimum of 273 hours of mobile service a week with stops between 30 minutes and 4 hours depending on the location and type of visit. The mobile for older people will visit fortnightly and the other two mobiles will visit weekly. This is an additional 173 hours a week whereas the original Executive Board report proposed adding 178.5 hours a week. The detailed stops (available in Appendix 1) are still proposals until after the Executive Board decision when appropriate permissions to park will be sought. Final stops are currently being tested and will then be fully communicated as part of the marketing campaign covering all proposals in response to the 4<sup>th</sup> ranked innovative idea – 'to do more advertising or promotion of libraries'.

7.4.2 This service will be developed further. It is proposed to offer mobile library users 2 free reservations for Leeds library stock per visit, and to review all stops annually working with local people and ward councillors to establish the best safe locations for stops. It is also proposed to write to all people with disabilities, who use building based services that are proposed for replacement with mobiles. They will be offered the At Home service as have the 123 people who returned comment cards, with contact details, requesting more information about Libraries At Home service.

## 7.5 Additional proposals

7.5.1 In response to the consultation the service will seek to create café facilities at some libraries where space permits. To meet the challenging reductions required in the city as a result of the comprehensive spending review the service will have to reduce the overall bookfund. However reducing the number of outlets and maximising the use of mobile provision still allows it to broaden the range of titles that it purchases. The service will also run a campaign to attract more volunteers to support a wide range of activities.

## 7.6 Overall impact on opening hours

7.6.1 Retaining some building based provision has impacted on the overall gain in hours that was proposed in the initial New Chapter report.

Hours change	Hours proposed in the New Chapter Report	Post Consultation proposals
Hours to be removed from non viable building based provision	-349.75	-274.75
Hours added to viable building based provision	+213	+143
Hours to be added to the current mobile library service provision <sup>6</sup>	+178.5	+173
<b>Total hours added</b>	<b>+41.75</b>	<b>+41.25</b>

## 8.0 Legal and Resource Implications

### 8.1 Conforming to the 1964 Libraries and Museums Act

8.1.1 The 1964 Act requires the authority to deliver a 'Comprehensive and Efficient Library Service'. While this is somewhat vague it has been defined in the past through standards. Leeds is redistributing services and while it is proposing to remove some building based provision it is replacing this with mobile services able to go much nearer potential customers.

8.1.2 The principles to be used for designing provision (4.1.1) have been overwhelmingly agreed (90%). The Council has been given a clear mandate for change. When asked if they agreed with the following statements:

<sup>6</sup> The 100.6hours of mobile service provided before New Chapter will be retained

- 77% agreed that the Council should consolidate the number of libraries it has and improve the quality and location of those that remain to improve sustainability including controlling costs.
- Only 22% agreed that the Council should spend more on its existing sites to maintain the current number of libraries even if this was at the expense of other services.
- When asked to choose between the two statements above, the percentages changed to 82% preferring the first statement of consolidation to 18% preferring retention of all sites.

8.1.3 The Council is offering greater access to library services each week from a wider range of venues and so will continue to meeting the requirements of the 1964 Act to provide a comprehensive and efficient service.

## 8.2 **Equality Impact Assessment**

8.2.1 The proposals have been reviewed in terms of their impact on various communities.

8.2.2 The Citizens' Panel gave some useful insight into the differing views of those from C2DE groups, people with disabilities and retired people. Children organised a small petition in two communities, one of these focused on the IT needs of the community in Richmond Hill and led to the proposal to investigate working with the computers to be installed into the community centre.

8.2.3 The original report to Executive Board explained how the service had developed targeted provision in response to demand for customers.

8.2.4 The key change as a result of the consultation is that a number of partners have come forward to work more closely with the library service either offering to take over the library space, join the library within the space or welcome a new style library provision into their space with volunteer support.

## 8.3 **Comparison with Core Cities**

8.3.1 With 53 libraries Leeds has more library buildings than any other core city. If these proposals are agreed that number will drop to 38 in 2011/12. In comparison the other core cities have have the following number of library buildings open 10 hours or more: Birmingham 42, Sheffield 29, Bristol 27, Manchester 23, Liverpool 22 and Newcastle 17.

## 8.4 **Impact on staffing**

8.4.1 It is still the intention that all staff on permanent contracts, whether full or part time, will retain their job. The service will work with permanent staff who currently work in libraries that are planned for replacement, to discuss their preferences for where to work. The service currently has a large number of temporary staff as posts have not been filled since the initial report was considered by the Executive Board. There is therefore significant flexibility for the service when working with its permanent staff.

## 8.5 **Resources**

8.5.1 The original Executive Board report identified that the final proposals for the library service would take into account the New Chapter for libraries ideas and the impact on the city and the service of the Comprehensive Spending review. The latter had

not been announced when the original report was produced so resulting reductions could not be incorporated into the initial proposals. These have now been included.

## 8.5.2 Budget Savings

8.5.3 The proposals enable the service to deliver an increase in hours while making budget savings. The service has also included savings required to meet the budget challenge of the Comprehensive spending review. A total of £625,000 will be saved from reduced spend on premises and related costs, IT services, bookfund and staffing. There are sufficient posts on the structure to cover the number of permanent front line staff currently employed.

8.5.4 Closing the libraries proposed will reduce the backlog of maintenance by £706,716 using the figures from the latest condition surveys for each site. There is also a potential capital receipt of approximately £460,000.

Area	Reduction £
Premises and premises related costs	-236,255
Bookfund	-150,000
Staffing - already made	-238,745
<b>Total</b>	<b>-625,000</b>

## 9.0 Recommendations

Executive Board is asked to support the recommendations as defined in Section 7 of the report, including the changes to the opening hours identified in paragraph 7.2.

9.1 To change the method of delivering the library service for 20 libraries as outlined in paragraph 7.3.1.

9.2 To develop mobile provision across the City as outlined in paragraph 7.4.

9.3 To offer for a limited period, consultation with the community on the asset transfer opportunities of the vacated libraries. After this period the asset management team will find the best solutions for the buildings.

## 10.0 Background Papers

- Executive Board Report and Appendix 1: A New Chapter for Libraries: A fresh direction for Libraries and Integrated Services, Leeds City Council October 2010
- Leeds Library and Information service Consultation Qa Research, February 2010
- Desk research into other authorities proposals for library provision
- Analysis of Online survey
- Analysis of Comment Cards
- Analysis of ideas, concerns and proposals from the public questionnaires at Shadwell and Scholes
- Equality Impact Assessment
- Get Involved: Developing Libraries for the Future in Buckinghamshire; Buckinghamshire County Council
- A library Service for Somerset; A consultation Document; Somerset CCI

## **11.0 Appendices**

11.1 Appendix 1 Leeds Library and Information Service Detailed proposals for the future.

**APPENDIX 1 TO ITEM 12 – LEEDS LIBRARIES AND INFORMATION SERVICE:  
PROPOSALS FOR THE FUTURE.**

The appendix for this report has not reproduced within the agenda pack due to a technical error.

It is available from the clerk named on the front sheet of the agenda and will also be published on the website as a separate document alongside the agenda as soon as possible.

Hard copies have been circulated to Members of the Board.

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**Report of the Acting Director of City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Call-In of Decision on Garforth Squash and Leisure Centre**

**Electoral Wards Affected:**  
Garforth and Swillington

yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

On 30<sup>th</sup> March 2011 Executive Board considered a report on Garforth Squash and Leisure Centre and resolved to support the principle of a community asset transfer of this site to the Schools Partnership Trust, and to delegate conclusion of the transfer to the Acting Director of City Development in consultation with the Executive Member for Leisure.

The decision was called in to the City Development Scrutiny Board, which decided at its meeting on 20<sup>th</sup> April 2011 to refer the decision back to Executive Board.

This report recommends that the decision of 30<sup>th</sup> March be reaffirmed.

**1.0 Purpose of this Report**

1.1 This report

[a] advises Executive Board that at a meeting on 20<sup>th</sup> April 2011 the City Development Scrutiny Board agreed to refer back Executive Board's decision of 30<sup>th</sup> March 2011 on Garforth Squash and Leisure Centre

[b] recommends that the original decision be reaffirmed.

1.2 As this will be a response to the Scrutiny Board's call-in and reference back, it is not eligible for further call-in.

## **2.0 Background Information**

2.1 On 23<sup>rd</sup> February 2011 Council approved the revenue budget for 2011/12. The City Development section of the budget report included the proposal “to progress a proposal for community asset transfer for Garforth Sport Centre as from summer 2011 with a reduction in opening hours to 31 hours a week from 1st April 2011.”

2.2 On 30<sup>th</sup> March 2011 Executive Board considered a report on Garforth Squash and Leisure Centre and resolved:

(a) That the proposed method of disposal via direct negotiation with the Schools Partnership Trust, together with the aims of the proposed transfer and the risks and mitigations identified within the submitted report, be noted.

(b) That the principle of a community asset transfer of Garforth Squash and Leisure Centre to the School Partnership Trust at less than best consideration be approved.

(c) That the Acting Director of City Development, in consultation with the Executive Member for Leisure, be authorised to finalise a lease agreement in keeping with the principles and terms outlined within the submitted report and subject to receipt of a suitable and robust business plan to conclude a lease with the School Partnership Trust.

2.3 This decision was called in by the City Development Scrutiny Board which discussed it on 20<sup>th</sup> April and voted 6:6 on the call-in, which was then decided on the casting vote of the Chair:

“That the decision be referred back to the Executive Board on the grounds that there are concerns that the School Partnership Trust (SPT) has not agreed to take on this facility, that there was no business plan submitted to Executive Board as to how the future service delivery at this facility for community use will be delivered, no reference to repair costs that will have to be incurred by the Council under the proposed Heads of Term before SPT take on the repairing obligation and that only a single organisation has been approached with a view to transferring the Council’s asset.”

2.4 The full record of the call-in meeting is attached at Appendix A.

## **3.0 Main Issues**

3.1 Taking the reasons for referral back one by one,

3.1.1 “there are concerns that the School Partnership Trust (SPT) has not agreed to take on this facility”.

The Executive Board report of 30 March followed in-principle discussions between the Acting Director of City Development and the Chief Executive of the SPT with the Executive Member and other officers in attendance. It was clearly understood that both sides would need to obtain appropriate authority to enter into a lease, and clearly if either side were to decline then the asset transfer would not happen. Indeed, if both sides took the view that they needed agreement from the other before they would agree even in principle, then the whole process would stall. The Chief Executive of the SPT has subsequently confirmed that the Trustees support the CAT in principle (i.e. subject to the same requirement for a satisfactory business plan that Executive Board had agreed). Accordingly, on the 5th May 2011 the SPT

Board formally agreed to the principle of the Community Asset Transfer and the Heads of Terms previously agreed by Executive Board on the 30th March 2011.

- 3.1.2 “there was no business plan submitted to Executive Board as to how the future service delivery at this facility for community use will be delivered”.

This is why the report of 30 March proposed, and Executive Board agreed, that a suitable and robust business plan must be received before a lease would be concluded. The SPT is currently developing a Business Plan in line with the Heads of Terms previously outlined.

- 3.1.3 “ [there was] no reference to repair costs that will have to be incurred by the Council under the proposed Heads of Terms before SPT take on the repairing obligation”.

The proposed Heads of Terms, reported in the Executive Board report, do not commit the Council to incurring any repair costs before transfer, and explicitly allocate responsibility for repairs thereafter to the tenant.

Reference was made at the Scrutiny Board meeting to a condition survey of the building dating from 2007 with a headline repair cost of £348,650, which has been supplied to the SPT. This was the last full condition survey conducted by the Council. It categorised works as “essential”, “desirable” and “long term” with total values of £24,000, £258,350 and £66,300 respectively. The SPT was also supplied with a progress update conducted in October and November 2010, which identified £168,950 of the works as having been implemented (before discussions had begun with the SPT), leaving £179,700 outstanding, divided between £8,500 of essential works, £104,900 of desirable works and £66,300 of long term works.

Officers advised the SPT at an early stage that they did not anticipate implementing repairs (other than normal running repairs) before a transfer, and the SPT has so far agreed this approach. There has been no suggestion in the negotiations with the SPT that there are any significant prior repair requirements, or that the SPT’s business plan will require the Council to implement any. If during the final stages of negotiation the SPT were to take such an approach, the Acting Director would consider the request against what would be required if the building were to remain in Council management, and he would seek further authorisation from Executive Board if the SPT’s requirement was disproportionate compared to what would be required anyway under continuing direct management. Overall, the scale of backlog maintenance, particularly the essential elements, are not considered at this stage to be a substantive reason for not progressing with a CAT.

- 3.1.4 “only a single organisation has been approached with a view to transferring the Council’s asset”.

One of the reasons a report was brought to Executive Board on 30<sup>th</sup> March, at a comparatively early stage of the discussions with the SPT, before a business plan had been agreed, was to ensure that there was public knowledge and transparency on this. The report informed Executive Board of the approach and gave several reasons which justify why a single negotiation was a reasonable approach in this case. The first part of the resolution explicitly refers to the single negotiation.

- 3.2 The Council does tend to market properties that are being sold for commercial reasons as a means of demonstrating that best consideration has been achieved. However, non-commercial transfers and disposals often progress on a one-to-one basis. Harehills Middle School, Hillside Primary, Otley Court House, Headingley Primary School, Woodhouse Community Centre and the Cardigan Centre have all

progressed through one-to-one negotiations and passed into community use/social enterprise. The question with respect to Garforth is the extent to which the Council's objectives and those of SPT are aligned. The Directorate's view is that the objectives of the two parties are aligned and in view of the benefit to all parties of securing the future of the centre in a timely way, it is felt that on balance a one-to-one transaction outweighs any potential benefits of marketing more widely in this instance. For these reasons and following the analysis in paragraphs 3.1.1 to 3.1.4 above, officers take the view that the reasons given for asking Executive Board to reconsider the original decision do not amount to a strong case for a different outcome, and accordingly believe the original decision should be reaffirmed.

- 3.3 At the Scrutiny Board meeting the view was expressed that the final sign-off of the agreement (following agreement of the business plan) should be by Executive Board, not delegated to the Acting Director. Although this view was not incorporated into the text of the referral back, officers have considered this issue further and believe there are two points that should be taken into account.
- 3.4 The first point is that if there is a serious concern that the requirement for consultation with the Executive Member for Leisure does not give sufficient political control over the finalisation of the agreement, final sign-off could be sought at Executive Board. The Directorate's expectation is that the Acting Director and Executive Member would only agree the lease under this delegation if it was consistent with the principles set out in the report of 30<sup>th</sup> March. However some members of the Scrutiny Board expressed concern over the approach. If Executive Board now shares this concern, there would be no in-principle problem with amending this part of the process.
- 3.5 However, the report of 30<sup>th</sup> March included, as one of the reasons for single negotiation with the SPT, that this would achieve the restoration of longer hours in the fastest possible time. The Call-in and associated Stop Order have already had the effect of delaying progress, as officers are currently unable to progress negotiations with the SPT. The Acting Director referred to the delays caused by the Stop Order in his evidence to the Scrutiny Board. One effect of the delay is that it is now extremely unlikely to be feasible to effect a transfer within the ten week period from 1<sup>st</sup> April during which Area Committee funding is available to top up core funded opening hours. Unless some other funding becomes available, opening hours will therefore drop in mid June from the current 58 hours per week to the core-funded 31 hours per week.
- 3.6 An additional requirement to take a final report back to Executive Board would further delay the process, as normal Executive Board lead-in times would take several weeks after the Acting Director had satisfied himself that the terms and business plan were acceptable. The extent of delay depends on the date of the next available Executive Board after this milestone, but would typically be between five and ten weeks allowing for lead-in times.
- 3.7 Therefore there is a balance to be struck between satisfying any concerns that may exist over the Acting Director (in consultation with the Executive Member for Leisure) agreeing a lease and business plan that would not meet the expectations of Executive Board, and sustaining the public service provided by the leisure centre.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 Some implications for Council Governance are explored above, specifically paragraph 3.1.4, and paragraphs 3.3 to 3.7. There is no constitutional requirement and no standard procedure in Community Asset Transfers which would require

either advertisement of a CAT opportunity or final sign-off of an agreement at Executive Board.

- 4.2 The Ward Members for Garforth and Swillington were consulted and expressed support for the reaffirmation of the Executive Board resolution of 30<sup>th</sup> March.

## **5.0 Legal and Resource Implications**

- 5.1 The operation of the leisure centre at 31 hours a week is funded within the 2011/12 budget. However, as there is to be no ongoing subsidy to the SPT, there will be a revenue saving of £33k in direct subsidy, plus (depending on whatever arrangements are made for the Bodyline gym) additional net income of estimated £84k at Garforth and/or other local sites, total £117k a year, from the date a transfer can be effected; plus additional savings in ongoing maintenance costs.

## **6.0 Conclusions**

- 6.1 This report highlights the issues raised by Scrutiny Board with respect to the report to Executive Board on the 30<sup>th</sup> March 2011 concerning the Community Asset Transfer of the Leisure Centre to the Schools Partnership Trust. Based on the information provided above, the conclusions of this report are that there remains sufficient justification to progress with the transfer on the principles previously agreed by Executive Board, and that the original judgement of Executive Board in delegating finalisation of the lease to the Acting Director was reasonable. Therefore it is proposed that the delegation should remain, in preference to the risk of reducing a public service further which could result should there be any additional delay.

## **7.0 Recommendations**

- 7.1 Executive Board is recommended to re-affirm the decision taken at its meeting of 30<sup>th</sup> March 2011.

**Appendix A** - Record of Scrutiny Board call-in meeting.

## **8.0 Background Papers**

Condition Survey Garforth Squash and Leisure Centre 2007

Update of Condition Survey November 2010.

**SCRUTINY BOARD (CITY DEVELOPMENT)**

**CALL-IN OF EXECUTIVE BOARD DECISION**

**Reference SSU 2010/11 Minute 205 - 51**

**1.0 DETAILS OF CALLED IN DECISION**

- 1.1 This report relates to a decision of the Executive Board on 30<sup>th</sup> March 2011 to approve the granting of a long term lease at a peppercorn rent of the Garforth Squash and Leisure Centre to the School Partnership Trust.

**2.0 DETAILS OF CALL- IN**

- 2.1 The Call-In was requested by Councillors A Lamb, D Schofield, B Anderson, C Fox and P Harrand
- 2.2 The Call-In request was considered by a meeting of the Scrutiny Board (City Development) on 20<sup>th</sup> April 2011 which was attended by:

Councillor J Procter (Chair)  
Councillor B Chasney  
Councillor R Pryke  
Councillor J Akthar  
Councillor B P Atha  
Councillor P Grahame for Councillor A D Atkinson  
Councillor M Rafique  
Councillor G Harper  
Councillor J Jarosz  
Councillor M Lobley  
Councillor M Robinson  
Councillor J Elliott  
Ms B Woroncow - Co-opted Member (non voting)

**3.0 EVIDENCE CONSIDERED**

**3.1 The Board considered the following written evidence:**

Report of the Acting Director of City Development outlining proposals regarding the granting of a lease to the Schools Partnership in respect of Garforth Squash and Leisure Centre from a date to be agreed and seeking approval to delegate the necessary authority to the Acting Director of City development in order to finalise and conclude the lease.

- 3.2 The following Executive Board Member and officers attended the meeting to give evidence to the Board and answer questions:

Mr M Farrington, Acting Director of City Development  
Mr R Mond, Chief Recreation Officer  
Mr M Allman, Head of Sport and Active  
Councillor A Ogilvie

- 3.3 The following signatory of the Call-In attended to present the reasons for the Call In:

Councillors A Lamb  
Councillor D Schofield

#### **4.0 CONCLUSIONS AND RECOMMENDATIONS**

- 4.1 At the conclusion of the meeting, the following statement was agreed  
6 in favour and 6 against the proposal with the Chair using his casting vote :

“That the decision be referred back to the Executive Board on the grounds that there are concerns that the School Partnership Trust (SPT) has not agreed to take on this facility, that there was no business plan submitted to Executive Board as to how the future service delivery at this facility for community use will be delivered, no reference to repair costs that will have to be incurred by the Council under the proposed Heads of Term before SPT take on the repairing obligation and that only a single organisation has been approached with a view to transferring the Council’s asset.”

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**Report of the Director of City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Long Term Supply of Burial Space**

**Electoral Wards Affected:**

**Harewood**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

This report provides Executive Board with the background to the development of a cemetery at Whinmoor Grange, from its planning approval in 2002, to the development of a Draft Planning Statement involving the decant of the Council's nursery from Red Hall.

Following Executive Board on the 9 March 2011 and the subsequent call-in on the 5 April 2011, a range of issues were raised. Firstly in relation to the extent of consultation undertaken to date and the rationale for Executive Board's agreement to a Draft Planning Statement for consultation prior to a wider consultation. Secondly, technical issues relating to drainage, highways and landscaping.

In addition and in consideration of the views expressed at Scrutiny, it is considered appropriate that any capital expenditure on the scheme is put on hold to allow consultation to take place and to ensure that all stakeholders have an opportunity to engage in the consultation.

**1.0 Purpose of this Report**

1.0 To advise Members that the Scrutiny Board for City Development has referred back to Executive Board its decision concerning proposals to consult on the Draft Informal Planning Statement for Whinmoor Grange including plans for a cemetery on the site. The report considers the issues raised by Scrutiny Board and makes proposals for how this matter can be moved forward.

## **2.0 Background Information**

2.1 Members will recall that a report was considered at the Executive Board of the March 2011 regarding the long term burial supply for North East Leeds. Specifically, Executive Board resolved:

- That the current position regarding the implementation of the proposals agreed at the Executive Board meeting in December 2008 be noted;
- That the Draft Informal Planning Statement for Whinmoor Grange be approved for the purposes of a public consultation exercise which is to be undertaken over a six week period, with the findings being reported back to Executive Board;
- That approval be given to the incurring of £309,579 expenditure on the construction of a five acre cemetery at Whinmoor (Cemetery Exts City Wide – Green Schemes, Scheme Number 1358);
- That the proposal to move forward with a planning application for a cemetery at the former Elmete caravan park be noted.

2.2 Subsequent to making those resolutions, the report was called in for Scrutiny by Councillors R Procter, A Castle, V Kendall, G Latty and JW Marjoram. The call-in request cited the following reasons:

- Due consultation and the taking of professional advice from officers. Insufficient consultation with local representatives, particularly the Parish Council and local residents. Ward Members were only consulted after the report was published;
- A presumption in favour of openness.

2.3 Accordingly, the call-in was heard on the 5 April 2011, where representations were made by Councillor R Procter supported by further representations including representatives of Barwick and Scholes Parish Council and Thorner Parish Council. In summary, a range of issues were raised, which included:

- Lack of consultation with residents;
- The fields planned for the cemetery were in poor condition and prone to flooding;
- It was felt that the proposals would devalue properties on Morwick Terrace;
- Impacts on wildlife;
- Potential highways issues;
- Lack of detail on the landscaping proposal.

2.4 A copy of the minute of the Scrutiny Board is attached as Appendix 1. Further to the Directorate outlining the long history to the proposed cemetery on this site, the extant planning permission that is in place and previous decisions of Executive Board in 2006 and 2008, which ultimately identified the preferred location of a cemetery at Whinmoor Grange, the Scrutiny Board determined to refer the matter back to Executive Board on a 6:6 vote with the Chair exercising his casting vote.

### **3.0 Main Issues**

- 3.1 Principally, the issues expressed at Scrutiny fall into two categories. Firstly, the extent of consultation that has taken place to date and the rationale for seeking Executive Board's agreement to a Draft Planning Statement for consultation prior to consulting more widely. Secondly, technical issues relating to drainage, highways and landscaping.
- 3.2 Firstly, with respect to consultation, the report presented to Executive Board on the 9 March 2011 specifically sought Executive Board's consent to consult on the Draft Informal Planning Statement for Whinmoor Grange. This approach was taken in consideration of two factors. Firstly, given that the cemetery proposal at Whinmoor simulates a wide range of differing views, officers felt it appropriate to secure Executive Board's agreement to the draft proposals as a basis for consultation prior to engaging with the public and other stakeholders more widely. The Directorate would not normally progress to detailed consultation on a proposal such as this without first gaining the Executive Board's consent to draft proposals as a basis for consultation.
- 3.3 Secondly, it is important to recognise that proposals for a cemetery at Whinmoor Grange have been considered in the public domain for a considerable amount of time. The file for the proposal dates back to at least 1997. In 2002, full planning consent for a cemetery was granted. As part of this process, consultation as part of the statutory planning process was undertaken and views expressed on matters included highways, drainage and landscaping were raised and considered prior to the planning application being determined. Following the planning approval being obtained, the Council invested £275k on the required highways improvements, which included the creation of a central refuge island on the A64, carriage widening and the provision of a footway. In addition, a landscaping scheme was developed in detail as part of the consent and can be made available as part of any further consultation process which may be agreed. The infrastructure planting for the first phase of the cemetery development was also implemented at a cost of £184k.
- 3.4 Further to the above works, on the 13 December 2006, Executive Board determined that the Whinmoor Grange site should accommodate a five acre cemetery which will allow for burials in North East and East Leeds for the next twenty five years. Subsequently, on the 3 December 2008, Executive Board resolved that approval be given to the development of a five acre cemetery on the site identified on Plan B attached to the report, and that the implementation of this development be delivered as part of a larger masterplan for the site involving the decant of the Council's nursery from Redhall.
- 3.5 Prior to the report being prepared for the 9 March 2011 Executive Board, further technical work was undertaken to assess the extent of any drainage issues on the site. Cemetery Development Services were commissioned who undertook desktop soil and water surveys and also dug ten trial pits as part of a soil and ground water assessment to depths of four metres in areas where burials would take place as part of the existing proposal. The outcome of these trial pits was that from the evidence from historic boreholes, water levels were not known to rise within 3.7 metres of the surface. Consequently, the Cemetery Development Services report concluded that:

"Following the site observations and detailed desk analysis our conclusion is that the site in its current state poses a moderate risk to controlled waters as assessed under EA current guidelines, this is mainly due to the high burial number and the offset score that this gives.

However all risks taken into account, and mitigation of those risks identified (ensuring burials are at least 30 metres from the stream and that deep land drains are decommissioned), then we would consider the overall risk to the groundwater and surface water to be low.”

3.6 In the context of the history which is briefly summarised above, the Directorate’s view is that the report presented to Executive Board on the 9 March 2011 was consistent with previous decisions made by Executive Board and wish to move forward with consultation prior to any final proposals being implemented. It is therefore proposed that Executive Board agrees to the Draft Informal Planning Statement being released for consultation to enable all views on the proposal to be expressed. The consultation will be available for all potential stakeholders to participate, which will include:

- The Public;
- Ward Members;
- Parish Councils;
- Faith Groups;
- Local Residents;
- Adjacent Landowners;
- Statutory Bodies.

3.7 In addition to the above, and in consideration of the views expressed at Scrutiny Board, it is felt that any capital expenditure on the scheme can be held in abeyance pending the outcome of the consultation exercise and to ensure that all potential stakeholders have a greater opportunity to engage in the process, the consultation exercise is extended to a period of six weeks.

#### **4.0 Implications For Council Policy And Governance**

4.1 The Council has signed a Charter with Parish Councils, which was reviewed and approved in January 2011, and provides a framework whereby the Council and Local Parish Councils aim to work together for the benefits of local people. The Charter states that consultation will be used to involve local councils in decisions of the City Council, that affect local communities. The consultation on the Draft Planning Statement will be entirely consistent with this Charter and will consult with Thorner Parish Council and Barwick & Scholes Parish Council who form part of the Charter.

4.2 The Constitution states that following a Call In, should any decisions be referred back to the decision taker for consideration, in terms of Executive Board, a report will be submitted to the next meeting and 'Executive Board will either confirm the original decision or vary the original decision. On this basis the decision from Executive Board regarding Long Term Burial Supply will be implemented without further recourse to Call In'.

#### **5.0 Legal And Resource Implications**

5.1 The Capital Programme provision for the scheme is £309,579 and it is proposed that any preliminary expenditure on this proposal can be deferred pending the outcome of the consultation exercise and should not materially impact on the delivery of the scheme within an acceptable timetable.

## **6.0 Conclusions**

6.1 Proposals for a cemetery at Whinmoor have been around for a number of years. It is clear that the proposal generates strong views both for and against. In that context and recognising the need to move forward, it is considered that the next step is to move to consultation on the Draft Informal Planning Statement so that any final decision made by Executive Board can be considered in the full knowledge of the views of all stakeholders.

## **7.0 Recommendations**

7.1 Executive Board is asked to agree that:

- (i) The Draft Informal Planning Statement for Whinmoor Grange be approved for the purposes of a public consultation exercise which is to be undertaken over a six week period , with the findings being reported back to Executive Board;
- (ii) Expenditure on Capital Scheme Number 1358 be held in abeyance pending the outcome of the consultation exercise.

## **8.0 Background Papers**

8.1 Background papers are:

- Executive Board report of 13 December 2006;
- Executive Board report of 3 December 2008;
- Cemetery Development Services report 2010;
- Scrutiny Board report of 5 April 2011.

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## SCRUTINY BOARD (CITY DEVELOPMENT)

TUESDAY, 5TH APRIL, 2011

**PRESENT:** Councillor J Procter in the Chair

Councillors J Akhtar, B Atha, J Elliott, P Grahame, G Harper, J Jarosz, M Lobley, R Pryke, M Rafique, M Robinson and S Smith

**CO-OPTED MEMBER** B Woroncow

### 148 Declaration of Interests

There were no declarations of interest.

### 149 Apologies for Absence and Notification of Substitutes

Apologies for absence were submitted on behalf of Councillor D Atkinson. Councillor P Grahame was in attendance as substitute.

### 150 Call-In of Decision - Briefing Paper

The report of the Head of Scrutiny and Member Development informed Members of the Call In arrangements in accordance with the Council's Constitution and the options of action available to the Board. It was reported that only the two following options were applicable to the Board:

- Release the decision for implementation
- Recommend that the decision be reconsidered

**RESOLVED** – That the report be noted.

### 151 Call In - Long Term Burial Supply for North East Leeds; Whinmoor Grange Cemetery Design and Cost Report and Draft Whinmoor Grange Informal Planning Statement.

The report of the Head of Scrutiny and Member Development presented the background papers to a decision which had been called-in in accordance with the Council's Constitution.

The following papers were included with the agenda:

- Copy of completed call-in request form
- Report of the Acting Director of City Development
- Relevant extract of Executive Board minutes of 9 March 2011.

The Chair welcomed the following to the meeting for this item:

- Councillor Rachel Procter, Call-in Signatory
- Mr Evans – Thorner Resident
- Councillor G Hall, Barwick in Elmet and Scholes Parish Council
- Mr S Wood, Clerk to Thorner Parish Council
- Mr Godson, Resident of Morwick Avenue
- Martin Farrington, Acting Director, City Development
- Christine Addison, Acting Chief Asset Management Officer
- Jane Cash, Senior Project Manager
- Councillor Adam Ogilvie, Executive Member

Councillor R Procter addressed the meeting and raised the following concerns as part of the reason for calling in the decision:

- Lack of consultation with Ward Members, Parish Councillors and other local representatives.
- Some consultation was held with Ward Members, but not until after the report to Executive Board had been written.
- Concern regarding increased traffic at the Thorner/A64 junction.
- Issues with land drainage in the area.
- Close proximity of the cemetery to local sports pitches.

Mr Evans raised the following concerns:

- Lack of consultation with local residents and the Parish Council.
- The area concerned was not suitable for a cemetery, the adjacent sports ground was frequently waterlogged as was land at Whinmoor Grange Farm.
- Alternative sites had not been considered.
- There would be an increase in accidents at the Thorner/A64 junction.

Councillor G Hall raised the following issues:

- Concern that the Parish Council was only made aware of this 3 days before the Executive Board meeting and that they had not been consulted. It was felt that Leeds City Council had not honoured its obligations as outlined in the Town and Parish Council Charter. Mr Wood of Thorner Parish Council also raised concerns that consultation was not carried out in line with the Charter and requested that the decision be deferred until proper consultation was undertaken.
- Highways issues – including increased volumes of traffic and accident statistics.
- Concern raised by residents of Morwick Terrace

Mr Godson, a resident of Morwick Terrace addressed the meeting. He informed the Board of the following concerns:

- Lack of consultation with residents



- The fields planned to be used remained in a poor condition through out the year.
- Due to the slope of the land and problems with drainage, the houses at Morwick Terrace had problems with flooding.
- It was felt that the proposals would devalue the properties
- Close proximity of the proposed cemetery to gardens.
- Impacts on wildlife.
- Landscaping of the site and screening views from local properties

In response to the comments and concerns raised, Martin Farrington addressed the meeting. He gave a full background and history to the cemetery proposals at Whinmoor Grange including the planning permission that was granted in 2002, and previous reports to Executive Board in 2006 and 2008. There was a need to increase provision in the North East of the City as it was estimated there was only a 20 month supply left elsewhere. It was further reported that at this stage, the decision of the Executive Board was to approve the consultation process to be undertaken.

In response to Members comments and questions, the following issues were discussed:

- The consultation process was being drafted. This would include input from Planning, Highways, Land Drainage, Sport England, faith groups and others.
- Concern that expenditure for the construction of the site had been approved without the appropriate consultation.
- Potential sites for alternative provision.
- In response to questions regarding planning provision, it was confirmed that planning permission was still live for the proposed area.
- Test holes had been dug at the site in October 2010 and had not shown a problem with water retention – it was possible that further testing could be carried out. The Environment Agency had been consulted with regards to surface water and no problems had been identified.
- Expenditure on the scheme would not be progressed without further consultation.

Councillor R Procter was invited to summarise the call-in and reiterated the issues already raised.

## **152 Outcome of Call-In**

Members were asked to make a recommendation arising from the consideration of the called-in decision and reminded of the options available.

A proposal was made to the Board that the decision be referred back to the Executive Board because of the lack of consultation. There were also concerns regarding highways, drainage and landscape issues and the fact

that the Executive Board had already agreed the release of £309,579 on the construction of a 5 acre cemetery at Whinmoor Grange (Scheme No 1358)

Following a vote of Board Members, it was:

**RESOLVED** – That the decision be referred back to Executive Board to be reconsidered.



Originator: P N Marrington

Tel: 39 51151

**Report of the Head of Scrutiny and Member Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Scrutiny Board Recommendations - Cemeteries & Crematoria Horticultural Maintenance.**

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

1. Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director, in consultation with the relevant Executive Member, since the last Executive Board meeting.
2. Where there is a difference of opinion between Scrutiny and the Director/Executive Member, or where recommendations are directed specifically at Executive Board, a more detailed narrative will be given and Executive Board will be asked to pronounce on the matter.
3. This report lists those Scrutiny Board recommendations which have been agreed by the relevant Director, in consultation with the appropriate Executive Board. There is one recommendation where agreement cannot be reached.
4. Executive Board is asked to note the agreed recommendations and to rule on the recommendation where agreement cannot be reached.

## **1.0 Purpose Of This Report**

- 1.1 This report provides a summary of responses to Scrutiny Board recommendations received since the last Executive Board meeting.

## **2.0 Background Information**

- 2.1 Responses to Scrutiny Board reports and recommendations are no longer required to be approved by Executive Board. Instead, Executive Board will receive a report from the Scrutiny Support Unit summarising all responses to Scrutiny recommendations agreed by the Director/Executive Member since the last Executive Board meeting. This report will include, if required, a more detailed narrative around any recommendations where there is a difference of opinion between Scrutiny and the Director/Executive Member.
- 2.2 Where there is a difference of opinion between Scrutiny and the Director/Executive Member or where recommendations are directed specifically at Executive Board, Executive Board will be asked to pronounce on the matter.

## **3.0 Main Issues**

- 3.1 Responses have been received to the following Scrutiny Board report:
- Scrutiny Board (City Development) - Inquiry into the Cemeteries & Crematoria Horticultural Maintenance
- 3.2 The recommendations arising from this report are shown in Appendix 1
- 3.3 There is one recommendation where there is disagreement between the Scrutiny Board and Director/Executive Member.

### Recommendation Two:

*To enforce the grave conditions on lawned and non-lawned areas in all cemeteries and crematoria managed by the Council in order to reduce maintenance costs.*

- 3.4 The Scrutiny Board (City Development) is of the view that the large number of flowers, ornaments, fenced off sections and trinkets that families place as tributes on graves and on grass next to memorial plaques result, particularly in the growing season, in staff having to spend additional hours removing these items in order to cut the grass and then replace them afterwards. There are also difficulties in maintaining areas where families ignore the rules regarding graves, which state that "railings, footstones, kerb and border stones, chains or other structures enclosing graves or parts of graves, flags or chippings are not allowed." These prevent the larger grass cutting machines from being used. As a consequence staff have to resort to smaller machines and strimmers which are less efficient and increase costs. In addition having to manoeuvre machinery around obstacles can result in damage to grave features.
- 3.5 The Directorate has responded that implementing this recommendation in full would present difficulties on grave plots already in place and therefore do not think that a retrospective approach is practical due to difficulties associated with enforcement that are likely to be involved. The Directorate is of the view that a preferable solution would be to enforce current conditions (with a degree of sensitivity given the

nature of the service) on new graves within existing cemeteries (but not re-opened graves), cemetery extensions and new cemeteries. With respect to existing graves, enforcement would be implemented on a proportionate basis again with sensitivity to the client base.

#### **4.0 Implications For Council Policy And Governance**

4.1 There are no governance implications arising from the recommendations. The Council's policy on Horticultural maintenance in cemeteries and crematoria would be changed if all recommendations were agreed.

#### **5.0 Legal And Resource Implications**

5.1 There are no legal implications. The Scrutiny Board (City Development) is of the view that substantial savings in maintenance hours (1,400 hours in Lawnswood alone) can be achieved if staff didn't have to spend time removing items or use smaller machines and strimmers because of obstructions.

#### **6.0 Conclusions**

6.1 Scrutiny Board (City Development) has received responses to recommendations made in its final report; Cemeteries & Crematoria Horticultural Maintenance Two of the three recommendations have been agreed by the relevant Director in conjunction with the relevant. There is disagreement on one recommendation.

#### **7.0 Recommendations**

7.1 That the Executive Board notes the responses to Scrutiny Board recommendations and pronounce on the recommendation where there is a difference of opinion between Scrutiny and the Director/Executive Member.

#### **8.0 Background Papers**

8.1 Scrutiny Board (City Development) - Final Inquiry Report - Cemeteries & Crematoria Horticultural Maintenance.

## Scrutiny Board Final Reports, Recommendations and Responses

### Scrutiny Board (City Development) - Inquiry into the Cemeteries & Crematoria Horticultural Maintenance

#### Recommendation One

That due to the success and benefits the Council receives from groups like the Friends of Guiseley and Hunslet Cemeteries, that these be encouraged to be established at all the Council's cemeteries and crematoria, with the work being done through the Area Committees and the Head of Parks and Countryside developing suitable information packs and leaflets on how such groups can be established and promoted in local communities.

**Agreed**

#### Recommendation Two:

To enforce the grave conditions on lawned and non-lawned areas in all cemeteries and crematoria managed by the Council in order to reduce maintenance costs.

#### Response

We believe that implementing this recommendation in full would present difficulties on grave plots already in place and therefore do not think that a retrospective approach is practical due to difficulties associated with enforcement and related costs (particularly legal) that are likely to be involved. We believe that a preferable solution would be to implement current conditions (with a degree of sensitivity given the nature of the service) on new graves within existing cemeteries (but not re-opened graves), cemetery extensions and new cemeteries.

#### Recommendation Three:

That the Head of Parks and Countryside consider the introduction of suitable stand/display boards in designated areas, in the strewing lawns in Council's cemetery and crematoria, for people to place flowers and other tributes on.

**Agreed**



Originator: John Lennon

Tel: 2478665

**Report of the Director of Adult Social Services**

**Executive Board**

**Date: 18<sup>th</sup> May 2011**

**Subject: Review of Consultation Process for Building Based Mental Health Services**

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**EXECUTIVE SUMMARY**

At the Executive Board of February 2011, a decision was made to consolidate Local Authority mental health day centre provision onto one building base. Following this, representations were made to Scrutiny Board in relation to the adequacy of the consultation prior to the decision.

Examination of the representations made by the Tri – Centre Group – a group of service users from the three Local Authority Day Centres with legal representation – has led to a reconsideration of the i3 consultation, which ceased in 2009, and upon which the recommendations were partly based,. Although it is acknowledged that the proposals are in line with national policy drivers and best practice for mental health day services, there is a recognition that there has been a lapse of time between the conclusion of the i3 project and the current recommendation, which means that there will be new people within the service who are unaware of the consultation, and have therefore not been involved in the prior discussions.

It is recognised that more specific and dedicated time is required for Service Users to be consulted about the proposed option to consolidate the day centre provision on one building base. This consultation will therefore form one element of a wider engagement designed to inform consideration of any new commissioning arrangements for day services in Leeds.

It is requested that Executive Board agree not to implement the recommendation to consolidate mental health day services onto one site, pending a further report later in the year outlining the outcomes of the consultation.

## **1.0 Purpose Of This Report**

- 1.1 To advise Executive Board of a change of circumstances since the publication of the last Executive Board Report. Following consideration of representations made to the Scrutiny Board, it is requested that Executive Board review the decision made in February 2011, as detailed in the report of the Director of Adult Social Services to the Scrutiny Board on 13th April 2011 (attached at Appendix 1).

## **2.0 Background Information**

- 2.1 In the report to Executive Board in February 2011, proposals were made to modernise the mental health day service provision undertaken by Leeds City Council.
- 2.2 Executive Board will be aware of the detail underlying the recommendation outlined in the February report. This referenced the need to modernise day service provision in line with national best practice, the embracing of a recovery focus and a shift from buildings based to community focussed services. Also referenced was the significant work already undertaken in Leeds, across the whole health and social care economy, detailing a model for moving this agenda on, and upon which the recommendations were based. This is the i3 model referenced in the February report.
- 2.3 The specific recommendation was:

That Executive Board approves the reconfiguration of the directly provided mental health day services along the lines envisaged in the i3 service model. This will consolidate buildings based services on one site, enabling cost efficiencies while delivering a modernised and enlarged, community focused service (Para 7.2 Executive Board Report 11<sup>th</sup> February 2011)

- 2.4 The other recommendations within the 11<sup>th</sup> February report, namely,

To assist this process that Executive Board gives approval to begin a personalised consultation with service users on how their needs are best met within the new service model. Appropriate levels of consultation with staff and Unions will follow with service changes to be completed between July and September 2011 in order to allow time to arrive at individual agreements with service users over their future needs. There will be no closure until alternative services are available and in place

That Executive Board approves the establishment of a stakeholder group which will meet regularly as implementation is put underway

That Executive Board request a report in relation to how the service model has been implemented and service users moved into their new support arrangements in November 2011.

That Executive Board approves the decommissioning of existing mental health day services across the internal and third sectors and approves the tendering of new, modernised services across the care pathway detailed in the 'i3 Project Final Report' which are fit for purpose. This is to begin in February 2011

That Executive Board approves consideration of options for the future provision of supported accommodation services in line with Best Value, with



a further report and recommendations to be submitted to Executive Board in July 2011

are consistent with current best practice and the new national mental health strategy and remain valid in terms of the direction of travel for the mental health provider services in Leeds

### **3.0 Main Issues**

- 3.1 Representations were made to the Scrutiny Board on 16<sup>th</sup> March 2011 by Unison and the Tri – Centre Group, particularly in relation to the level and contemporariness of the consultation around the service model, the quality and appropriateness of the Equality Impact Assessment, and the decision to consolidate buildings based day services onto one site.
- 3.2 It is recognised that since the conclusion of the i3 project that there have been a number of people, new to the day services, who did not have the opportunity to be involved in this consultation, and therefore were unable to express their views about the proposed model. This makes the decision to restructure the service, consolidating centre provision on one site, problematic. At the subsequent Scrutiny Board on 13<sup>th</sup> April 2011, the Director of Adult Social Services submitted a response to these representations.
- 3.3 Service users have expressed anxiety about how their future services and support arrangements will look and how they would personally be supported by the new service components. An independent review of i3 identified that those with the most concern about these changes were those who had no experience of what the alternative services could offer. In contrast those who had moved through the changes were in support of the model because they could see and had experienced the benefits the new model had delivered for them.
- 3.4 While it is recognised that it may be difficult for people who feel vulnerable to make this change, the service is committed to ensure that each service user has a personal plan, developed in consultation by the service user with their keyworker or a social worker, which describes the full range of services they can access and how they will be supported in the future. Indeed within the proposals which went to Executive Board in February 2011 were details of the consultation process the service would undertake with service users and key stakeholders. The proposals made in February have always been seen by the service as the beginning of the consultation process, rather than the end.
- 3.5 It must be noted that, despite the concerns raised about the process, the proposed direction of travel regarding the modernisation of the mental health day services reflects the national policy drivers which have been present since the National Service Framework for Mental Health in 1999, and that have been reiterated in the recent mental health strategy – No Health without Mental Health DH 2011. The focus of the current strategy is for recovery based services and the need for services to be more personalised and outcome focused. It also stresses the need to develop integrated pathways rather than isolated services.
- 3.6 Strong connections have been made between the new national mental health strategy and with our local proposals for recommissioning a whole system of mental health services. These were set out in the report to the Executive Board in February 2011, which the Board resolved to endorse. The forthcoming commissioning process and service specification will be based on a set of outcomes, developed

with stakeholders, which will meet the needs and aspirations of those people living with complex mental health issues, and aim to maximise their health and well being and reduce dependency on specialist clinical services. There will be a greater emphasis on the functions performed by services rather than the forms they are presented in. This principle is key to the flexibility required of services if they are to offer a genuinely personalised approach. The proposed commissioning process will be subject to the same consultation process outlined in the report.

- 3.7 The additional consultation being proposed addresses the concerns raised in relation to the consultation process around the proposed consolidation of day centre provision onto one site.
- 3.8 This proposal is for an interim model of service delivery designed to maximise the use of resources within the 'in house' service whilst waiting for the new proposed modernised service model to be developed.
- 3.9 The revised consultation with Leeds City Council Mental Health service users will focus on how we reconfigure council run services to operate a service that is socially inclusive and recovery based whilst maximising use of staff resource in the interim period whilst the commissioning process for the new Citywide service takes place.
- 3.10 To avoid confusion and ensure that all service users' views on the Citywide service are captured the outcome of the revised consultation around consolidating building bases will be fed into the consultation on any new commissioning arrangements for day services in Leeds.
- 3.11 Individual consultation with service users around how their personal needs can best be met in a remodelled service will be undertaken This will now take place within a more formalised consultation concerning the centres themselves. However, there will be engagement with stakeholders regarding the service specification of the new model for day service within Leeds. and this will include consideration of the role social enterprise could play in further developing the service model or as an alternative use for buildings that could be retained to serve a different socially useful purpose
- 3.12 Lessons have been learned from the Tricentre and Unison submissions and these have been helpful in ensuring Adult Social Care reflects on its future consultation arrangements .This will serve as useful learning process for the Service and these recommendations, if accepted, will put this new process on a firmer footing with a transparent process, with specifics to be consulted upon and based on an inclusive approach.
- 3.13 At the meeting of the 13<sup>th</sup> April, the Scrutiny Board welcomed the report concerning more specific consultation regarding the building base consolidation in Mental Health Day Services. The Board unanimously endorsed the direction of travel outlined.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 The original reliance on consultation to support the February Board decision making was problematic due to the need to have specific proposals rather than the support of a general direction of travel. The proposals outlined in this report will address the problem areas identified.

#### **5.0 Legal And Resource Implications**

- 5.1 Should the new recommendation not be implemented there is the potential for a legal challenge to the decision to progress the consolidation of day centre provision onto one site, resulting in a Judicial Review of the decision
- 5.2 In the light of this new recommendation there will be a need to re-examine the projected savings in the light of the overall Adult Social Care budget to consider how the savings can be made. It is important to note that there has been some uptake of the Early Leavers Initiative and further expressions of interest in future opportunities have also been made. This will assist in the delivery of budget savings but may also impact on the model of service able to be delivered through the centres during the year. This will be closely monitored to ensure on-going service commitment.

## **6.0 Conclusions**

- 6.1 The report by the, Director of Adult Social Services ,requested by Scrutiny Board in March 2011 in response to the representations made by the Tri – Centre Group and Unison, indicated that the decision to implement the recommendation to consolidate the day centre activity onto one site should be not be implemented pending further consultation.

## **7.0 Recommendations**

- 7.1 In view of the issues highlighted above, Executive Board is asked to agree not to implement the decision of the February Board regarding the consolidation of buildings based services to one site.
- 7.2 Executive Board note and confirm their support for the other recommendations, as outlined in paragraph 2.4, regarding the direction of travel for the modernisation of Mental Health Day Services, in Leeds
- 7.3 Executive Board note that consultation about the decision to consolidate the day service buildings base will be specific and focus on an interim model of provision for in house service. These findings will be joined with the consultation on the future commissioning of all community based mental health services
- 7.4 Executive Board notes that a further report will be submitted to the Executive Board on the outcome of the consultation

## **8.0 Background Papers**

- 8.1 Executive Board Report – February 2011
- 8.2 Scrutiny Board Report – 13<sup>th</sup> April 2011
- 8.3 National Service Framework for Mental Health DH 1999
- 8.4 No Health without Mental Health DH 2011
- 8.5 i3: Mental health Day Services in Leeds – the Model (Final Report)

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## Report of the Director of Adult Social Services *Scrutiny Board (Adult Social Care)*

**Date** 13 April 2011  
**Subject** Response to the Tri-Centre Group submissions in relation to the recommendation to the reconfiguration of Leeds City Council Mental Health Day Services

**Electoral Wards Affected:** All

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

The body of the report contains a detailed response to concerns raised at Scrutiny Board on 16<sup>th</sup> March 2011. The concerns primarily relate to the level of consultation service users were involved in prior to the Executive Board report in February 2011

While these concerns have been addressed on a point-by-point basis, it is important to highlight two key factors:

- a) the proposal has always been about the reconfiguring of the day service provision, While this may involve the reduction of provision within a day centre specifically for those with mental health issues, there would be a corresponding expansion in alternative types of provision
- b) this is the beginning of a process of consultation, with both service users and wider stakeholders, to ensure the development of the most effective model building on the advances already made within our services in meeting the challenge of modernising mental health day provision.

However, during conversations earlier this year it has become increasingly apparent that the extensive i3 consultation is regarded as insufficient to support an immediate decision to reduce Local Authority day centre capacity.

We recognise that since the conclusion of the i3 report there have been a number of people, new to the service, who did not have the opportunity to be involved in the consultation on the future of day service provision in Leeds prior to the Executive Board report of February. Whilst there can be every assurance given that the Executive Board report outlined a process of

consultation for individuals surrounding the future of their own care plan, clearly the recommendation to reduce day centres specifically remains problematic.

As a consequence, we are recommending that Scrutiny Board endorse our recommendation to return this matter to Executive Board advising that the recommendation concerning the day centres should not be implemented pending the formalisation of our existing consultation. The decision to consolidate services will then be reviewed in the light of the consultation taking place when a further report will be submitted to the Executive board, with the outcome of the consultation proposals, later in the year.

## **1.0 Purpose Of This Report**

To provide a response to the concerns expressed by the Tri Centre Group in relation to the Executive Board decision to reconfigure the mental health day services following the Scrutiny Board meeting on 16<sup>th</sup> March 2011.

## **2.0 Main Issues:**

### **Response to key concerns**

**2.1 Concern:** That access to the services and facilities currently provided at the Day Centres will be completely cut off for some service users and seriously restricted for others. Most of the members of the Tri-Centre Group are clear that they could not cope with attending Park Lane College or Thomas Danby College yet these are the alternative venues for the services currently provided by the Day Centres. The proposal to relocate the provision of the services currently provided at the Day Centres to these sites, therefore, is simply not workable.

**Response:** The day centres offer outreach from a number of venues, not just the two colleges. There is no suggestion that the needs of all day centre users could be met by support at the colleges. There is no proposal to do this. Enhancing the community team will mean that more groups can be run in venues closer to people's homes and communities. This already happens with groups like the Kippax support group. For some groups it may be entirely appropriate that they meet in public venues but for others it may be about finding a room or other public resource in the locality.

**2.2 Concern:** The effect of the proposal is to remove access to both vital services (counselling, anxiety management etc.) and to activities which have a significant impact on quality of life, personal development, enablement and relapse prevention (computer studies, cookery, gardening etc.). Lack of access to the latter services is likely to increase the overall demands on the services provided by the Council and to worsen the health outcomes for those in need.

**Response:** The proposal is to offer a range of services using a mix of specialist centres and community buildings. Some of the groups described above could continue from the Buildings Based service, others utilising community settings. We would also expect the service to work in partnership with other services who offer these opportunities, reducing duplication.

**2.3 Concern:** While the report talks in general terms about providing a different model of service, there does not appear to have been any worked analysis of how this would take place. At present, the proposal seems to be that the Day Centres should be closed on the

*assumption* that an as yet un-determined new framework of provision will be able to meet those needs. This is a dangerous assumption and one without foundation.

**Response:** The proposal is evidence based. There are many examples both in Leeds and elsewhere of people with complex mental health needs being supported successfully in the community. There is no detailed worked analysis about a final service model as this would pre-empt discussions that need to take place with staff and service users about what that support would look like for them. In building a flexible service model, we will be looking to staff and service users to help shape the services offered. Where there are friendship or interest groups that wish to adopt peer support models we will be working with them to enable this to happen. However, where there is the opportunity to work in partnership with other groups and organisations to avoid duplication we would expect this to happen; we will also be looking to provide more support for people closer to home.

**2.4 Concern:** The report, at Appendix 5, accepts that it is not physically practical to run all activities from the Lovell Park site. In light of this admission, we suggest that the claim by the Director that there is a potential for increased access under these proposals is false (3.1.9) or, alternatively, that it requires further worked analysis before it can shown to be otherwise.

**Response:** We are considering the practicalities of extending the opening hours of the Lovell Park Centre to offer a more flexible service with the potential to offer services from the building on evenings and weekends and allow those in work to be able to access support too. However, the proposal was not to run all activity from a single site. We are commencing work with staff to look at the capacity at the Lovell Park Centre for groups and support but we would expect additional support services in the community.

**2.5 Concern:** It is vital to note that the final i3 report recommended the retention of two out of the three Day Centres, a quite different proposal from the one now being pursued.

**Response:** The i3 project reviewed both voluntary and in house day service provision and proposed a citywide model that considered all services. It proposed a significant shift from building based to community support but recognised the need to retain some building based activities. The i3 model proposes a total of two day centres serving the City, but set within a much larger range of supported community services. Current day centre provision is set within both the Local Authority and the Voluntary sector.

**2.6 Concern:** There appears to have been no worked analysis of how the acknowledged and accepted needs of service users can continue to be met.

**Response:** Adult Social Care have a responsibility to assess need and to put in place support plans around the needs for individuals who meet the eligibility criteria for social care services under FACS. In Leeds, the Council has set this at critical and substantial needs. In common with other services, these needs can be met by directly provided council services or those commissioned from an independent provider.

Our initial judgement is that the majority of service users accessing mental health day services may sit below the threshold of eligible need. However, the Department has said it will look to meet the needs of all individuals currently receiving support through the day centres.

There are a number of alternative ways in which needs can be met as an alternative to attending a mental health centre. The impact of personalisation will inevitably influence the way in which these alternatives are developed.

In Leeds and in other parts of the country these alternatives often take the shape of supported groups operating out of existing community and public resources, the use of which other residents of Leeds take for granted. It is understandable that there is concern about the need for safe place and sanctuary that the current building bases provide so well. However, the existing Community Alternatives Team also supports large numbers of people in Leeds, safely, free from stigma and harassment, not by bringing them to a centre and separation from the community in which they live, but by supporting them to use libraries, theatres, museums, cafes, pubs, gyms, vocational training centres and by pursuing their own cultural, leisure and learning interests. This proposal is not about leaving vulnerable people to fend for themselves but about providing appropriate personal support to groups and individuals in a model of service that recognises their need to be supported to make decisions for themselves.

**2.7 Concern:** Concerns have been raised that the Day Centres are “safe havens” and “lifelines” and that their removal will lead to great distress and deterioration in the health of service users. The Tri-Centre Group believes that the proposals published in December 2010 have already resulted in five attempted suicides. No clear answer to this concern is given in the response in Appendix 4.

**Response:** (See previous response). We understand and accept that the prospect of change will raise concern with people who rightly want to know how their needs will be met. There are around 800 people accessing day support through Adult Social Care Mental Health services with different support needs. For some people the support offered from the buildings base will be appropriate but other people will be able to have their needs met in other ways. Within the Executive Board report, Adult Social Care proposes working with individuals to ensure their support plan reflects their needs. Staff in the centres can help reassure service users that they will work with them in developing an appropriate support plan.

In response to the concerns about attempted suicides, we do accept that we are working with very vulnerable people who are anxious about the future of their service. We will do everything we can to ensure people are supported professionally throughout this process.

**2.8 Concern:** In relation to concerns regarding the Vale, in particular that its closure might mean its garden will have to close, Appendix 4 simply says that adult social care will work with the social enterprise to help identify a solution. Once again, it is apparent that an assumption is being made: that an alternative can be found, an assumption for which there is no evidential foundation.

**Response:** There are other specialist mental health services within the city with substantial garden areas and potential partnerships with these organisations would be explored together with other options. The gardening services and linked operations are an important part of current day service activity. If there are accommodation issues we will seek a solution and there is a potential to find a resolution to them in exploring a social enterprise model of service.

**2.9 Concern:** Similarly, the concern that a half-hour visit by community support once a week cannot replace a whole day’s activity and support at a Day Centre is not met. The only “answer” provided in the Director’s report is that the model is to be flexible and that needs will need to be met on an individual basis.

**Response:** The proposal has never been about one to one support workers as an alternative to current provision. For some people one to one support work is highly effective. There are a number of people with complex mental health needs opting for a



personal budget to buy tailored, recovery-focused one to one support but this is not appropriate for all mental health service users. Officers clarified this at the service user event and in writing.

**2.10 Concern:** In addition to the practical support provided by the Day Centres the response to consultation in the i3 proposals indicated the importance attached by many service users to “peer support”. It is notable that no actual worked out alternative is provided by the Director. Concerns that the loss of a centre would result in isolation have been raised.

**Response:** Adult Social Care supports peer support as a valid and valuable means of support for service users and would like to encourage and support the development such groups. There are different models of peer support and these do not have to operate from a specialist buildings base. Buildings offer a quick and easy way for mental health service users to meet one another and we need to ensure that clear information and signposting are available to make people aware of the range of peer support opportunities in the city and to facilitate and support people wishing to establish groups.

**2.11 Concern:** There has been wholly inadequate consultation on these proposals.

**Response:** i3 reflected a broad consensus of views across stakeholder groups. This does not mean that everyone was in agreement with the proposals. An independent review of i3 identified that those with the most concern about these changes were those who had no experience of what the alternative service could offer. In contrast, people that had moved through changes were in support of the model because they could see and had experienced the benefits the new model had delivered for them.

At the two meetings between ASC and service users in January 2011, what became apparent was that not everyone was in agreement with the i3 model, particularly those who have recently entered the service in the past 12 months. In designing services, the department needs to balance the views of those currently benefiting from service provision with new and potential service users if it becomes more accessible to them.

This submission has led ASC to reconsider the fullness of the consultation processes. In the conclusion of this report, we have accepted that the extensive i3 consultation is regarded as insufficient to support an immediate decision to reduce Local Authority day centre capacity.

We recognise that since the conclusion of the i3 report there have been a number of people, new to the service that did not have the opportunity to be involved in the consultation on the future of day services in Leeds prior to the Executive Board report of February. Whilst there can be every assurance given that the Executive Board report outlined a process of consultation for individuals surrounding the future of their own care plan, clearly the recommendation to reduce day centres specifically remains problematic.

**2.12 Concern:** Final decisions appear to be being taken before the consultation process is complete. The first recommendation in the Director of Adult Social Services report is that there will be “personalised consultation with service users”, to be completed by September 2011. However, we understand that the decision has already been taken to decommission all existing mental health day services.

**Response:** The outcome of the revised consultation around consolidating building bases will now need to be woven into consideration of any new commissioning arrangements for day services in Leeds. The proposed individual consultation with service users is around how their personal needs can best be met in a remodelled service. This will now take place within a more formalised consultation concerning the centres themselves. However, there

will be engagement with stakeholders regarding the service specification of the new model for day service within Leeds

**2.13 Concern:** We do not accept that the consultation with service users and others which took place under the label of the “i3 Project” between 2005 and 2009 can be treated, as the Council appears to have done, as representing proper consultation on the current proposals. Most obviously, this is because the i3 Project did not recommend the closure of two of the three Day Centres, the proposal now being put through. Indeed, the i3 Project cannot, for this very reason, be regarded as support for the current proposals.

**Response:** i3 was a significant consultation exercise on the future direction of mental health services. It proposed less reliance on buildings based services enabling greater investment in more socially inclusive, recovery-based support. The proposals do recognise the importance of a buildings base but now connect these building based services into a framework of service that people move within and around, depending on their level of need at the time. It is an attempt to break a cycle where a day centre becomes a place people go to and sometimes stay for 15 or 20 years; it will now provide those same people with safe viable and supported alternatives.

The proposals within the February 2011 Executive Board Report are in keeping with the direction of travel outlined in i3 and the subsequent consultation undertaken by commissioners in developing the outcomes framework.

**2.14 Concern:** We consider that the current proposals are in breach of the Council’s obligations under the Equality Act 2010, in particular in relation to making reasonable adjustments in order to avoid statutory discrimination against the disabled (those with mental health issues) by way of making it unreasonably difficult for them to access a benefit (the provision of mental health services currently provided at the Day Centres).

**Response:** The proposal is to provide more flexible, personalised services closer to home. Adult Social Care already provides a number of outreach groups for people and communities, with similar needs who are unable to travel to the three centres. The review of available demographic data from in house and voluntary sector services across the City showed that people were accessing a broad range of provision and there were no groups identified as unable to access community based models of support.

### **3.0 Conclusions**

Adult Social Care recognises the anxiety about the original recommendations, has listened to what staff and service users are saying and has carefully considered the concerns raised by the Tri-Centre Group. Having reviewed all the circumstances, we recognise that since the conclusion of i3 report there have been a number of people, new to the service that did not have the opportunity to be involved in this extensive consultation about the future of day services in Leeds.

A report will go to May 2011 Executive Board with a request not to implement the February 2011 recommendation in respect of consolidating day centre activity around one building base, in the light of the submissions we have received and our response to them, pending the formalisation of our existing consultation arrangements on the future of this service.

A further report will be submitted to the Executive board, with the outcome of the consultation proposals, later in the year.

The proposed consultation methods will include individual conversations with service users, service users consultation groups involving elected representatives from all parts of the

service, the citywide Service User Group and wider stakeholder groups. Stakeholders will include elected members, voluntary sector partners, representatives from Leeds Partnership Foundation Trust and carers. Preparation for these groups has already commenced, to enable consultation to proceed.

#### **4.0 Recommendations**

4.1 Members are asked to note and endorse the content of this report and its conclusion.

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Originator: David Feeney / Helen Miller  
Tel: 2474539 / 2478132

**Report of the Director of City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Natural Resources & Waste Development Plan Document – “Formal Submission”**

**Electoral Wards Affected:**

Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In (Details contained in the report)

**EXECUTIVE SUMMARY**

- At the 3 November 2010 Executive Board, and following earlier periods of consultation, members were minded to approve the “Publication” version of the Natural Resources & Waste Development Plan Document (DPD) for a further period of public consultation. Following the completion of an 8 week period of consultation (15<sup>th</sup> December – 9<sup>th</sup> February) and consideration of representations received (by Development Plan Panel 8<sup>th</sup> March), Executive Board is requested to recommend to Council, that the NRWDPD (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) is formally “Submitted” to the Secretary of State for Independent Examination. It should be emphasised, that once the DPD has been formally submitted for Examination, the City Council will have no power to formally withdraw the document, without the consent of the Secretary of State (Section 22 (2) Planning & Compulsory Purchase Act, 2004).
- The Natural Resources & Waste Development Plan Document (DPD) is one of a number of planning documents currently being prepared as part of the Local Development Framework (LDF). The preparation of this document has been driven by the requirements of national planning guidance (PPS10), the implications of European Waste Management Directives and the City Council’s commitments to managing environmental resources and tackling climate change. Central to these requirements also, is the need for local authorities to develop an overall strategy for waste management (aligned to the Council’s own municipal waste strategy) and to identify specific sites to manage, municipal, commercial and industrial waste.

## **1.0 Purpose of this Report**

- 1.1 Following the completion of an 8 week period of consultation (15<sup>th</sup> December – 9<sup>th</sup> February) and consideration of representations received (by Development Plan Panel 8<sup>th</sup> March) Executive Board is requested to recommend to Council, that the NRWDPD (pursuant to section 20 of the 2004 Planning & Compulsory Purchase Act) is formally “Submitted” to the Secretary of State for Independent Examination.
- 1.2 In accordance with the Council’s Budget and Policy Framework and the relevant legislation, decisions as to the Council’s Development Plan (Local Development Framework) are reserved to Council. The Natural Resources and Waste DPD is part of the LDF and therefore part of the Budget and Policy Framework. As such the recommendation at 7.1, which makes a recommendation to Council is not eligible for Call In.

## **2.0 Background Information**

- 2.1 Within the context of national guidance (PPS10), European Directives and a range of City Council strategies (including municipal waste and climate change), the Natural Resources and Waste DPD has been in production since 2007. It should be noted also, that the Department of Communities & Local Government’s Chief Planning Officer, has recently written to all LPAs to urge progress in the preparation and adoption of ‘Waste DPDs, as the Government have announced that they intend to pass on fines under the European Directives to the offending Authorities, where such plans have not been prepared.
- 2.2 Following early technical work and stakeholder engagement, wider public consultation on an Issues & Alternative Options document took place in May – June 2008. This was subsequently followed by a further 6 week period of public consultation (18<sup>th</sup> January – 1<sup>st</sup> March 2010) on a ‘Policy Position’ document and an 8 week period of consultation on the Publication draft (15<sup>th</sup> December – 9<sup>th</sup> February), following consideration of the consultation material at the Development Plan Panel (12<sup>th</sup> October 2010) and Executive Board (3<sup>rd</sup> November 2010).
- 2.3 A schedule of the proposed changes to the document, following Publication consultation, to be included as part of the Council’s proposed formal Submission, is appended to this report and the complete set of Submission documents can also be obtained from the named clerk on the front of the agenda. The background papers listed at the end of the report can be obtained from Helen Miller on 24 78132.

## **3.0 Main Issues**

- 3.1 The Natural Resources & Waste DPD Publication draft contains a range of planning policies for Land Use, Minerals & Aggregates, Water Resources, Air Quality, Sustainable Energy Use and Waste, as part of an overall integrated approach, which seeks to minimise and manage the use of natural resources. As well as containing specific planning policies and site allocations, it is also envisaged that the document will have an influencing role in supporting the City Council’s wider strategic objectives for the environment.
- 3.2 Within this overall context, a number of key issues have emerged, which are addressed through the document. These include:
- planning for minerals & aggregates supply (whilst managing environmental assets and amenity),

- planning for municipal, commercial and industrial waste activity, including site specific allocations, (whilst seeking to reduce waste arisings overall)
- seeking to reduce flood risk, through mitigation and adaptation, in taking into account the effects of climate change.

3.3 Following public consultation on the Publication draft (15<sup>th</sup> December – 9<sup>th</sup> February), the following key issues have been raised and are summarised below. A more detailed summary of the representations received and the City Council’s proposed responses is included as Appendix 1 to this report and a consolidated schedule of proposed changes to the document (for submission), is set out in Appendix 2 of this report.

#### Key Issues arising from Publication Consultation

3.4 In total 28 representations were received, covering a number of points of representation (incorporating ‘objections’ – on the basis of matters being unsound and expressions of ‘support’) and in a number of cases detailed points of support (including Natural England and submissions from the Environment Agency, Bradford City Council, Hansons Aggregates, Biffa Waste, Yorkshire Water and Aire Valley Environmental). The main points arising from the representations, in relation to key Policy areas within the document, can be summarised as follows:

#### **Minerals (Section 3):**

Responses were received from: North Yorkshire County Council, the Coal Authority, Hansons Aggregates, Minerals Products Association, Lafarge Aggregates, Highways Agency and English Heritage. The main points were: within the context of the West Yorkshire sub regional apportionment for mineral extraction, the DPD does not set a specific apportionment for Leeds, the West Yorkshire sub regional apportionment is time-limited to 2016 and does not extend to 2026 (the end of the plan period), objection to the protection for east of Pool, there is a need for a specific sand and gravel allocation at Methley, a series of detailed comments regarding the need to clarify policy wording and supporting text in relation to the safeguarding of coal resources (& development issues) and there is need to give more emphasis to heritage & historic issues in relation to local landscape character and sourcing local stone for construction.

#### City Council response:

- Within the current sub regional context, it is not possible to derive a specific apportionment for Leeds. The City Council is committed to working with the other West Yorkshire local authorities, as a member of the Regional Aggregates Working Party (RAWP) to address apportionment issues (to 2016 and beyond to the end of the plan period). Notwithstanding these issues, it is considered that the NRWDPD, in its overall strategy, policies and allocations for minerals, meets current and likely future requirements to 2026.
- Through the Leeds Unitary Development Plan, the City Council has an established position to resist sand and gravel extraction to the east of Pool. Based upon the continued allocation of Midgely Farm Otley (within the context of the overall strategy for minerals within the plan) and the landscape quality of the Wharfe Valley, sand and gravel extraction to the east of Pool is not considered appropriate,
- The potential and possible extension of sand and gravel extraction at Methley quarry has been identified as ~~Page 105~~ DPD as an ‘Area of Search’. Without

specific details of proven reserves, it is not possible at this stage to make a specific allocation.

- It is agreed that further amplification in the DPD would assist in recognising the significance of heritage & historic issues (see response to ref. 18 Appendix 1). With regard to potential sources of historic building stone (also raised by English Heritage) – Minerals Policy 7 has been drafted to support the provision of stone for repairs to historic buildings.

#### **Waste (Section 4):**

Responses were received from: Aire Valley Environmental, Yorkshire Water, Caird Bardon (for Peckfield Landfill), Barton Wilmore (for Keyland Developments), Mr R Taylor (resident), Mrs L Linstrum (resident), Mr S Wigglesworth (resident), RWe Npower, Biffa Waste, Entec (for the National Grid). The main points were: a desire from land owners to have greater flexibility in respect of waste allocations and specific objections from local residents in relation to energy from waste.

#### **City Council response:**

- A key focus of the DPD is to ensure consistency with national planning guidance (PPS10) and the requirements of European Directives, in the allocation of specific waste sites as part of an overall strategy. However, in recognising the need for flexibility under changing circumstances, including the outcome of the City Council's procurement of a residual waste solution, Appendix 1 details a number of minor changes to site boundaries (Knothrop Waste Water Treatment Works) and supporting text to Waste Policy 6. It is also proposed, (for consistency with the approach to Minerals) that Waste Policy 9 is also amended to reflect the points raised by English Heritage regarding the importance of the historic and heritage environment.
- The concerns regarding technology associated with energy from waste are noted. However, the focus and purpose of the DPD is to identify sufficient sites i.e. land and premises for waste management purposes, as part of an overall strategy, rather than prescribing the use of particular forms of waste treatment. It is the role of the City Council's residual waste management project and subsequent planning application process to consider the merits of individual technologies and their impact.

#### **Air Quality (Section 6):**

Responses were received from: Highways Agency. The main points were: the impact of traffic movements upon the strategic highway network and Air Quality Management Areas (AQMAs).

#### **City Council response:**

- Through a number of initiatives and measures within the lower Aire Valley and the emerging Area Action Plan, a number of provisions are in place or are being developed to seek to minimise traffic movements and their impact. These include public transport interventions and the development of Travel Plans and 'trip' management (via Transport Assessments). In relation to Air Quality Management Zones, Policy Air 1 of the DPD seeks to minimise the impact of development upon air quality.



## **Water (Section 6):**

Responses were received from: Environment Agency. Overall the response from the EA was generally supportive but a number of suggestions made to add further clarity to the supporting text (see response to ref 22, Appendix 1).

## **Site Allocations:**

Responses were received from: Network Rail, British Waterways, Barton Wilmore (for Towngate Estates Ltd) and Walton & Co. (for Db Schenker). The main points were: Objection to the safeguarding of specific wharves and rail sidings for alternative uses including housing.

## **City Council response:**

- A key dimension of the DPD (and its evidence base) is to seek to manage 'resource flows' across the city. Integral to this approach is the need to manage and encourage freight movements via sustainable travel modes. In the preparation and ongoing consultation on the DPD, the use of waterways and the need to safeguard appropriate wharves and railway sidings, has been an integral policy approach. Two prime sites at Old Mill Lane, Hunslet and Canal Wharfage at Stourton are therefore safeguarded. Within this context, alternative uses for housing are not considered to be appropriate, it is understood also that due to flood risk (Zone 3a ii), the sites are unsuitable for housing. This approach is consistent also with the emerging proposals for the Aire Valley Area Action Plan / Urban Eco-Settlement.

## **4.0 Implications for Council Policy and Governance**

- 4.1 As noted above, the Natural Resources & Waste DPD, forms part of the Local Development Framework and once adopted will form part of the Development Plan for Leeds.

## **5.0 Legal and Resource Implications**

- 5.1 The DPD is being prepared within the context of the LDF Regulations, statutory requirements and within existing resources. There are no specific resource implications for the City Council arising from the planning policies and allocations.

## **6.0 Conclusions**

- 6.1 The preparation of the Natural Resources and Waste DPD has been through several phases. The Submission stage marks a key milestone in moving the process through to independent examination and final adoption.

## **7.0 Recommendations**

- 7.1 That the Executive Board makes a recommendation to Council to approve the Natural Resources and Waste Development Plan Document (together with the proposed changes detailed in Appendix 2 of this report) for submission to the Secretary of State for independent examination, pursuant to Section 20 of the Planning & Compulsory Purchase Act 2004.

## **Background Papers**

Natural Resources & Waste DPD – Publication Document

Summary map

Inset map

Map Book

Sustainability Appraisal

Topic Papers (Waste, Minerals & Energy)

Natural Resources & Waste DPD Issues & Alternative Options, 'Policy Position' documents (and supporting technical papers), Publication Document & Report of Consultation.

**Appendix 1.**

**NRWDPD Publication Draft – Representations & City Council Response**

**NRWDPD Publication Draft – Representations and LCC Response.**

Response and Reference		Representation	LCC response with any suggested wording amendments.
Respondent	Ref	Representation	Response
North Yorkshire County Council	1	<p><i>Summary</i></p> <p><i>Raises concerns of unsound policies (but not an outright objection) with regards to minerals.</i></p> <p><i>Para 3.16 - replace region with West Yorkshire Sub Region (see section 4.1.4 of the minerals topic paper).</i></p> <p><i>Para 3.16 – sentences on the 37year land bank are misleading. It confuses demand and the level of provision required.</i></p> <p><i>Para 3.5 is not clear how the 3.6mt figure has been derived.</i></p> <p><i>There should be a stronger policy commitment (e.g. through a revision to Policy Minerals 4) to encourage the local sources of crushed rock in acceptable locations.</i></p> <p><i>Policy Minerals 4 is too weak and the word exploration should be replaced with extraction.</i></p> <p><i>Policy Minerals 5 – A large proportion of sand and gravel resource within the Wharfe Valley lies to the east of pool. It is considered that this policy is unduly restrictive. A more flexible approach is required. It should be amended to give support in principle for</i></p>	<p>Concerns noted.</p> <p>Agreed.</p> <p>Amend text in Para 3.16 to replace ‘region’ with ‘<b>West Yorkshire sub-region</b>’.</p> <p>The Y&amp;H RAWP report identified that at Dec 2008 reserves of some 40 million tonnes of crushed rock provided a landbank of 37 years in West Yorkshire.</p> <p>Amend text in Para 3.16 to replace ‘estimates of demand’ with ‘<b>rates of extraction</b>’.</p> <p>This paragraph should have referred to the West Yorkshire Sub - Regional apportionment as set out in para. 4.1.3 of the Minerals Topic Paper. Leeds is unable to apportion on behalf of other Districts however we are committed to working with the other West Yorkshire authorities to help meet the apportionment.</p> <p>Delete the last sentence of para. 3.5. Add at the end of the second sentence after 2008 ‘...<b>a sub – regional apportionment for West Yorkshire has been derived. This is 5.5 million tonnes of sand and gravel and 17.8 million tonnes of crushed rock for the period 2001 to 2016.</b>’</p> <p>Given the level of provision of crushed rock already achieved within the sub region, the need to encourage further provision of crushed rock is not considered to be necessary.</p> <p>Agree replace ‘exploration’ with ‘<b>the extraction of</b>’ in MINERALS 4, also add at the end of the first sentence ‘...<b>for proven deposits in accordance with MINERALS 10.</b>’</p> <p>LCC acknowledge the presence of sand and gravel within the Wharfe Valley identifying a potential 20 million tonnes (Topic Paper 4.1.7) however some of this resource is constrained not least by landscape designations which are considered to be fundamental to the character of the district. The Leeds Landscape Character</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
Bradford City Council	<p><i>sensitively designed, operated and restored sites in order to help maintain supply of sand and gravel.</i></p> <p><i>We cannot find and reference to cross boundary working, only cross boundary movements. We would like to see reference to collaborative working. We would wish to support the policies relating to water. We would be interested in whether you consider there might be scope for joint working in terms of methodologies for investigating the potential for heat distribution networks/mapping opportunities for implementing district energy networks linked to identifying land for development.</i></p>	<p>Assessment 1994 evidences the high landscape quality, this Study is currently being updated and most recent indications are that the landscape quality is re-confirmed. The Study will be available in early Summer 2011.</p> <p>Add additional sentence at the end of paragraph 4.6 to state: <b>‘The City Council will continue to work with and consult with its neighbouring authorities.’</b></p> <p>Support welcomed.</p> <p>Note and action outside the NRWDPD process.</p>
Caird Bardon (on behalf of Peckfield Landfill)	<p><i>Provided a plan with annual throughputs and remaining void spaces at landfill operations in Leeds, Wakefield and York/N. Yorks/E. Yorks.</i></p>	<p>Update waste topic paper only. See separate schedule.</p>
The Coal Authority	<p><i>Provided a copy annual infilling report as required by planning conditions.</i></p> <p><i>Figure 2.2 Minerals Resource Map is incorrect and does not match the data supplied in December 2009 or Map A3 of the DPD.</i></p> <p><i>Para 2.9 Minerals Resources General – Statement is not technically correct as Methley Quarry has a current surface mining license.</i></p> <p><i>Mineral Safeguarding, Coal, Map A3. Support Policy Minerals 2 – Minerals Safeguarding Area – support.</i></p> <p><i>Policy Minerals 8, Surface Coal and Development Sites. Welcomes at 3.18 recognition that fossil fuels including coal cannot be excluded as an important energy source. It supports the inclusion of a MSA for coal. However, the presumption in the test does not positively encourage further coal extraction in the MSA and it is unreasonable to include this. A criteria based policy setting out where coal extraction would be suitable would be welcomed. Coal authority seeks clarity of thresholds and the intentions of this policy.</i></p>	<p>The schematic nature of the Minerals Resource Map is designed to make it clear and accessible to all. It is based on Map A3 of the DPD which contains the data supplied by the Coal Authority in December 2009.</p> <p>Extraction of coal at Methley Quarry was incidental to the primary use of aggregate extraction and ceased in December 2010</p> <p>Action: Update Topic Paper.</p> <p>Support noted.</p> <p>Support noted.</p> <p>It has been agreed with the Coal Authority that this point could be satisfactorily dealt with by adding ‘always’ into the policy MINERALS 8, so that it reads: <b>‘Within the Mineral Safeguarding Area for surface coal, as shown on Map A3, applicants should always consider the opportunity to recover any coal present .....’</b></p> <p>This would help to improve awareness and promote the potential for surface coal extraction prior to development, whilst the requirement to undertake an assessment will only apply to major development and therefore not be unduly onerous on the applicant. The definition of ‘major development’ to be added to the glossary and to use the</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>Policy Minerals 9, Surface Coal and Non-Development Sites. Suggest wording changes to the policy to reflect National Policy in MPG 3.</i></p> <p><i>Policy Land 1 – Contaminated Land. Contrary to the requirements of PPG 14 and that the policy is amended to address unstable land and mining legacy. Otherwise it is unsound.</i></p>	<p>definition in Reg. 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.</p> <p>This approach will remove the difficulty in specifying a threshold when consideration of coal removal should be applied but still positively encourage further coal extraction.</p> <p>Agree inclusion of wording relating to mining legacy issues. Add to MINERALS 9 so that the final sentence reads: 'Weight will be attached to schemes which provide local and/or community benefits, avoid the sterilisation of mineral resources, <b>address mining legacy issues</b> or facilitate other development which is in accordance with the development plan.'</p> <p>Provide explanation of this point in the text by adding words to the end of para. 3.22 to state: <b>'Additionally, in areas of coal mining legacy, extraction of coal can help to improve conditions, for example by creating land stability.'</b></p> <p>LCC has a specialist Contaminated Land Team but they do not deal with land stability, consequently it is not appropriate for LCC to include a requirement on land stability within the contaminated land policy. However, we do recognise the need for Coal Mining Risk Assessments and these are part of the planning application validation criteria. We therefore suggest including the following words at the final end of para. 3.22 (i.e. after the words suggested above). <b>'The Coal Authority has provided Leeds City Council with information about the extent of former coal mining legacy areas. In accordance with PPG14, a Coal Mining Risk Assessment will be required for all Full and Outline non householder applications in Coal Mining Development Referral Areas where the ground will be disturbed.'</b></p>
Hansons Aggregates	<p>5</p> <p><i>Supports the plan and safeguarding of their interests in the various aspects of the plan (minerals and wharves).</i></p> <p><i>Asphalt Plant at Bridgewater Road South – Sound</i>  <i>Howley Park Extension – Sound</i>  <i>Concrete Plant at Knowthorpe Road – Sound</i>  <i>Concrete plant at Cross Green Way – Sound</i>  <i>Brickworks at Swillington – Sound</i>  <i>Brickworks at Howley Park Quarry &amp; Brickworks– Sound</i>  <i>Midgely Farm Near Otley – Sound</i></p>	<p>Support noted.</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>Supports the allocation for the proposed railway sidings and canal wharf at Bridgewater road for a aggregates and asphalt concrete railhead complex.</i></p> <p><i>Supports the sand and gravel allocation at Midgley Farm, Near Otley.</i></p> <p><i>Supports the preferred areas of mineral extraction at Howley Park Quarry and Brickworks.</i></p> <p><i>Minerals 6 gives the impression that these are the only areas preferred for minerals extraction during the plan period rather than the list of sites where possible extensions have been identified during the plan period.</i></p>	<p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Comments Noted Action: Amend Para 3.11 to include further explanation of Preferred Areas and Areas of Search as follows: <b>Areas of Search (AoS) are areas where resources are known to be. However, no exploration as to potential yield or quality of the resource has been undertaken and therefore these are not proven. The Council wishes to encourage such exploration to ensure its continued contribution to sub regional levels of provision of sand and gravel and has therefore identified areas where it is appropriate that this may take place.</b></p> <p><b>“Preferred Areas” are those areas where the resource is proven and evidence as to the nature and extent of deposit is available. The Council wishes to ensure that the resources are exploited in an efficient and timely manner.</b></p>
	<p><i>Minerals Policy 1 is unsound. It does not state the apportionment or provide any commitment to it. It is impossible to monitor. The figure quoted in the minerals topic paper should be rolled forward to the end of the plan period. More provision should be provided. 8.9mt for sand and gravel and 28.8mt of crushed rock to 2026.</i></p> <p><i>Minerals Policy 2 is unsound. It is not in accordance with best practice and is not justified. Evidence base needs to be confirmed. It should an OS base.</i></p> <p><i>Minerals Policy 5: Limiting sand and gravel extraction in the Wharfe Valley. This policy begs the question of whether sufficient provision has been made and the resistance to proposals is unnecessary.</i></p> <p><i>Map A3: Minerals Safeguarding Areas – Map is not in accordance with National Policy.</i></p> <p><i>Considers the following policies to be sound:</i></p>	<p>Evidence to support this Chapter of the NRWDPD is set out in the Minerals Topic Paper and in supporting text. Sub – Regional Apportionment beyond 2016 has not yet been established.</p> <p>All spatial proposals will be consolidated on the Proposals Map which will be on an OS base.</p> <p>LCC consider that the reasoning behind the decision to limit extraction within the Wharfe Valley is adequately set out in the Minerals Topic Paper.</p> <p>All proposals will be consolidated on the Proposals Map which will be on an OS base. LCC can put an OS layer over Map A3 if necessary. Support noted.</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
David Walker for Lafarge Aggregates 7	<p>Minerals 6, 7, 10, 11, 12, 13, 14. Waste 1, 2, 3, 4, 7, 8, 9, 10, 11. <i>Agree with vision although minerals sites could take more prominence. Should recognise at 2.29 the role that minerals site can make in flood storage capacity.</i></p>	<p>Comments noted.</p> <p>Add words to para. 2.29 to state: <b>‘Additionally, the restoration of mineral sites in appropriate locations can be designed to help provide flood storage benefits’.</b></p>
	<p><i>Minerals 1 – discrepancies with the figures and targets which need to reflect the Y&amp;H Rawp. It is not supported by the evidence base.</i></p>	<p>This representation is based on the assumption that LCC must meet the level of provision set for the entire sub region in the absence of consented sites in other districts within the sub region. Enquiries of adjacent West Yorkshire (Minerals Topic Paper Para 4.1.4 – 4.1.6) MPAs indicate that whilst there are currently no consented sites within their districts, there are resources which have the potential to provide significant yields that would contribute to meeting the sub regional apportionment.</p> <p>LCC suggest re-ordering the words of MINERALS 1 to help clarify this point. The Policy will read: ‘MINERALS 1 In conjunction with other West Yorkshire Metropolitan District Councils, the Council will encourage the recycling of materials and endeavour to maintain a land bank of permitted reserves of sand and gravel in accordance with the Sub-Regional Apportionment.’</p>
	<p><i>Midgley Farm will not meet the sub regional apportionment. Methley Quarry and the proposed extension should be allocated under Minerals 4.</i></p>	<p>The proven resource at Midgley Farm forms one part of an overall approach to meeting LCCs contribution to the level of provision required at sub regional level. It is not intended that LCC should provide exclusively the full apportionment for the sub region from the Midgley Farm site.</p>
	<p><i>Under Minerals 3, 13 and 14, a further buffer zone of 250m around the sites would help protect them from other forms of development which may prejudice minerals and transportation operations.</i></p>	<p>The Council supports through an AoS designation the possible extension of Methley Quarry for the extraction of sand and gravel. Allocation of the site can only be considered following exploration to provide evidence as to the scale of the resource and indicative land take for a working proposal.</p> <p>MINERALS 2 and 3 afford protection to mineral resources and to operational sites themselves. MINERALS 10 provides development management criteria which are designed to ensure best working practices. Additional buffer zones are not considered necessary to protect either minerals sites or non mineral development</p>



Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>Policy Minerals 4 should also include Methley Quarry. There are more potential issues at delivering a scheme at Midgley than at Methley.</i></p> <p><i>Mineral policy 8 needs to refer to Map A3. It should also include reference and support for where coal can be extracted as a secondary mineral in wider extraction schemes.</i></p> <p><i>Amend point 2, 4 and 18 of Minerals 10 in accordance with suggested word changes.</i></p> <p><i>Minerals 13 should include mineral plant site areas that can be undertaken on a sustainable basis.</i></p> <p><i>Waste section should take more account that inert waste can play in restoring minerals sites. Suggest an amendment to Waste Policy 8 to reflect this.</i></p> <p><i>Water 1 could be amended to include the requirement for water efficient processing plant.</i></p> <p><i>Water 3 should be expanded to reflect PPS 25.</i></p> <p><i>Request a specific policy on Green Belt in terms of how natural resource and waste applications would be dealt with – minerals extraction is not necessarily incompatible with the Green Belt.</i></p> <p><i>General comment on the scale of some of the plans where precise locations are difficult to determine.</i></p>	<p>There is insufficient evidence to justify this as an allocation and this resource is not proven.</p> <p>Comment re map ref noted. This policy does not seek to identify specific sites where coal can be worked by opencast methods. It does seek to provide sufficient flexibility to allow the recovery of coal by opencast methods as an incidental activity to the primary re-development of any site within the area identified as the MSA for coal on Map A3.</p> <p>Suggested changes are not considered necessary.</p> <p>LCC supports the use of existing mineral sites for value added operations where appropriate but does not support the extended use of sites which are not appropriately located once the primary mineral use has ceased.</p> <p>The use of inerts to restore quarries can be acceptable under WASTE 8 and is provided for by WASTE 10.</p> <p>The policy applies to all development and therefore includes processing plants.</p> <p>In order to more accurately reflect national policy add the words ‘...and satisfies the Exception Test’ to the end of policy Water 3.</p> <p>National policy in relation to minerals development in the greenbelt is set out clearly in PPG 2; Green Belt. Reiteration of national green belt policy in this document is therefore considered to be unnecessary.</p>
Arup on behalf of Aire Valley Environmental 8	<p><i>Supports Policy Waste 6 in terms of the inclusion of land within the Knothrop Wastewater Treatment Works. However, the Map Book XC2 – Map E needs a slight amendment to reflect the AVE proposed facility.</i></p> <p><i>Supports Energy Policy 3 particularly that a facility should demonstrate the potential to connect to an outlet for any energy produced.</i></p>	<p><b>Amend Map 202 to reflect accurate boundary.</b></p> <p><b>Amended map attached to the schedule for clarity.</b></p> <p>Support noted.</p>
Yorkshire Water 9	<p><i>Supports the aspiration for a zero waste city.</i></p> <p><i>Fully support Waste 3.</i></p> <p><i>Fully support Waste 4</i></p> <p><i>Support the inclusion of land within Knothrop WWTW as being part of the Cross Green Industrial Estate preferred location for new waste management facilities.</i></p>	<p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Agree extension to Cross Green Industrial Estate to include land formerly suggested as a strategic waste site. This is because it has previously been identified for waste uses and it would be inconsistent</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>It is an obvious site most notably for Anaerobic Digestion. However, suggest an amendment to Plan E. Support Waste Policy 6. Rectify typo.</i></p> <p><i>Any employment use should be compatible with the WWTW.</i></p> <p><i>Supports the energy section.</i></p> <p><i>Support Energy 3.</i></p> <p><i>Support Energy 4.</i></p> <p><i>Paragraph 1.18 of the topic paper could add utilities as one of the likely users of CHP and also reflect this in Energy 3 and 4.</i></p> <p><i>Air 1 – This should reflect that sensitive new developments close to activities such as the WWTW should not necessarily proceed. YW seeks to minimise odour emissions and has invested in a new odour control plant. However, there will always be some low level odours as a result of operations.</i></p> <p><i>Support Water Policies 1-7.</i></p> <p><i>Could include a specific policy to support the statement at para. 6.32 regarding co-location with energy.</i></p>	<p>not to include it. <b>Amend Map 206 to reflect the further area of land within the Knostrop Waste Water Treatment Works.</b></p> <p>In Waste Policy 6 replace Sewage Water Treatment works with <b>‘Waste’</b> Water Treatment Works.</p> <p>Normal development control processes will deal with this and a specific policy is not required.</p> <p>Support noted.</p> <p>Support noted.</p> <p>Support noted.</p> <p>At paragraph 5.24 alter reference in the brackets in the first sentence to: (.....industrial uses <b>including utilities providers</b>).</p> <p>Validation criteria currently requires that air quality assessments are carried out when development is proposed near to a designated industrial process.</p> <p>Support noted.</p> <p>Agree. Add an additional point on the list on page 12 under Low Carbon Economy, to state: <b>‘Support the co-location of natural resource activities to minimize transportation impacts.’</b></p>
<p>Barton Wilmore 10 for Keyland Developments Ltd.</p>	<p><i>Keyland is the commercial property development subsidiary of Kelda Group whose main activity is the regeneration of Yorkshire Water surplus land. YW is also a subsidiary of Kelda Group.</i></p> <p><i>Keyland is concerned that the wording of Waste 6 will make it more difficult for employment uses to proceed at the site if AVE is not successful in the Leeds Residual Waste PFI facility. The safeguarding of the site should automatically fall away if AVE is unsuccessful. There is no evidence to support the inclusion of the site beyond the PFI. It already has planning permission for storage and distribution. The wording of the policy discourages investment in employment uses.</i></p>	<p>Note for information. Yorkshire Water have supported the allocation of the site for strategic waste management use.</p> <p>WASTE 6 makes provision for the site to be developed for employment uses should the site no longer be required for the strategic waste management facility. Keyland have an extant planning permission for storage and distribution which they can implement at any time.</p> <p>This concern is not consistent with those of the other interests on this site where its safeguarding is supported and synergy with other utility uses identified. This has been the position at all previous stages of the plan.</p> <p>The policy is intended to ensure that sufficient provision is made for Leeds to be able to manage its waste and demonstrates certainty about the ability to manage waste whilst allowing for the circumstances inevitably created by the procurement process.</p>

*Under the minerals policies relating to coal, Keyland and their partners have explored the potential for recovery of sub-surface coal on land held within the joint ventures and it has been concluded that recovery of the coal deposits is not commercially viable. Minerals 2 is unduly onerous and needs amendment.*

*Minerals 8 fails to clarify how major applications will be defined. Policy approach is not clear in terms of economic value. The general extents of the MSA for coal and onerous requirements will generally harm the regeneration interests of the City.*

*Objects to NRWDPD:*

*Garforth residents do not know about NRWDPD generally.*

LCC suggests slight word changes to the introductory text to the policy to help clarify this position. Amend the second half of Para. 4.32 to delete the third sentence of the paragraph and add a further sentence regarding the procurement so the paragraph will read:

**'A City Council procurement process for a residual municipal solid waste (MSW) treatment facility has been running in parallel with the preparation of the NRWDPD. Two of the three strategic waste management sites are being considered as possible locations for the facility. In the event that it can be demonstrated that a site is no longer required for strategic waste management purposes, it will be acceptable to use it for other employment uses. In the case of the two sites in the procurement process this event will occur when the procurement process completes.'**

Note for information.

LCC are required to identify Mineral Safeguarding Areas to protect finite natural resources. Failure to do so or to identify the criteria which would allow other forms of development to take place would be in direct conflict with the aims and vision set out in Section 2 of this DPD.

Add the definition of major development to the Glossary, using the definition in regulation 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (10 dwellings or more or 1,000 sq. metres or more).

Keyland have complied with the proposed policy and therefore demonstrate that the policy is not too onerous.

There are many instances where developers prefer to extract coal before developing because they can make money out of it and because it helps create land stability.

The City Council has put a significant amount of resources into a City Wide consultation throughout this plan.

Response and Reference	Representation	LCC response with any suggested wording amendments.
<p data-bbox="44 813 235 845">RWe Npower</p> <p data-bbox="302 813 347 845">12</p>	<p data-bbox="582 167 1232 199"><i>Does not necessarily accept EfW is a safe technology.</i></p> <p data-bbox="582 351 1232 598"><i>Richmond works at Garforth as a safeguarded site particularly after the recent fire at the Wastecare Site. General lack of knowledge and uncertainty at this site. More appropriate for them to consolidate their operations to Cross Green. Have we taken into account the cumulative air quality impacts of all the developments proposed in the NRWDPD along with existing emissions?</i></p> <p data-bbox="582 718 1232 813"><i>Raises other matters such as explosion in Rotherham and N.Yorks decision to build a Waste Transfer Facility at Chapel Allerton.</i></p> <p data-bbox="582 813 1232 1061"><i>Objects to waste policy 6. This is because it seeks to prohibit employment uses at the site if they were to come forward. However, they have permission for B1, B2 and B8 uses which does not expire until 2017. As such development could take place at any time. The site will continue to be marketed for employment purposes. Skelton Grange should be allocated for both employment and waste uses.</i></p> <p data-bbox="582 1276 1232 1372"><i>Rather than rewording the policy they we are willing to accept reducing the footprint to reflect a 'particular proposal'.</i></p>	<p data-bbox="1276 167 2105 351">The role of the NRWDPD is to safeguard sites which are suitable for a range of technologies, including EfW. Emissions will need to be assessed as part of any future planning application. Any permitted proposal is also subject to separate environmental permitting by the Environment Agency. Waste development cannot operate without the relevant environmental permit.</p> <p data-bbox="1276 351 2105 414">The sustainable management of waste is dependent on maintaining current capacity as well as planning for additional capacity.</p> <p data-bbox="1276 502 2105 782">The cumulative impacts of policies have been examined in the Sustainability Appraisal. However, it is acknowledged that it is difficult to assess the complete impacts of all the policies on air quality taking into account changes in the wider environment. Policy Air 1 requires new developments to demonstrate that they will not have a detrimental impact on air quality, taking into account background factors and provided mitigation where this is necessary. These comments are noted but by and large are matters outside the remit of the NRWDPD.</p> <p data-bbox="1276 813 2105 909">The policy safeguards all the strategic waste sites during the plan period unless they can demonstrate that they are no longer required for this purpose.</p> <p data-bbox="1276 909 2105 1029">It ensures that sufficient provision is made for Leeds to be able to manage its waste and demonstrates certainty in the first instance whilst ensuring that the land is not unduly sterilized once provision has been met.</p> <p data-bbox="1276 1029 2105 1276">There is nothing to stop the extant employment use been implemented. It is up to the land owner to decide which use takes preference or if it is possible for them to co-exist. The landowner has consistently confirmed support for waste treatment facility provision on this site and an operator has expressed a clear interest in developing a major treatment facility for residual C&amp;I waste within the footprint of this site, pre-application discussions have taken place and an application is expected soon (see representation 13 below).</p> <p data-bbox="1276 1276 2105 1428">The whole site as currently shown is still required to maintain flexibility should a planning application come forward. No other representations setting out a specific location within the site boundary on plan 200 under Section D of the map book have been received. However, National Grid has separately requested that the area of the</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
Biffa Waste Ltd 13 Entec on behalf 14 of the National Grid	<p><i>Supports the NRWDPD (no other comments). This is a mainly advisory in terms of where assets are located. However, the plan for Skelton Grange shows the NG electricity substation within the proposed allocation. They object unless the plan is amended to take out the substation.</i></p> <p><i>That the assets of the substation are protected should permission for a facility on Skelton Grange be granted.</i></p> <p><i>There are overhead power lines at Methley and Skelton Ash Lagoons that will need to be maintained. There is a gas transmission pipeline bounding site 36, Highmoor Quarry.</i></p>	<p>sub station is removed.            Support noted.            Comment noted.  <b>Remove sub station assets from the site boundary on Plan 200 under section D of the map book.</b></p>
Mrs Lyn Linstrum 15 (local resident)	<p><i>Sustainability Appraisal – It makes no reference to the EASEL Plan.</i></p> <p><i>Sustainability Appraisal – Which IMD scores have been used?</i></p> <p><i>Sustainability Appraisal – More explanation would be welcome of how the SA has taken into account housing disparity, social inclusion, job opportunities and health.</i></p> <p><i>Policy Waste 6 – The site selection study 2007 based its conclusion on inaccurate information on the Wholesale Market as it assumed that the nearest residential properties were to be demolished. The update undertaken 2009 acknowledged this but did not reduce the scoring based on the proximity to housing as it stated this had already been taken into account.</i></p>	<p><b>Revised plan attached to the schedule for clarity.</b>            This would be a consideration should any planning application be received. All proposals would need to meet the requirements of WASTE 9.            Note information.</p> <p>The EASEL Area Action Plan has been withdrawn..</p> <p>This is set out in the Social and Deprivation Chapter in Section 4.</p> <p>Chapter 3 provides the SA methodology, Chapter 4 provides the baseline used, and Part C presents the results of how the method was applied. These issues are clearly addressed under their appropriate topics.            At the time of the 2007 study the EASEL plan was proposing to allocate a small part of the nearest residential areas as employment uses. The 2009 study acknowledged that this situation had changed in the intervening period. However, further information was also known about the potential layouts and designs which could be accommodated on the site by the time of the 2009 study.</p> <p>The Wholesale Market meets the tests in PPS 10. The site selection study demonstrates that there are very few alternative choices in Leeds.</p> <p>Any future proposals would need to comply with WASTE 9 and demonstrate that there are no adverse impacts on the surrounding area.</p> <p>In addition separate environmental permitting legislation requires proposals to comply with permitted environmental standards.</p>

**Response and Reference****Representation**

*Policy Waste 6 – The site should have been red in the site selection study not green.*

*The site selection study soundness needs to be considered by the Inspector and the Wholesale Market removed from the plan. The bidder has stated they will not be justifying the selection of the site.*

*Policy WM6 has omitted ‘The Council will have regard to the proximity and cumulative effect upon residents’*

*The consultation process is not sound. It has not provided adequate information or answers. Sport England has not been consulted.*

*Oppose incineration at the Wholesale Market and the Yorkshire Water Land.*

*The sites are too close to residential areas and businesses.*

*The council has provided no justification for introducing this type of use into the area.*

*The incinerator in Sheffield is dirty, noisy and the odour in the local air was disgusting.*

*The council’s utopian dream is a clear attempt at sterilised propaganda to try and convince locals that the incinerator poses no threat to the area.*

**LCC response with any suggested wording amendments.**

The Wholesale Market meets the tests in PPS 10. The site selection study demonstrates that there are very few alternative choices in Leeds.

This will be a matter for the Examination in Public.

Any future proposals would need to comply with WASTE 9 and demonstrate that there are no adverse impacts on the surrounding area.

In addition separate environmental permitting legislation requires proposals to comply with permitted environmental standards. A wide range of organisations have been consulted as part of the plan making process in compliance with the adopted Statement of Community Involvement.

Sport England are not a statutory consultee however they were consulted at Issues and Options stage and responded that the DPD was not of interest to them as they are only interested in proposals that affect playing pitches and other greenspace and sports provision. They asked not to be included in further consultation stages of the DPD.

Opposition is noted.

Comments noted. These matters were considered and set out in the site selection study 2007 and the further update in 2009.

The site selection study reflects National Planning Guidance on Sustainable Waste Management in PPS 10.

This is anecdotal. The Sheffield facility is adjacent to a new office and supplies energy to the nearby flats and businesses. Officers and Members of LCC have also visited the Sheffield facility and did not find it to be any of these things. Sheffield residents are not reported to complain about it and the facility in Sheffield is right in the heart of the urban area.

The plan is technology neutral but it must enable a range of technologies to be implemented to reduce the current reliance on landfill.

Mr Stewart  
Wigglesworth  
(local resident)

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Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>Veolia has had several environmental breaches.</i></p> <p><i>Accept incineration is a viable concept it must be done in the correct regulated manner and located in the correct area.</i></p> <p><i>Will the council start shipping in rubbish from other areas?</i></p>	<p>This is not a matter for the NRWDPD but WASTE 9 requires proposals to demonstrate that they would not give rise to adverse environmental impacts.</p> <p>Point noted.</p> <p>The plan objective is for self sufficiency. This recognises that Leeds must plan to meet its own waste needs. This is a significant challenge in itself. It is not the intention of the plan to provide for more than the needs of Leeds, however some existing facilities do take commercial and industrial waste from adjoining areas and vice versa (as detailed in the Waste Topic Paper).</p>
<p>English Heritage SA 17</p>	<p><i>Re-characterise heritage assets in table B2-1 on P52 of SA.</i></p> <p><i>Table B2-5 – Add additional reference to design and operation of development.</i></p> <p><i>Table B2-6 – do not agree with scoring for the strategic waste sites.</i></p> <p><i>Part B – do not agree with scoring on heritage assets. Subsequently think Policy Waste 9 needs to be amended.</i></p> <p><i>Minerals Policy 1-8: General support for them to support conservation of historic environment.</i></p> <p><i>Part C – P41/P56: General disagreement to scoring. (Request to contribute towards SA).</i></p>	<p>Acknowledge listed buildings are of national significance and this is incorrectly referenced.</p> <p>This point is noted but it considered that the adjustment to Policy WASTE 9 should meet English Heritage requirements.</p> <p>This is noted. Additional criteria have been added to WASTE 9 to reflect the protection of heritage assets.</p> <p>See below for suggested addition to WASTE 9.</p> <p>Note support.</p> <p>This is noted.</p>
<p>English Heritage (Plan) 18</p>	<p><i>Support the key principles at para. 2.19 but want historic interests to be given a specific reference and to be protected/enhanced.</i></p> <p><i>Seek rewording of paragraph 2.30 for clarity and to avoid confusion and to ensure the protection of the wider environment and not just certain elements of it.</i></p> <p><i>Minerals Policy 1 and 2 – English Heritage are conducting a study of other potential sources of historic building stones other than safeguarded quarries. They request that such locations are also safeguarded.</i></p>	<p>Suggest adding another objective under A high Level of Environmental Protection</p> <p><b>‘Protect and enhance the environment including the District’s heritage’.</b></p> <p>The DPD does this because of the historic building stone policy and other policies.</p> <p>Add the following after the first sentence of para. 2.30:</p> <p><b>‘This document has a strong emphasis on environmental protection throughout and encourages the use of local stone to repair and maintain historic buildings.</b> It gives added protection for trees .....’.</p> <p>Unfortunately the site information is not yet available and therefore we cannot include it in the DPD, however, MINERALS 7 has been written to support the provision of stone for repairs to historic buildings.</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>However, the information of where they might be is not available until the summer.</i></p> <p><i>Para 3.14 – asked for specific reference to Midgley Farm to be referred as requiring special protection from the potential effects of quarrying.</i></p> <p><i>Minerals 5 – support protection of the Wharfe Valley. Also support Minerals 7.</i></p> <p><i>Minerals 10 – add a specific reference to the protection of the historic environment.</i></p> <p><i>Waste 9 – Want a reference to protecting the historic environment adding to the policy.</i></p> <p><i>Support Energy 1 and 2.</i></p> <p><i>Supports the document but reiterates the need to maintain safeguarding zones for RAF Church Fenton and Linton on Ouse and consult the MOD.</i></p>	<p>MINERALS 10 incorporates specific criteria designed to protect environment and landscape character. This policy is proposed to be strengthened with the addition of the word ‘historic’ to the bullet point regarding natural environment. Not considered necessary to include additional “special” measures to protect Midgley Farm.</p> <p>Point 6 of MINERALS 10 to read: ‘6. Effect on the natural <b>and historic</b> environment’.</p> <p>Note support</p> <p>Agree. Point 6 of MINERALS 10 to read: ‘6. Effect on the natural <b>and historic</b> environment’</p> <p>Agree. Delete ‘all wildlife’, add ‘historic’. Point 8 of WASTE 9 to read: ‘8. Effect on the natural <b>and historic</b> environment’.</p> <p>Note Support This is acknowledged at point 7 of ENERGY 1.</p>
<p>Defence Estates 19</p> <p>Clifford Parish Council 20</p>	<p><i>Did not feel that there was enough time to make a reasoned response.</i></p>	<p>Comment acknowledged. The consultation period ran for 8 weeks, thus giving 2 weeks more than normal to allow for the christmas period.</p>
<p>Highways Agency 21</p>	<p><i>Minerals 10 – request wording change to also reflect strategic highways network.</i></p>	<p>Agree. Delete the word ‘local’ from Point 12 of MINERALS 10 to read: <b>‘The adequacy of the highway network...’.</b></p>
	<p><i>Air Quality – state they will be seeking further assurances through the Core Strategy and Sites DPD that the AQMA 8 at the A1 at Micklefield is not prolonged as a result of development. They also want to ensure that any development along the SRN corridor would not lead to the designation of further AQMA.</i></p> <p><i>Waste Policy 6 – Consider the strategic sites to be potentially unsound because their development may need to make financial contributions towards highways mitigation. This is further to discussions on the AVAAP. The NRWDPD should refer to this potential need in the policy.</i></p> <p><i>Better word item 13 in waste 9.</i></p>	<p>The AQMA at Micklefield was withdrawn in July 2010. The current AQMAs are shown on Figure 3A of the Appendix to the DPD. The purpose of policy AIR 1 is to ensure that new developments do not increase air pollution.</p> <p>The strategic waste sites will be treated in a similar way to employment sites in the emerging Aire Valley Area Action Plan which will include a mechanism for delivering strategic highway and public transport improvements in the context of that Plan. Detailed Transport Assessments will be required as part of the planning application.</p> <p>Agree. Delete the word ‘local’ from Point 13 of WASTE 9 to read:</p>



Response and Reference	Representation	LCC response with any suggested wording amendments.
Environment Agency 22	<p><i>Appendix maps – concerned how the spur into Skelton Grange would pass under the motorway as this could affect the maintenance arrangements for the Aire Valley viaduct.</i></p> <p><i>General support for the soundness of the NRWDPD and the waste topic paper.</i></p> <p><i>May need further qualification of amount of landfill space remaining. Wellbeck Quarry has no planning permission for landfill beyond 2018. Reference on p20 may need amendment.</i></p> <p><i>Add PPS23 and Environmental Permit Regs to table 1.2.</i></p>	<p><b>'The adequacy of the highway network...'</b></p> <p>The Skelton Grange rail spur passes under the motorway via an existing tunnel. LCC will need to ensure adequate maintenance access is negotiated if the line becomes operational again.</p> <p>Support is noted.</p> <p>Topic paper to be amended.</p> <p>Add the following to Table 1.2 Summary of Legislative and Policy Framework in the all topics national column:</p>
	<p><i>Identify need for Hydrogeological Risk Assessments in landfill provision, waste management and future minerals activities.</i></p> <p><i>Microgeneration - Ground source heat pump systems to be operated sustainably.</i></p> <p><i>Paragraph 6.17 – FRA required on sites over 1ha in flood zone 1.</i></p> <p><i>If the Leeds Flood Scheme were to go ahead the SFRA would show two parallel zones of rapid inundation.</i></p> <p><i>Water 6 – Include a greater emphasis on safety. Seek advice from LCC Emergency Planning Officers.</i></p>	<p><b>'PPS 23: Planning and Pollution Control 2004. Environmental Permitting Regulations (EPR) 2010'.</b></p> <p>Covered by provisions of WASTE 9 and MINERALS 10 under 'protection of controlled waters'.</p> <p>Ground source heat pumps do not require planning permission as they are now permitted development.</p> <p>LCC require a consideration of flood risk on all sites regardless of size.</p> <p>Noted, LCC will need to update their SFRA accordingly.</p>
Natural England 23	<p><i>Para 6.14 – include PPS 25 before exceptions test.</i></p> <p><i>Water 3 – amend to read 'Development shall not be permitted in the areas shown as functional floodplain in the Leeds SFRA unless it is water compatible or essential infrastructure and satisfies the exception test.</i></p> <p><i>No further comments. Confirm the NRWDPD does not require Appropriate Assessment.</i></p>	<p>Emergency flood plans are not the same as Flood Risk Assessments as emergency plans tend to change according to the movement of flood water and specific circumstances of the flood. For this reason LCC Emergency Planning Officers do not like to comment on the safety aspects of proposed developments. However an FRA should cover safe access and egress.</p> <p>Add <b>'Safe access and egress'</b> to the end of WATER 6 list of criteria.</p> <p>Add the words <b>'PPS25'</b> before Exceptions Test in Para. 6.14.</p> <p>In order to more accurately reflect national policy add the words <b>'...and satisfies the Exception Test'</b> to the end of WATER 3.</p> <p>Note further confirmation that the plan does not require Appropriate Assessment.</p>
Network Rail 24	<p><i>Mineral 14 – Sites are acceptable except site XB21.</i></p>	<p>Noted.</p>

## Response and Reference

## Representation

*Mineral 14 – bullet point 3 – site XB21. Any rail facility is unlikely to be compatible with the regeneration aspirations of the Hunslet Riverside Area. It also reduces the potential for NR to develop the site in line with these aspirations. The site is also restricted in terms of the type of rail freight operations which could be provided.*

*B15 – Think there is a conflict with the allocation of the wharf area around Old Mill Lane, directly opposite the NR Riverside Site and adjacent to the Miller Homes flagship development at Yarn Street. This again could prejudice regeneration (housing) aspirations).*

*Para 3.28 – change wording to railway land at Holbeck is likely to be needed for stabling.*

*Mineral 14 – Change the Hunslet to Stourton Railway Line to the Leeds to Castleford rail line between Holbeck and Stourton is identified.*

*Site XB21 – An area of around 20 acres in a linear form parallel to the railway (as suggested and back in 2007 as part of the previous Area Action Plan) would be a more appropriate designation for the site XB21.*

*B15 – The council may wish to consider a more flexible approach to the designation to reflect the regeneration opportunities available.*

*There should be more evidence particularly on the demand for waterborne freight. The response provides further information on this.*

*It is important that in safeguarding wharves there is a reasonable prospect of them attracting interest otherwise the land is sterilised.*

*Minerals 14: Any safeguarded wharves must have a reasonable prospect of been used for such a use.*

*Map B2 - Fleet Lane – Woodlesford: Support*

## LCC response with any suggested wording amendments.

DPD commitment to retain the allocation is consistent with the overall strategy and the uses are compatible with the Aire Valley Area Action Plan which proposes the site for employment purposes.

Aggregates are already brought in on this line and therefore this type of freight is an appropriate operation.

The Old Mill Lane site is a proposed employment allocation in the Aire Valley Area Action Plan as is the site directly opposite on the other side of the River. This comment is based on out-of- date information. Wharf use is entirely compatible with employment use. LCC is not supporting housing on this site. The site is a high flood risk zone and it would conflict with national policy to move from a less vulnerable to a more vulnerable use (PPS25 terminology). LCC is considering potential design solutions to help housing at Yarn Street co-exist with existing and proposed employment uses in the area. Regeneration does not consist of purely housing development.

Agree. Amend para. 3.28 to state:

‘land at Holbeck **is likely to be** needed for locomotive storage’.

Agree. Amend point 4 of MINERALS 14 to read:

‘4. The **Leeds to Castleford rail line between** Holbeck and Stourton is .....’

Unclear which site is being referred to.

LCC to seek clarification from Network Rail.

The purpose of the Development Plan is to give some certainty to the future changes in the area.

Without a wharf to be able to load and unload barges, operators cannot progress waterborne freight. Operators have requested support from LCC in protecting and allocating wharves for this purpose. The principle of promoting waterborne freight is established in national policy, in the existing UDP and Local Transport Plan (LTP 3) and in the emerging Core Strategy.

Without certainty of long term use, operators are not willing to invest in wharves. Therefore LCC aims to protect wharves to give operators the assurance they need and so encourage investment.

LCC consider that there are reasonable prospects of safeguarded wharves being used and the response from operators to the consultations on this DPD back this up.

Richard Newton 25  
British  
Waterways

**Response and Reference****Representation**

*Map B2 - Canal Wharfage Stourton – Support  
Map XB2 - Skelton Grange Road – Support but should be a review mechanism during the life of the NRWDPD.  
Map B2 – Canal Wharfage Old Mill Lane: Owned by BW. Not uses as a wharf for many years – use as a wharf is now incompatible with the adjoining Miller Homes development. No evidence in the NRWDPD to show whether the use as a wharf is compatible with this use. This site is also being considered as part of the eco-settlement. Is the NRWDPD objective for the site compatible with the AVAAP?*

*Map XB2 - Bridgewater Road – maybe appropriate and BW would be happy to assist in its assessment  
Owners of land at Haigh Park Road, Stourton. There has been a failure to take into account previous representations and there is an error in the consultation report.*

Barton Wilmore 26  
on behalf of  
Towngate  
Estates Ltd

**LCC response with any suggested wording amendments.**

The safeguarding of this wharf does not conflict with the housing scheme on Yarn Street or the emerging Aire Valley Area Action Plan. The character of the area is mixed use and the Aire Valley will remain a major employment area for Leeds.

Old Mill Lane is the only remaining purpose built wharf in Leeds but it has not been adequately marketed for use as a wharf for some time. The CBOA has informed us that an operator is in fact interested in using this site but no more information is available as yet due to client confidentiality.

Use as a wharf is compatible with the Aire Valley Area Action Plan which allocates the site for employment purposes. LCC is not supporting housing on this site. The site is in a high flood risk zone and it would conflict with national policy to move from a less vulnerable to a more vulnerable use (PPS25 terminology).

The Yarn Street development was granted consent prior to the introduction of PPS25. Considerable flood risk mitigation has been required and the site has received substantial subsidies to enable it to happen.

Add to the end of the first sentence under Point 3 of MINERALS 14: ‘Bridgewater Road South is suitable for provision of new rail sidings **and may be suitable for a canal wharf**’.

Previous consultations were taken in to account as evidenced by the Summary tables that went to Development Plan Panel, however at that time the decision in the Aire Valley Area Action Plan to remove the housing proposal from Towngate’s land had not been made public. This was not public until August 2010 and meant that we could not include it in our Summary table of responses which was to be published on the Leeds City Council web site in June 2010.

Therefore Towngate’s comment about conflicts with their intended housing aspirations was not included in the table. It was considered that once Towngate were aware that LCC was no longer supporting housing on their land then their objection would not remain.

Colleagues working on the AVAAP did inform Towngate of this prior to the NRWDPD Publication Draft consultation. The reason for the change in the AVAAP was due to the fact the site is in High Flood Risk Zone 3a(ii) and failed to pass the PPS25 Sequential Test. The housing proposal also brought an objection from the Environment Agency.

Response and Reference	Representation	LCC response with any suggested wording amendments.
	<p><i>Their clients land has not been formally removed from the AVAAP as a prospective residential site. Therefore, this should not hold any weight in the NWWDPD process.</i></p> <p><i>The previous representations were not just based on the site been retained as a residential allocation but on a number of other matters which there is still no evidence to support as part of the NRWDPD.</i></p> <p><i>No explanation why the area of land identified at Haigh Park Road needs to be safeguarded. Object to this land been included at all. It would prejudice both future residential and employment development.</i></p> <p><i>Cite that discussions with British Waterways and other comments in the NRWDPD indicate there are better sites for wharves than along Haigh Park Road.</i></p> <p><i>The safeguarded wharf area at Haigh Park Road should be either removed or drastically reduced.</i></p>	<p>The revised Aire Valley Area Action Plan proposals released in February 2011 confirm that the site is not being proposed by LCC for housing development.</p> <p>The AVAAP Preferred Options consultation did not confer any weight on the site at that stage.</p> <p>The decision not to support housing is based on sound planning principles.</p> <p>Evidence of the site assessment is included in the Site Identification Schedule and Site Identification Schedule Update 2010 (both of which are available on the LCC website along with the consultation documents).</p> <p>Wharf use is complementary to and supports employment uses. The site is used by ASD Metals who provide 200 jobs in Leeds and need an adjacent wharf to support their waterborne transport aspirations. LCC does not support housing on this site.</p> <p>British Waterways have supported the proposed wharf safeguarding (see response 25 above).</p> <p>Wharf use is complementary to and supports employment uses. The site is used by ASD Metals who provide 200 jobs on the site and need an adjacent wharf to support their waterborne transport aspirations. LCC wishes to retain this major employer in the Leeds District.</p> <p>LCC does not support housing on this site.</p>
Walton and Co on behalf of Db Schenker	<p>27</p> <p><i>DBs as a major landowner but its views have not been obtained.</i></p> <p><i>There is insufficient evidence to support the allocation of Bridgewater Road.</i></p> <p><i>A more logical site is for rail related minerals uses at Neville Hill. A plan of this site is included.</i></p> <p><i>Bridgewater Road should not be limited to employment</i></p>	<p>An email was sent to D.B.Schenker on 18.3.10 strongly encouraging them to send us comments on the Policy Position because we noticed that they had not responded to the consultation. We specifically asked them to 'send us comments on any sites that you think we may have omitted'. No reply was received.</p> <p>Evidence is demonstrated in the Site Identification Schedule Update 2010 and in the demand for the site demonstrated in the representations received from Hanson Aggregates.</p> <p>The Aire Valley Area Action Plan identifies the land at Neville Hill as an Employment site and it may possibly be suitable as an additional rail siding site. Such proposals on this site will require Environmental Impact Assessment.</p> <p>The respondent was strongly encouraged to inform us of any other sites they wished us to consider in March 2010 and they did not respond.</p> <p>This allocation is important for the efficient use of land and to make</p>

Response and Reference	Representation	LCC response with any suggested wording amendments.
Inland Waterways Association 28	<p><i>uses that are only associated with rail freight operations. It is unclear if the intended allocated use is for minerals and waste only.</i></p> <p><i>Bridgewater Road is currently allocated as a housing site in the UDP. The site has been put forward for consideration as part of the SHLAA and is considered by that to have medium to long term housing prospects. The Bridgewater Road site should be removed from the NRWDPD.</i></p> <p><i>Support Minerals Policy 14 and the inclusion of the Canal Wharfs in B2 and XB2.</i></p> <p><i>In clause 2.5 there is no mention of the Aire and Calder Navigation which is the commercial waterway that all the wharfs in B2 and XB2 are on.</i></p> <p><i>Whilst Clause 2.5 mentions the Leeds and Liverpool Canal to the west, it is the Aire and Calder Navigation that links Leeds to the east and the Humber Ports.</i></p> <p><i>On page 72 CBOA stands for Commercial Boat Operators Association.</i></p>	<p>the most of opportunities for rail freight. The NRWDPD does not directly limit movement of materials to minerals and waste, however it may indirectly do so by safeguarding a site which is adjoining a wharf or rail sidings, for example this occurs with the Tarmac site and adjacent rail sidings.</p> <p>The housing number decided in the SHLAA was reduced to take account of the fact that the southern part of the site was no longer being supported for housing purposes. In addition consideration in a SHLAA does not imply that a site will be allocated. This site is needed to maximize opportunities for rail freight.</p> <p>Support is noted.</p> <p>Add reference in para. 2.5 to the '<b>Aire and Calder Navigation</b>'.</p> <p>In para. 2.5 add the words '<b>and Aire and Calder Navigation</b>'.</p> <p>Reference to the CBOA does not exist in the DPD.</p>

**Appendix 2.**

**Consolidated Changes for Submission**

## **NRWDPD: CONSOLIDATED SCHEDULE OF CHANGES FOR SUBMISSION**

**The actual alteration to the DPD is shown in bold.**

1. Add the following to Table 1.2 Summary of Legislative and Policy Framework in the Minerals National column:  
**“PPG14: Development on Unstable Land 1990”**  
  
and in the All Topics National column:  
**“PPS 23: Planning and Pollution Control 2004, Environmental Permitting Regulations (EPR) 2010.”**
2. In para. 2.5 after Leeds – Liverpool Canal add the words:  
**“and the Aire and Calder Navigation”.**
3. Add an additional objective on the list on page 12 under Low Carbon Economy, to state:  
**“Support the co-location of natural resource activities to minimise transportation impacts.”**
4. Add another objective under A high Level of Environmental Protection, to state:  
**“Protect and enhance the environment including the District’s heritage”.**
5. Add words to para. 2.29 to state:  
**“Additionally, the restoration of mineral sites in appropriate locations can be designed to help provide flood storage benefits”.**
6. Add the following after the first sentence of para 2.30:  
**“This document has a strong emphasis on environmental protection throughout and encourages the use of local stone to repair and maintain historic buildings”.**
7. Revise MINERALS 1 to state:  
**MINERALS 1: PROVISION OF AGGREGATES**  
**“In conjunction with other West Yorkshire Metropolitan District Councils, the Council will encourage the recycling of materials and endeavour to maintain a landbank of permitted reserves of sand and gravel in accordance with the Sub-Regional Apportionment.”**
8. Delete the last sentence of para. 3.5. At the end of the second sentence after “2008” add:  
**“...a sub – regional apportionment for West Yorkshire has been derived. This is 5.5 million tonnes of sand and gravel and 17.8 million tonnes of crushed rock for the period 2001 to 2016.”**
9. Include definitions of Area of Search and Preferred Areas at the end of Para. 3.11 as follows:  
**“Areas of Search (AoS) are areas where resources are known to be. However, no exploration as to potential yield or quality of the resource has been undertaken and therefore these are not proven. The Council wishes to encourage such exploration to ensure its continued contribution to sub regional levels of provision of sand and gravel and has therefore identified areas where it is appropriate that this may take place”.**  
  
**“Preferred Areas” are those areas where the resource is proven and evidence as to the nature and extent of deposit is available. The Council wishes to ensure that the resources are exploited in an efficient and timely manner”.**
10. Amend text in Para 3.16 to replace “region” with:  
**“West Yorkshire sub-region”.**
11. Amend text in Para 3.16 to replace “estimates of demand” with:  
**“rates of extraction”.**
12. Add **“and road access is poor”** to the end of Para. 3.17.
13. Replace “exploration” with **“the extraction of”** in MINERALS 4, also add at the end of the first sentence **“...for proven deposits in accordance with MINERALS 10”.**
14. Add at the end of para. 3.22 :  
**“Additionally, in areas of coal mining legacy, extraction of coal can help to improve conditions, for example by creating land stability. The Coal Authority has provided Leeds City Council with information about the extent of former coal mining legacy areas. In accordance with PPG14, a Coal Mining Risk Assessment will be required for all Full and Outline non householder applications in Coal Mining Development Referral Areas**

**where the ground will be disturbed”.**

15. Slight amendments to MINERALS 8 to state:  
“Within the Mineral Safeguarding Area for surface coal, **as shown on Map A3**, applicants should **always** consider the opportunity to recover any coal present.”
16. New Para 3.23 (Follows MINERALS 8 box ) to state:  
“**Recent advice given by the Coal Authority suggests that small scale, short term recovery operations by opencast methods are possible on small sites within heavily developed areas. The Council wishes to maintain a flexible approach to the recovery of coal by opencast methods within the MSA for coal identified on Map A3 where this is possible. Therefore applicants proposing non-householder development on previously developed land within the coal MSA will need to demonstrate that they have considered the potential for prior extraction. Where proposals involve major development (See Glossary for definition of major development) applicants will need to demonstrate that the proposal can meet the criteria attached to MINERALS 10”.**
17. Add to MINERALS 9 so that the final sentence reads:  
“Weight will be attached to schemes which provide local and/or community benefits, avoid the sterilisation of mineral resources, **address mining legacy issues** or facilitate other development which is in accordance with the development plan”.
18. Re-number the old para. 3.23 to be called 3.24.
19. Add the word ‘historic’ to point 6 of MINERALS 10 so as to read:  
“6. Effect on the natural **and historic** environment”.
20. Delete the word ‘local’ from Point 12 of MINERALS 10 to read:  
“**The adequacy of the highway network...**”.
21. Amend para. 3.28 to state:  
“land at Holbeck **is likely to be** needed for locomotive storage”.
22. Add to the end of the first sentence under Point 3 of MINERALS 14:  
“Bridgewater Road South is suitable for provision of new rail sidings **and may be suitable for a canal wharf”.**
23. Amend point 4 of MINERALS 14 to read:  
“4. The **Leeds to Castleford rail line between** Holbeck and Stourton is ...”
24. Add additional sentence at the end of paragraph 4.6 to state:  
“**The City Council will continue to work with and consult with its neighbouring authorities.**”
25. Alter the second half of Para. 4.32 to read:  
“A City Council procurement process for a residual municipal solid waste (MSW) treatment facility has been running in parallel with the preparation of the NRWDPD. Two of the three strategic waste management sites are being considered as possible locations for the facility. In the event that it can be demonstrated that **a site is** no longer required for strategic waste management purposes, it will be acceptable to use **it** for other employment uses. **In the case of the two sites in the procurement process this event will arrive when the procurement process completes”.**
26. In WASTE 6 replace Sewage Water Treatment works with “**Waste**” Water Treatment Works.
27. Delete “all wildlife”, add “historic”. Point 8 of WASTE 9 to read:  
“8. Effect on the natural **and historic** environment”.
28. Delete the word ‘local’ from Point 13 of WASTE 9 to read:  
“**The adequacy of the highway network...**”.
29. At paragraph 5.24 alter reference in the brackets to:  
(...”**industrial uses including utilities providers**”).
30. Add the words “**PPS25**” before Exceptions Test in Para. 6.14.
31. In order to more accurately reflect national policy add the words “**...and satisfies the Exception Test**” to the end of WATER 3.
32. Add “**Safe access and egress**” to the end of WATER 6 list of criteria.
33. Add the definition of major development to the Glossary, using the definition in Reg. 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (10 dwellings or more or 1,000 sq. meters or more).
34. **Map Book Changes**

**Remove sub station assets from the site boundary on Map 200.**

**Amend Map 202 to reflect accurate boundary.**



**Amend Map 206 to reflect accurate boundary.**





**Leeds City Council  
Natural Resources and Waste DPD**

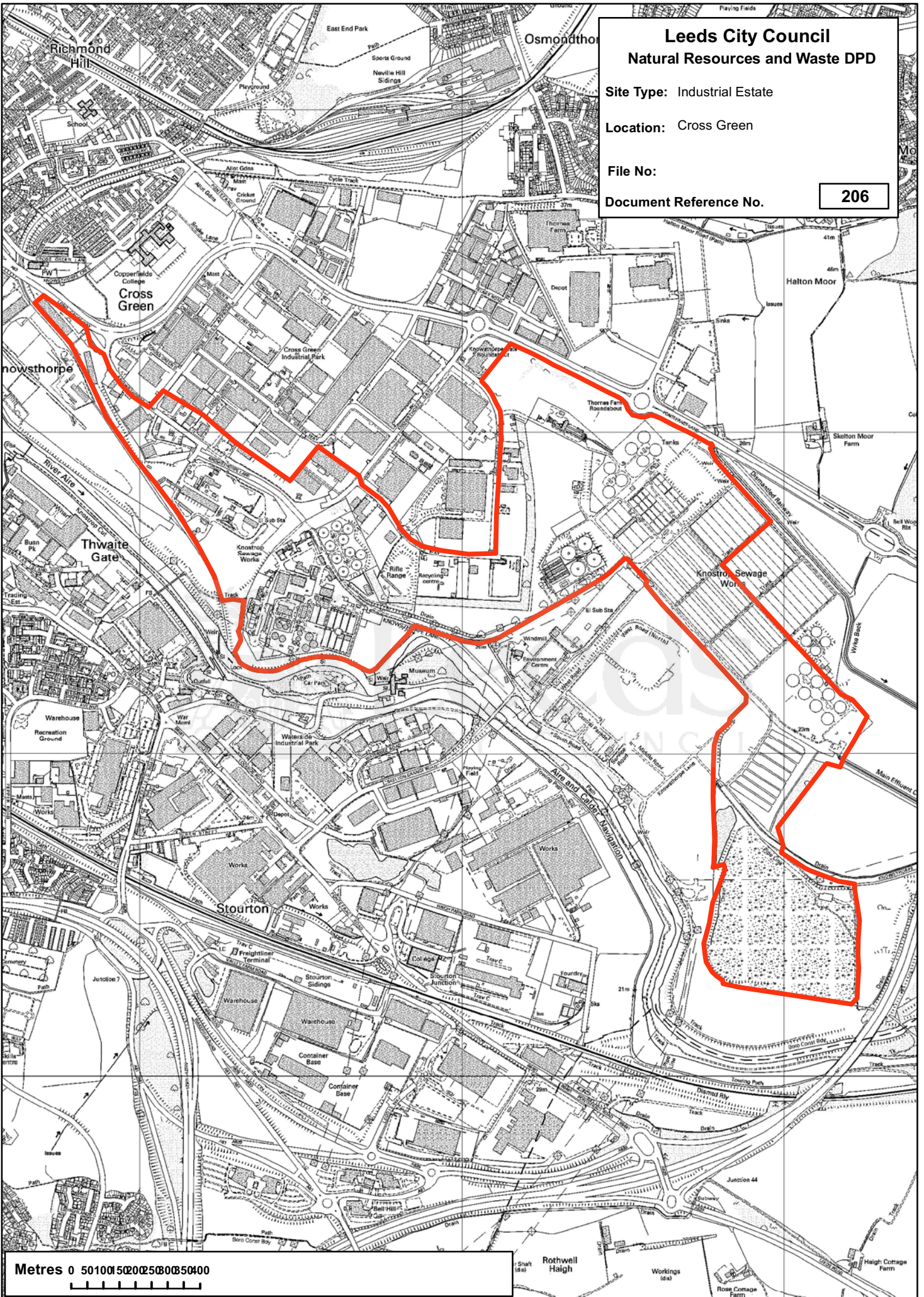
**Site Type:** Industrial Estate

**Location:** Cross Green

**File No:**

**Document Reference No.**

**206**





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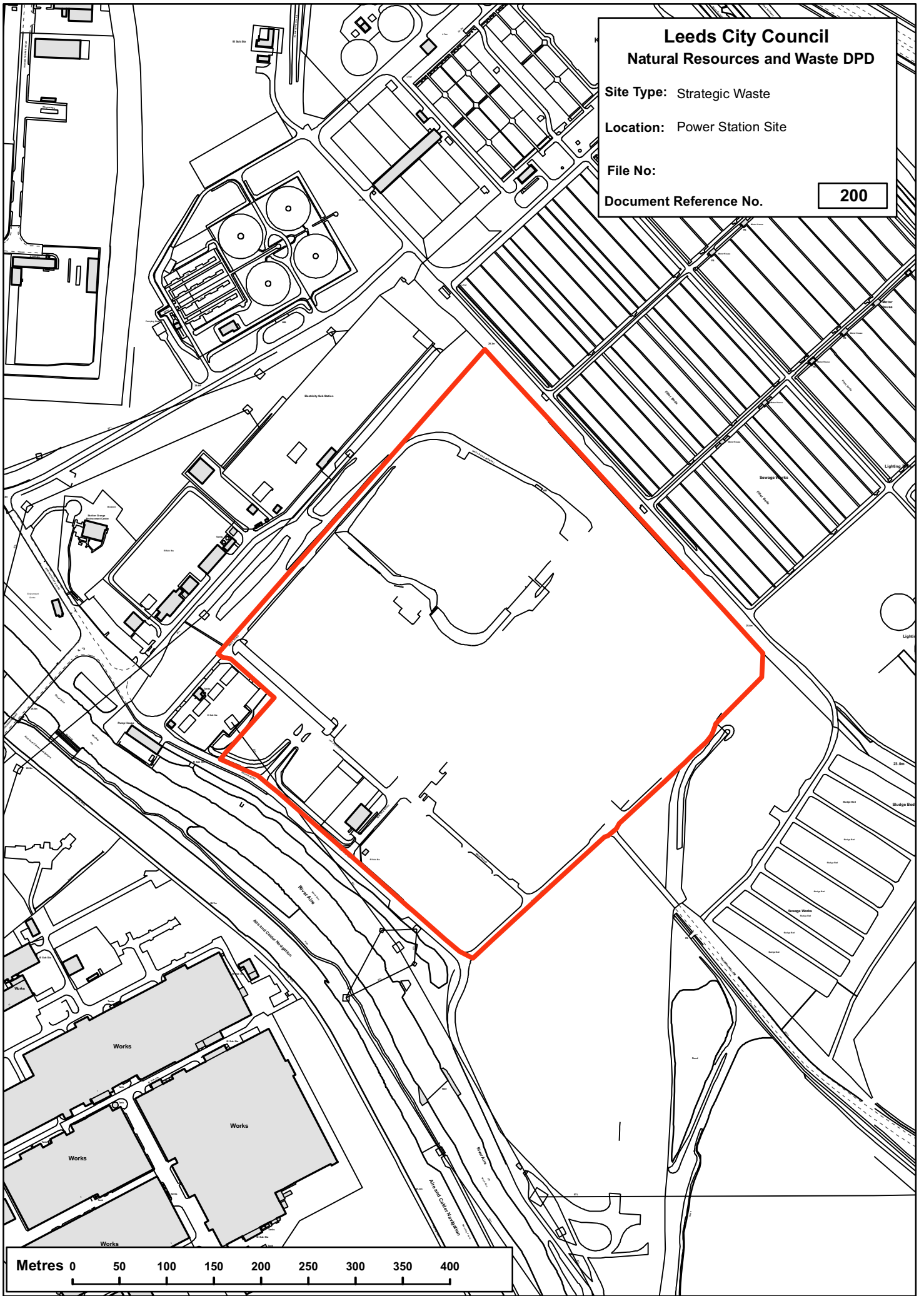
**Leeds City Council**  
**Natural Resources and Waste DPD**

**Site Type:** Strategic Waste

**Location:** Power Station Site

**File No:**

**Document Reference No.** 200



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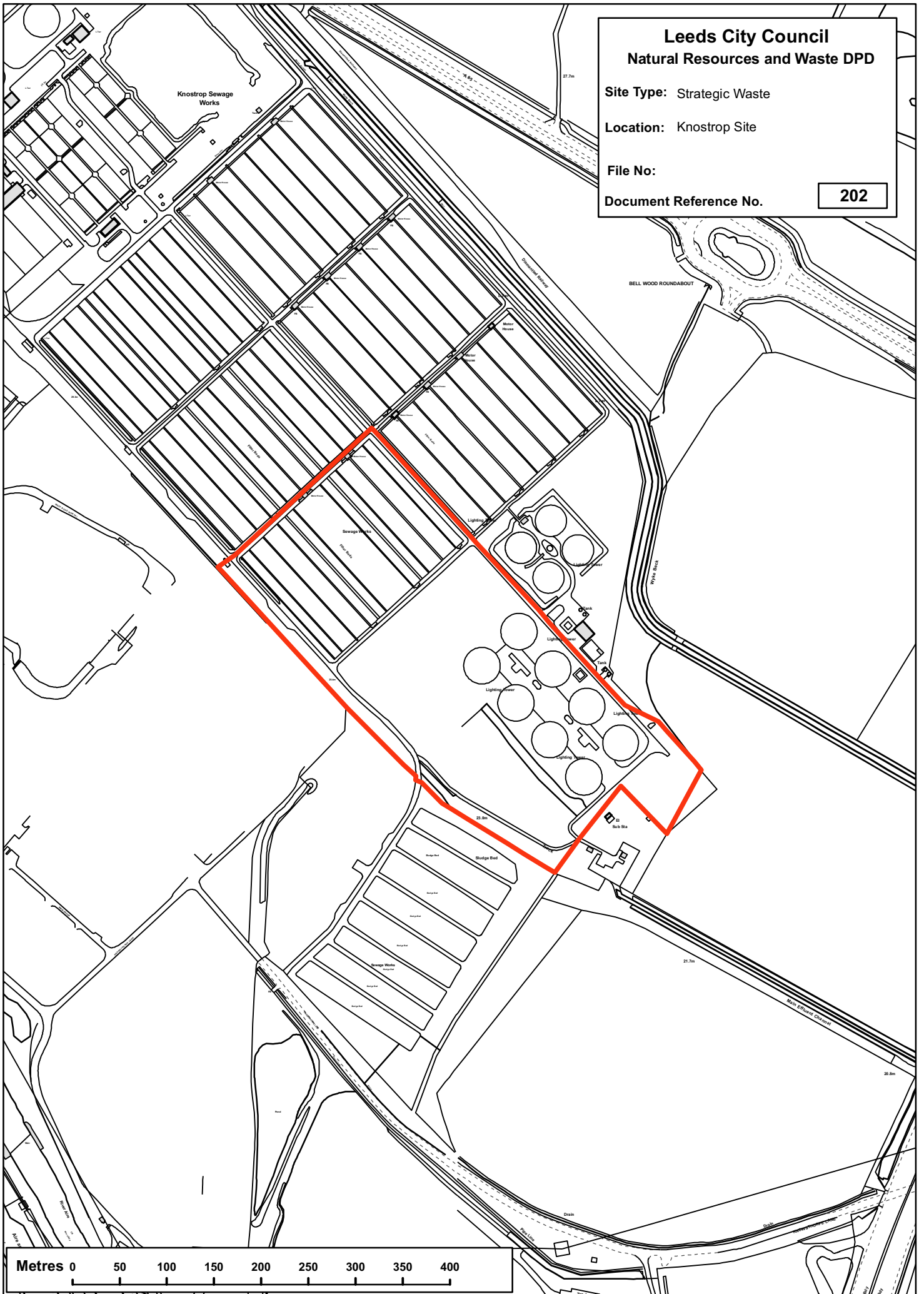
**Leeds City Council**  
**Natural Resources and Waste DPD**

**Site Type:** Strategic Waste

**Location:** Knostrop Site

**File No:**

**Document Reference No.** 202



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**Report of the Director of City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Proposal to invest in additional energy saving measures for street lighting.**

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

**EXECUTIVE SUMMARY**

Leeds City Council operates just over 92,000 street lights, which used approximately £3.4million of energy during 2010/11. The service is delivered through a Private Finance Initiative agreement with TVL lighting. TVL are responsible for the replacement and maintenance of the street lights over a 25 year period from July 2006 to July 2031.

The service is already providing significant efficiencies in energy consumption through the use of energy efficient lamps and new lantern technology. With recent increases in the financial and environmental cost of electrical energy and the need to seek efficiencies across the provision of all council services, an exploration of ways to further reduce street lighting energy is required.

Provision of lighting a highway is a discretionary power. It is recognised as good practice to install lighting in appropriate areas. The street lighting PFI endorsed this concept and was predicated on delivering a number of benefits for the city. The outline business case approved by Executive Board in May 2004 set out specific outcomes to achieve improved

road safety and a reduction in the fear of crime. Any proposals to reduce energy requirements need to be balanced with the ability of the lighting to meet these objectives.

This report presents opportunities for further savings in street lighting energy including the potential removal of street lighting together with a proposal for implementation of such measures. The savings that can be achieved depend on the extent to which lighting can be reduced without significant adverse effect on communities. This report includes estimates of savings which can only truly be tested by thorough assessment of the opportunities and community engagement.

The report presents a proposal to invest £334,700 from the Capital Programme over three years from 2011 to 2014 to realise a potential saving in energy costs over the next 10 years of £1,275,560 resulting in a net saving to the council of £940,860 by 2021 at current energy prices.

## **1 Purpose Of This Report**

1.1 To purpose of this report is:

- (i) to provide an overview of the current energy saving initiatives embedded within the current street lighting service and explain the opportunities for further reductions in energy consumption with recommendations as to how they may be achieved.
- (ii) to seek approval to inject £334,700 into the Capital Programme for 2011 to 2014 to implement the proposed additional energy saving measures contained within this report.

## **2 Background Information**

### **Context of the Street Lighting PFI and Current Energy Costs**

- 2.1 Modern street lighting provides many benefits to the community, from reduced road accidents to reductions in street crime and the fear of crime. The recent increases in the financial and environmental cost of electrical energy and the need to seek efficiencies across the provision of all council services requires the exploration of ways to reduce the electrical energy demand for street lighting.
- 2.2 The street lighting service in Leeds is delivered under a Private Finance Initiative (PFI) agreement with Tay Valley Lighting (TVL). This contractual arrangement began in July 2006 and will continue until July 2031. The project has attracted £93 million PFI credits from the government and will deliver an initial 5 year core investment programme to replace 82,000 street lights by July 2011, followed by a 20 year maintenance and renewal service.
- 2.3 Provision of street lighting is not a statutory requirement. Once installed the lighting system must be properly maintained.
- 2.4 The street lighting PFI was predicated on delivering a number of benefits for the city. The outline business case approved by Executive Board in May 2004 set out specific outcomes to achieve improved road safety and a reduction in the fear of crime. Proposals to reduce energy requirements need to be balanced with the ability of the lighting to meet these objectives.

- 2.5 The current energy bill for street equipment is around £4.3 million. This is made up of approximately £3.4 million for street lighting and £0.9 million for other services such as traffic lights, bollards, signs and car parks. The vast majority of consumption is based on an estimate of use. The wattage of each lamp type is tested and burning hours are measured by a local array of metered photocells. Energy is purchased from Npower under a consortium contract with 71 partner organisations.
- 2.6 The current averaged tariff for energy paid by Leeds City Council for street lighting is 8.7 pence per kWh. An average domestic tariff would be between 13 and 16 pence per kWh.
- 2.7 When exploring energy saving initiatives it is useful to consider where the greatest energy is being consumed. Street lighting designs provide two distinct categories of lighting, traffic routes and residential streets. The requirements for lighting levels on traffic routes are much higher than for residential streets due to the number and speed of vehicles and the potential for pedestrian and vehicle conflict. The average consumption per street light on traffic routes and residential streets are 189 watts and 72 watts respectively. While there are around twice as many street lights in residential streets when compared to traffic routes the return on investment in energy saving measures is greatly increased with the higher wattage lamps.
- 2.8 'Traffic routes' include all of the more busy roads such as main roads, bus routes and busy estate roads. These can be in residential, commercial, urban and rural areas.
- 2.9 'Residential streets' include the quieter residential and estate roads and link footpaths in urban and rural areas.

### **Embedded Energy Saving Initiatives**

- 2.10 The street lighting PFI is already making savings in energy usage. These measures continue to deliver conventional dusk to dawn street lighting systems which meet European design standards, but incorporate more efficient lighting units and smarter switching technology. The efficiency measures embedded within the PFI project include:

#### **White light**

- 2.11 The use of white light provides much better colour recognition than the traditional 'orange' lights. The design code recognises the improved rendition properties and provides for a lower level of light to be installed. The use of low energy white light in residential streets has reduced the average consumption of individual street lights from around 68 watts to 51 watts. By the end of the core investment programme in July 2011 there will be over 64,500 lamps of this type in Leeds.

#### **Switching or "trimming"**

- 2.12 Each street light is controlled by its own photocell within the lantern. The photocell measures the ambient light and switches the light on and off at the appropriate level at dusk and dawn. The photocells specified for the PFI project have reduced the light level at which the switch operates. This turns lights on around 2½ minutes later and off 2½ minutes earlier. By July 2011, 82,000 lights will be operating for around 30 hours less each year, saving in the region of £20,000 worth of energy per year.

The remaining 10,000 or so lights will be fitted with these cells over the next 10 years as part of routine maintenance.

### **Use of Light Emitting Diodes (LED)**

- 2.13 LED street lights have been installed as part of a trial in Tavistock Close in Wortley. The trial was well received. The lights consume around the same amount of energy (51 watts) as the Cosmopolis lamp being used elsewhere in Leeds, but the cost of an LED lantern is more than twice that of a conventional lantern. This makes them uneconomical for widespread use at the moment but as the market matures and they develop to be more efficient they will be considered in future.
- 2.14 LED lighting offers greater benefits for lower level lighting such as that required for the illumination of signs. LED sign lights save around 16 watts over conventional fluorescent fittings. The PFI project has installed over 4,300 low energy LED sign lights saving in the region of £24,000 worth of energy per year.

### **Dimming**

- 2.15 A more recent innovation introduced within the last year is the ability to dim street lights at pre-determined times. Dimming can be undertaken entirely in accordance with the standards for road lighting on roads where the traffic volume decreases dramatically at night. Approval has been given to install up to 1,500 dimming lanterns in appropriate locations during the remainder of the core investment programme. As there is now a desire for greater efficiency measures these proposals are being reviewed and it is anticipated that subject to approval of this report the number of dimming lanterns to be installed will be greatly reduced in favour of more beneficial measures.

### **Continuous improvement**

- 2.16 The PFI contract is drafted to incentivise both TVL and Leeds City Council to generate efficiencies in both operations and energy consumption, with arrangements for sharing the benefits. The council is responsible for energy purchase for street lighting. The council is protected from unexpected increases in consumption by the agreement, but maintains a proportion of all savings. Both TVL staff and council officers maintain a current knowledge of developments within the street lighting industry and seek to employ beneficial changes within the service when it is appropriate to do so. Changes to the contract specification have already been made as more efficient lanterns have been developed, resulting in both operational and energy savings.

### **Further opportunities**

- 2.17 The current street lighting system is designed to meet the minimum standards for road lighting. Opportunities to make further savings exist and these will have varying degrees of impact on the community and the ability of the lighting to meet current standards. The greatest energy savings result from reducing the provision of light in some way. The proposals discussed in part 3 below consider:
- Removing street lighting.
  - Switching lights off in the early hours of the morning (part-night switching).
  - Reducing the light output outside of peak periods (dimming lights).

## Experience in other authorities

- 2.18 There are a number of authorities that have already implemented similar energy saving measures such as these. A summary of some examples are included in Appendix A.

## 3 Main Issues

### Design proposals/scheme description

- 3.1 Any proposal for the reduction in street lighting delivery needs to balance the effects on the community, the investment required and the savings achieved.

### Removal of street lighting (permanent or temporary switch-off)

- 3.2 The removal or complete switching off of street lighting would only be recommended where there has either been a significant change in the road layout or use of the road that would mean that the lighting is no longer required or where lighting has been provided where it is not absolutely necessary. The capital cost of removing the street lights is significant when compared to the savings in running costs. If the street lights were switched off but left in place the hazard to road users coupled with the degradation of the electrical equipment when not in constant use could lead to an additional maintenance burden in the long-term.
- 3.3 An example of the cost benefit of permanently removing street lights is shown in table 3.3 below.

	Cost to turn-off and then remove street light	Average annual energy saving (kWh)	Average annual energy saving (£)	Payback period
Traffic route	£388	785kWh	£68	5.7 yrs
Residential street	£388	300kWh	£26	14.9 yrs

Table 3.3 Cost benefit analysis of the permanent removal of street lights

- 3.4 The removal of street lighting will be considered, but the number of sites where this is possible is limited and is not expected to make a significant contribution to energy saving proposals.
- 3.5 Preventing street lights from operating is initially a simple task of removing the fuse in the base of each street light. However the ongoing maintenance cost of the electrical apparatus remains and the most appropriate permanent solution for road safety and to reduce the council's liability is to remove the street lights altogether. It is envisaged that there are some locations where lighting can be removed. These are:
- Rural roads where there are no junctions or properties
  - Rural roads where there is little demand for pedestrian use during the hours of darkness.
  - Roads in all areas where there is little need for any mode of travel during the hours of darkness.

But not where:

- There is an above average crime rate during the hours of darkness
- There is a history of road accidents during the hours of darkness.

3.6 Where removal of street lighting is proposed it is advised that the street lights are switched off, but not immediately removed. The location can then be monitored for crime and accidents for a period of 2 years. After which, subject to satisfactory results the apparatus would be removed.

3.7 A provisional assessment of the criteria where removing street lights on traffic routes is applicable suggests that there may be scope to remove around 150 street lights across the city. This would require very little immediate investment but would incur costs of £58,200 to remove the street lights after the initial 2 year monitoring period. Approximately £10,200 of energy per year could be saved.

3.8 A provisional assessment of the criteria where removing street lights on residential streets is applicable suggests that there may be scope to remove around 50 street lights across the city. This would require very little immediate investment but would incur costs of £19,400 to remove the street lights after the initial 2 year monitoring period. Approximately £1,300 of energy per year could be saved. The long payback period on the investment makes the removal of these lower wattage street lights unattractive for this current proposal.

### **Switch lights off for part of the night (Part-night switching)**

3.9 A better return on investment is achieved from switching lights off for part of the night, where modifications to the photocell is much cheaper than complete removal. A typical part-night system would switch the lights off at midnight and back on at 5am. Widespread part-night switching is only recommended where there is a significant reduction in road use during these hours. Part-night switching is equally applicable to main roads and residential roads subject to individual assessment.

3.10 An example of the cost benefit of part-night switching is shown in table 3.10 below.

	<b>Cost to install part-night switch (per light)</b>	<b>Average annual energy saving (kWh per light)</b>	<b>Average annual energy saving (£ per light)</b>	<b>Payback period</b>
<b>Traffic route</b>	£41	313kWh	£27	1.5 yrs
<b>Residential street</b>	£25	120kWh	£10	2.5 yrs

**Table 3.10 Cost benefit of the part-night switching of street lights**

3.11 In order to continue to meet the outcomes of the street lighting PFI of improved road safety and a reduction in the fear of crime, part-night switching would be undertaken on a risk assessed basis. It is recommended that part night switching is avoided:

- On roads with a significant road traffic accident record during the proposed switch-off period.
- In areas with above average record of crime during the proposed switch-off period.

- In areas with a police record of frequent anti-social behaviour during the proposed switch-off period.
- In areas provided with CCTV local authority/police surveillance equipment.
- In areas with sheltered housing and other residences accommodating vulnerable people.
- Around 24hr operational emergency services sites including hospitals.
- At formal pedestrian crossings, subways, and enclosed footpaths and alleyways where one end links to a street that is lit all night.
- Where there are potential hazards on the highway such as roundabouts, central carriageway islands, chicanes and traffic calming features.

### **Part-night switching (traffic routes)**

- 3.12 The greatest cost/benefit is achieved with the part-night switching of traffic routes with a payback period of 1.5 years.
- 3.13 A provisional assessment of the criteria where part-night switching may be applicable suggests that there is scope to install part-night switching to around 3,250 of the 27,000 street lights on traffic routes across the city. This would require an investment of £157,750 and save in the region of £87,750 per annum at current energy prices.

### **Part-night switching (residential streets)**

- 3.14 Part-night switching of residential streets is slightly less beneficial with a payback period of 2.5 years. Nevertheless it is worth considering for widespread use.
- 3.15 A provisional assessment of the criteria where part-night switching may be applicable suggests that there is scope to install part-night switching to around 4,750 of the 64,000 street lights on residential streets across the city. This would require an investment of £118,750 and save in the region of £47,500 per annum at current energy prices.

### **Applying measures to alternate lights.**

- 3.16 There is an expectation that to allay public fears of the darkness it may be preferable to only switch alternate street lights, leaving half on and half off. It is understandable that this may be seen as desirable to maintain at least some light in a street. However, it can be argued that lighting a street in this way with significant dark patches (bearing in mind that some street lights are around 50m apart) creates more of a fear of crime than switching off the whole street. There is also a concern for drivers that the eye is unable to adapt quickly enough to the rapid "on/off" difference in light levels leading to the potential for reduced night time visibility and a potential increase in accidents.
- 3.17 Alternate switching would provide significant operational difficulties. Efficiency of service delivery for street lighting is predicated on economies of scale and uniformity of application. A street with different operating mechanisms on each light and with lamps that will need replacing at different intervals due to different burning hours will

present an inefficient maintenance regime that over time may negate the savings in energy.

- 3.18 Alternate application of energy saving measures to street lights is therefore not recommended in this report.

### **Dimming**

- 3.19 Where switching lights off at any time of the night is not recommended it may be possible to dim the lights. Similar to part-night switching this would be undertaken at times when the vehicle and pedestrian use is at its lowest. The big disadvantage with dimming over switching is that the dimming control equipment is expensive and the energy savings are much less than with switching off. A typical scheme would dim the lights by 20% at around 9pm, a further 30% at midnight and back to full brightness at 5am.

- 3.20 An example of the cost benefit of dimming is shown in table 3.20 below.

	<b>Cost to install dimming control (per light)</b>	<b>Average annual energy saving (kwh per light)</b>	<b>Average annual energy saving (£ per light)</b>	<b>Payback period</b>
<b>Traffic route</b>	£218	178kWh	£15	14.5 yrs
<b>Residential street</b>	Not yet available	-	-	-

**Table 3.20 Cost benefit of the dimming of street lights**

### **Dimming (traffic routes)**

- 3.21 Some dimming is already being undertaken as part of the existing PFI arrangements (see paragraph 2.15). Retrospective installation of dimming of traffic routes has a payback period of around 14.5 years. Unless the cost of dimming equipment significantly reduces as demand increases, it is recommended not to pursue the retrofitting of dimming equipment unless as part of a maintenance regime the lanterns are being routinely changed.

### **Dimming (residential streets)**

- 3.22 Residential streets are lit with metal halide white light lamps known as Cosmopolis. The technology to dim this type of lamp is not yet commercially available and cannot therefore be considered at this time. Further consideration will be given to the dimming of street lights in residential areas as the technology emerges.

### **Adaptation/mitigation measures**

- 3.23 There are different standards of road markings and signing required on street lit and unlit roads. The switching off of lights at any time during the night or removal of lighting will require an assessment of the adequacy of road markings and signing. Where required it will be necessary to upgrade the road markings and signs and/or install reflecting road studs. An additional allowance of £10,000 should be made to provide adequate upgrading of road markings and the provision of reflecting road studs, particularly on traffic routes, where they were not previously required. The anticipated cost of this work in year 1 of the proposals is £5,000.



## Fear of crime and community support

- 3.24 When reducing the lighting of residential areas it is appreciated that residents will be concerned about the fear of crime in their immediate environment. Advice from Safer Leeds has suggested that by working together, Street Lighting and Safer Leeds can offer advice and support to worried communities about precautions that can be taken to protect individuals and property during the hours of darkness. On-site assessments could be undertaken where there is a significant concern. In order to facilitate this partnership consideration of funding of approximately £12,000 to Safer Leeds is sought. The anticipated cost of this work in year 1 of the proposals is £3,000 and will be reviewed annually.

## Providing warning to road users

- 3.25 In areas subjected to part-night switching it is reasonable to expect road users to be able to tell which street lights are to go off and at what times. It is proposed to erect signs at the start and end of part-night switching zones warning road users of the times of switching. Warning signs should also reduce the incidence of the reports of faulty lights during the period when they are deliberately turned off. Signs such as these have been used successfully in other local authorities to alert road users to the lighting times. An allowance of £10,000 should be made to deliver the indicative proposals. The anticipated cost of this work in year 1 of the proposals is £3,000.

## Do Nothing

- 3.26 Members at budget time required officers to look into possible savings from dimming and turning off selected street lights. However, do nothing does exist but members need to be aware of giving up on potential savings of c£145,000 per annum. Members need to consider the effect of lights being turned off against the savings outlined in this report.

## Summary

- 3.27 Table 3.27 below is a summary of the potential invest to save options in order of pay back.

	Lighting energy saving measure	Provisional number of street lights	Estimated investment required	Annual energy saving	Pay back period
1	Part-night switch-off (traffic route)	3,250	£157,750	£87,750	1.8 yrs
2	Part-night switch-off (residential street)	4,750	£118,750	£47,500	2.5 yrs
3	Remove lighting (traffic route)	150	£58,200	£10,200	5.7 yrs
4	Dimming (retrospective fitting) (traffic route)	Not recommended due to long payback period	*£218 (per street light)	*£15	14.5 yrs
5	Remove lighting (residential street)	Not recommended due to long payback period	*£388 (per street light)	*£26	14.9 yrs

**Table 3.27 Summary of invest to save options**

## Proposals

- 3.28 It is proposed to implement the energy saving measures within this report in order of return on investment. The only exception being the removal of street lights on traffic routes where, as it is proposed to remove the apparatus after it has been switched-off for a period of two years the energy saving benefits are realised in advance of the removal costs.

## Implementation

- 3.29 Subject to approval of this report assessment of streets will begin in July 2011. The numbers of street lights subjected to the energy saving measures will depend on the outcome of individual site assessments across the district and could vary from the numbers suggested. It is anticipated that following consultation, the earliest any measures can be installed will be October 2011.
- 3.30 It is anticipated that with current resources, assessment and consultation of proposals across the whole of the Leeds district will take around 3 years to complete.
- 3.31 Table 3.31 below shows the anticipated implementation programme of the proposed energy saving measures.

Programme	Lighting energy saving measure	Install to number of street lights (provisional)
October 2011 to April 2012	Part-night switch-off (traffic route)	1,625
April 2012 to September 2013	Part-night switch-off (traffic route)	1,625
April 2012 to March 2013	Part-night switch-off (residential streets)	3,315
April 2013 to September 2013	Part-night switch-off (residential streets)	1,435
September 2012 to March 2013	Remove lighting (traffic Route)	150

**Table 3.31 Proposed programme of implementation**

- 3.32 Appendix B shows the financial implications for the council of these proposals over a 10 year period.
- 3.33 A street lighting partnership group will be created to include representatives of the emergency services, crime reduction, community safety and road casualty reduction to ensure that the ongoing assessment of sites remains appropriate and to ensure appropriate and swift reaction to any adverse effects.
- 3.34 Every road in Leeds with an existing street lighting system will be assessed for suitability of energy saving measures. Roads will be assessed against the criteria set out in paragraphs 3.5 and 3.11 of this report. A programme of assessment will be developed that will follow roughly the same phased ward-by-ward approach of the PFI core investment programme. Traffic Routes will be assessed across the whole district first, followed by a programme of residential streets. Where lighting is

to be removed completely or subjected to part-night switching, signs will be erected at each approach to the area involved to alert road users to that effect.

### **Monitoring**

- 3.35 Any changes in street lighting provision will be monitored for its effect on crime and road traffic accidents.
- 3.36 Reported crime and road traffic accidents will be monitored by the Police and Road Casualty Reduction. If at any time the records suggest that there is an unacceptable change in the incidence of crime or road traffic accidents and that the alteration to the street lighting is identified as the cause, then the energy saving measures will be terminated at that location.
- 3.37 Incidence of crime and road traffic accidents will be monitored at six monthly intervals for the first two years at all sites to determine general trends. Reviews will be undertaken by the street lighting partnership group to determine any cause for concern and action to be taken.

### **Potential to extend the proposals**

- 3.38 The proposals within this report are based on an estimate of the application of the assessment criteria. If consultation and monitoring proves to be positive there may be the potential, subject to funding, to extend the proposals to larger numbers of street lights to achieve greater energy savings.

### **Consultation**

- 3.39 The Executive Member for Development and Regeneration has been consulted on the proposals and has requested that this report be progressed to Executive Board.
- 3.40 Ward members: This is a city wide proposal and as such a specific ward member consultation has not yet been undertaken. Ward members will be consulted on any proposals to reduce the street lighting service in their ward. They will be specifically invited to comment on the local conditions that have led to the proposals in relation to the selection criteria within this report.
- 3.41 Parish Councils will be consulted on any proposals to reduce the street lighting service within their parish. They will be invited to comment specifically on the local conditions that have led to the proposals in relation to the selection criteria within this report.
- 3.42 Residents and businesses will be informed of any proposals to reduce the street lighting provision within 50m of their premises and asked for observations on the local conditions that have been applied to the selection criteria within this report. Notification will include advice from community safety representatives on how to limit the fear of crime in the location.
- 3.43 The stakeholders listed in paragraphs 3.44 to 3.49 below met with officers to discuss the proposals and were invited to respond formally to 12 questions about the proposals and appropriateness of the criteria for selection. They responded as follows:

- 3.44 Leeds City Council Leeds Watch: have no objections to the proposals and accept the criteria for application, with particular reference to maintaining lighting in areas covered by CCTV cameras.
- 3.45 Leeds City Council Safer Leeds: have no objections to the proposals and accept the criteria for application. They also felt that it was important to be able to reassure communities and individuals who believe that they are to be adversely affected by the proposals. They would welcome the opportunity to work in partnership with street lighting officers to deliver advice and guidance. They would also like consideration to be given to a funded domestic lighting scheme for vulnerable people.
- 3.46 West Yorkshire Police; had no objections to the proposals at the pre-meeting and welcomed the opportunity to be part of the process. The representative at the meeting is undertaking further consultation on the proposals within the Police on our behalf. A formal response to the consultation has been promised prior to the meeting of the Executive Board on 18 May. A verbal update will be provided by officers with this report at the Executive Board meeting.
- 3.47 West Yorkshire Fire and Rescue Service; have no objections to the proposals and accept the criteria for application. They also felt that alternate light switching was preferable to turning them all off (see paragraphs 3.16 to 3.18).
- 3.48 Ambulance Service; have no objections in principle to the proposals and accept the criteria for application. They have concerns about proposals affecting the lighting in specific areas of Leeds where there may be a risk to personnel and about the loss of lighting inhibiting the speed of response to incidents. The specific areas listed should be captured by the criteria relating to crime and anti-social behaviour. The effect on response times is to be monitored through the proposed project group, which they will be invited to attend.
- 3.49 Road Casualty Reduction; have no objections to the proposals and accept the criteria for application. They are keen to see accurate and timely monitoring of the effects of the energy saving measures and the ability to reverse the measures if an adverse effect is detected.
- 3.50 If the proposals within this report are approved, consultation and awareness sessions with further stakeholder representatives such as disabled groups will be offered.
- 3.51 Any objections that cannot be resolved during the consultation process will be reported to the Chief Officer of Highways and Transportation with proposals for resolution.

### **Equality, Diversity and Community Cohesion**

- 3.52 An equality, diversity, cohesion and integration impact assessment was undertaken on the proposals on the 16<sup>th</sup> March 2011. The resulting actions from the assessment highlight the potential difficulties in applying energy saving measures within criteria that will create a different approach dependant on local conditions. The report recommends transparency of approach and sufficient consultation and communication to explain the process. The report also welcomes the proposal for street lighting officers to work in partnership with Safer Leeds and to put in place

robust monitoring of crime and road accidents. The final report will be published on 21 April 2011.

#### **4 Implications For Council Policy And Governance**

- 4.1 The proposals comply with the council's strategic outcome ENV-1 : "Reduced ecological footprint through responding to environmental and climate change and influencing others" and Business Plan outcome VfM-2: Efficiency/Value for Money.
- 4.2 The proposals comply with the Local Transport Plan objective S1; provide an appropriate road environment with facilities for each user group and AQ4; Measures to adapt to the effects of climate change.

#### **5 Legal And Resource Implications**

- 5.1 A highway authority has a discretionary power under the provision of section 97 of the Highways Act 1980 to provide lighting for the purposes of any highway for which they are or will be the highway authority
- 5.2 All local authorities have a duty under Section 17 of the Crime and Disorder Act 1998 to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Reduction in street lighting services needs to consider the effects on crime and work in partnership with related organisations.
- 5.3 Proposals to reduce the lighting may mean that the recommended standards for road lighting are not met. It has been established by case law that Section 97 Highways Act 1980 - does not impose a duty on the authority to light a highway it is a discretionary power and there is no liability for accidents arising from a failure to light. (Shepherd -v- Glossop Corporation [1921] 3 KB 132 and Fisher -v- Ruislip-Northwood UDC [1945] KB 584) - If an authority has however done something to make a road dangerous, the creator of the danger will be liable in negligence or nuisance for injuries caused by that danger if he has not taken reasonable steps to eliminate the danger.
- 5.4 Under the current PFI agreement TVL have taken responsibility for all liabilities arising from the street lighting provision and apparatus. The proposal to alter the routine functioning of the lighting system will result in partial liabilities, as the organisation making the decision in 5.3 above, being returned to the council
- 5.5 Unless provided by a separate order, the provisions of section 82 of the Road Traffic Regulation Act 1984 state that a road is a "Restricted road" (where a 30mph speed limit applies) if there is provided on it a system of street lighting furnished by means of lamps placed not more than 200 yards (183 metres) apart.. Complete removal of lighting columns in these areas will require a legal order and additional signing to reinstate the speed restriction.
- 5.6 Prior to the complete removal of any street lighting the authority will need to ensure that road markings and reflecting road studs are provided in accordance with current standards for unlit roads contained in the Traffic Signs Regulations and General Directions 2002.

5.7 The Electricity at Work Regulations impose a duty on owners to ensure the safety of the apparatus. Lighting systems will continue to require regular inspection, regardless of their operation.

5.8 The energy saving cost estimates included within this report are based on energy charges at current tariff. All indications are that energy costs are likely to increase in future. The measures proposed are saving energy in the early hours of the morning where energy demand is at its lowest. As energy demand varies, it is possible that energy suppliers look to increase the tariff for the evening peak period which will reduce the benefit of these energy saving measures.

## 5.9 Capital Funding and Cash flow

5.9.1 Funding: This report seeks funding of £334,700 from 2011 to 2014 to implement the proposals. This is made up from £78,785 in 2011/12, £161,750 in 2012/13 and £91,075 in 2013/14. The potential financial implications of the proposals over a 10 year period are shown in Appendix B. The 10 year plan demonstrates an overall saving to the council of £940,860 by 2021 at current energy prices.

5.9.2 Staffing: There are no implications for staffing resources as a result of the recommendations within this report. The phased approach to assessments over a 3 year period has been aligned to existing resources. Any acceleration of the programme would require additional staffing resources.

## 6 Conclusions

6.1 The street lighting service provided by TVL through a PFI agreement is already providing efficiencies in the consumption of electrical energy. There are greater opportunities to be gained from a number of measures such as removal of lighting altogether, part-night switching or dimming of street lights.

6.2 The greatest return on investment is achieved from part-night switching with traffic routes offering better returns over residential streets.

6.3 In order to provide adequate lighting the report recommends criteria for the selection of appropriate areas to implement these measures. In addition to ensure that any changes in lighting have not had an unforeseen adverse effect on the community, trends in crime or vehicle accidents should be monitored.

6.4 This report recommends implementation of the measures in order of return on investment with early implementation of part-night switching on traffic routes. The report seeks an injection of £334,700 into the Capital Programme to implement additional energy saving measures to save £940,860 in energy costs by 2020/21 at current energy prices.

## 7 Recommendations

7.1 Members of Executive Board are asked to:

- i) Note the content of this report and the efficiency measures already undertaken as part of the street lighting PFI.

- ii) Note potential annual savings of the proposed programme of implementation outlined in 3.30.
- iii) Approve officers to begin consultation on the proposed programme of implementation, with a view to an injection into the capital programme of £334,700 for 2011 to 2014 resulting in an estimated net saving from a reduction in energy consumption of £940,860 by 2021.

## **8 Background Papers**

- 8.1 Equality, diversity, cohesion and integration impact assessment; Proposal to invest in increased energy saving initiatives for Street Lighting (Stage 1 proposals).

1. Essex County Council began part-night switching of street lights in 2006. In a trial involving 2,413 street lights, there was no evidence of a negative impact on crime statistics. There has been a reduction in the number of people who 'feel safe after dark' but not by as much as other areas where the lighting was unaffected. There were no road traffic accidents, where the cause was attributable to a lack of street lighting.
2. Buckinghamshire County Council have completely switched off 1,627 street lights in 46 rural and semi-rural locations. Trends in road traffic accidents at the trial sites are mixed. Collisions and casualties have increased at 14 sites, reduced at 16 sites and remained static at 16 sites. Some of the increases are at roundabouts (which are excluded from Leeds proposals). Correspondence relating to the trial is averaging over 200 letters per year. Only a small proportion relates to total opposition to the scheme.
3. Leicestershire County Council have 66,000 street lights and have developed a programme of part-night switching, dimming and removal of street lighting. The work started in June 2010 in rural villages and so far around 4,500 lights have been converted to part-night lighting. Data for crime or accident levels is not yet available but early indications are that there is no adverse effect.
4. Gloucestershire County Council have already installed part-night switching to 4,566 street lights, mainly in rural villages. Formal crime or accident data is not available but there are no indications of any significant problems.
5. Nottinghamshire County Council are in the process of developing a programme of street lighting removal, part-night switching and dimming. Work started in December 2010 and will continue until 2014. Crime and accident data is not yet available.



Year	Part - Night Switch Off Traffic Routes			Part - Night Switch Off Residential Streets			Lighting Removal			Total
	Cost £	Savings £	Net £	Cost £	Savings £	Net £	Cost £	Savings £	Net £	
2011/12	78,875	-10,802	68,073	-	-	-	-	-	-	68,073
2012/13	78,875	-77,232	1,643	82,875	-16,764	66,111	-	-10,200	-10,200	57,554
2013/14	-	-87,750	-87,750	35,875	-44,463	-8,588	58,200	-10,200	48,000	-48,338
2014/15	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2015/16	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2016/17	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2017/18	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2018/19	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2019/20	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
2020/21	-	-87,750	-87,750	-	-47,500	-47,500	-	-10,200	-10,200	-145,450
<b>Total Savings</b>			<b>-632,284</b>			<b>-274,976</b>			<b>-33,600</b>	<b>-940,860</b>

Street Lighting Energy Saving Measures : Financial Implications  
10 year period 2011 to 2021

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AGENDA
Originator Andrew Wheeler
Tel 0113 3951681

**Appendix 1 of this report is Exempt/Confidential under Access to Information Procedure Rules 10.4(3)**

Report of the Director of City Development

Executive Board

Date: 18 May 2011

Subject. Submission of the Best and Final Bid for the New Generation Transport (NGT) Scheme

**Electoral Wards Affected:**

Implications city wide, but with direct impacts on City and Hunslet, Burmantofts & Richmond Hill, Hyde Park & Woodhouse, Headingley, Weetwood, Adel & Wharfedale and Middleton Park Wards.

Ward Members consulted (Referred to in report)

**Specific Implications For:**

Equality and Diversity	<input type="checkbox"/>
Community Cohesion	<input type="checkbox"/>
Narrowing the Gap	<input type="checkbox"/>

**Eligible for Call In**

**Not Eligible for Call In (Details contained in the report)**

## Executive Summary

This report provides an update on the current position on the proposals for a high quality public transport system in Leeds. It provides details of the next key stage of the project; a “Best and Final Bid” (BAFB) to the Secretary of State for Transport, and seeks approval for this application to be made at the most appropriate time, after consultation with the Department for Transport.

### 1.0 PURPOSE OF THIS REPORT

1.1 To seek approval for the submission of the Best and Final Bid (BAFB) for the New Generation Transport (NGT) Scheme to the Department for Transport (DfT).

### 2.0 BACKGROUND INFORMATION

2.1 Metro and Leeds City Council are continuing to work in partnership to develop a high quality trolleybus system for Leeds known as NGT. The NGT project is seeking to provide a high quality transport system that will help to support the growth of Leeds’ economy and

improve the local environment by helping to address congestion.

- 2.2 The initial proposals for the NGT scheme consisted of three routes to North, South and East Leeds, including a loop round the city centre, covering a total distance of approximately 14km and linking key trip generators including the city's hospitals and universities. It is intended to provide significant levels of segregation for NGT vehicles in order to deliver high levels of reliability across the network. Electrically powered trolleybuses would be used to operate the system.
- 2.3 Analysis has shown that NGT could generate around 4,000 long term jobs, both in Leeds and the wider City Region in addition to generating a £160m per annum economic boost for the City Region. In addition around 1,000 jobs would be created during the construction phase.
- 2.4 As reported to the 14 October 2009 meeting of Executive Board, the Major Scheme Business Case (MSBC) for the project was submitted to the Department for Transport (DfT) at the end of October 2009.
- 2.5 Following intensive analysis and scrutiny by the DfT, the Secretary of State announced on the 22<sup>nd</sup> March 2010 that Programme Entry Approval had been granted but only for the North and South Routes. The DfT were not convinced of the value for money case for the route to St James's Hospital or the north and eastern portions of the city centre loop. The DfT did however support the extension of the North Route to serve Holt Park.
- 2.6 The revised scheme therefore comprises the North Route from Holt Park to the city centre and the South Route serving Hunslet and Stourton. Major park and ride sites will be provided at Stourton and Bodington. It remains the promoters' aspiration to deliver a city centre loop and Eastern Route to St James's Hospital as later phases of NGT.
- 2.7 The Programme Entry Approval included in principle DfT funding of £235m towards the £254m project. Under this arrangement the DfT would have funded all of the construction costs and a proportion of the development costs.
- 2.8 However, on 10<sup>th</sup> June 2010, the Secretary of State for Transport announced that all major transport schemes were to be reconsidered as part of the wider Comprehensive Spending Review (CSR) process. As a result development activity on NGT was paused pending the outcome of the CSR and subsequent confirmation of funding from the DfT.
- 2.9 On the 25<sup>th</sup> of October 2010 the Transport Secretary announced that following the CSR, NGT had been placed in the newly created "Development Group" consisting of 22 schemes that had to bid for a share of £600m funding within this CSR period (up to 2014/15). In February 2011 the Development Group was expanded to include 43 schemes but the amount of funding available was only increased by £30 million. As a consequence the ratio of project spending requirements to available funds within the current CSR is 1.5 to 1.
- 2.10 Schemes in the Development Group are required to submit a Best and Final Bid (BAFB) by the Autumn 2011. This bid must put forward the Promoters' final proposal in terms of the revised scope and cost of the scheme, the amount of Government contribution required and the economic case for the scheme. Decisions will be made by the end of 2011 on which schemes have had their BAFB accepted and which can therefore proceed.

2.11 Due to delays caused by the enforced pause in NGT development activity, the NGT construction phase, which is the phase eligible for government funding, will now be post 2014. i.e. outside this CSR period. The DfT have indicated that as the NGT spend will now be incurred beyond this CSR period an early decision on NGT could potentially be made if the BAFB is submitted in the early summer. It is therefore intended to submit the BAFB at the most appropriate time considered by officers, after consultation with the DfT about the timing of the application. Confirmation that the DfT accept this approach is currently being sought. The reasoning behind pushing for an early decision is the fact that if the decision is deferred from July (our preferred) to December then the project would not be held up by 5 months, but by about a year since we would need to re-do various pieces of technical work (land referencing and some ecological surveys etc) since the work previously undertaken would not have sufficient shelf-life to stand up in a Public Inquiry (on balance of probability) – so on this basis, a decision in December could lead to a full £6m of inflationary costs plus up to another £0.5-£0.75m in re-doing previous work. On top of this there is the higher probability as time goes by that we will have lost key staff (internal and consultancy) with substantial invested knowledge. This could add further timescale and cost (and risk) to the overall delivery process.

### 3.0 MAIN ISSUES

#### 3.1 The BAFB

3.1.1. Under the new arrangements for major transport schemes, the DfT have stated that they are seeking to reduce the overall DfT contribution to major schemes and as such will be working with promoters to ensure that all opportunities for cost-saving and value maximisation have been realised.

3.1.2 Since Programme Entry was awarded in March 2010, the overall cost of the scheme has risen mainly due to additional inflation costs resulting from the enforced delay to development of the scheme. In addition further costs relating to utility diversions and increased substation and structures costs have also been identified. The cost plan and scheme design are now at a level of robustness which is considered suitable for use in the Transport and Works Act Order submission. Further refinement and development of the scheme design is planned for prior to receiving tender prices.

3.1.3 A Value Engineering/re-scoping exercise has been undertaken in order to reduce the overall cost of the scheme. This has identified a number of potential cost saving measures, the most significant of which are as follows:

- Removing the stop at Pepper Road. This is the most expensive stop on the network as the route in this vicinity is in a railway cutting and as such ramps and retaining walls would be required to bring the vehicle up to the Pepper Road stop. This stop also has the 2<sup>nd</sup> lowest number of projected passengers along the whole route.
- Reducing the initial number of parking spaces at the Stourton park and ride site from 2150 to 1500 with the intention to increase these to the original number in the future.
- Allowing NGT to run on the existing Balm Road Bridge in Hunslet avoiding the need for a new bridge as was previously assumed.
- Removing the requirement for any strengthening works on Leeds Bridge thereby maintaining the current layout.
- Reducing the specification and facilities at the NGT transit stops
- Careful consideration was given to removing Holt Park extension but this was considered to be an integral part of the base scheme.

- 3.1.4 In addition to the value engineering work, a risk workshop has also been undertaken to review the key risks in light of the continuing delay to the project and to consider whether the costs that have been built into the overall project costs for risk are still appropriate. The review demonstrated that due to the amount of work undertaken since Programme Entry, it is now prudent to reduce the overall cost that has been built in for risk. It should be noted that this is partly offset by risks which have materialised and are therefore accounted for within the increased costs for the scheme set out above.
- 3.1.5 The update to scheme costs and risk assessment has enabled scheme costs to reduce compared to at Programme Entry Approval status. Details of the saving and revised scheme costs are detailed in Appendix 1

It should be remembered that gaining an approval from the DfT on the BAFB submission will be equivalent to gaining Programme Entry. Subsequent approvals stages will still be required, including Full Approval when a preferred contractor and firm scheme price have been determined.

## **3.2 The Local Contribution**

### *Background*

- 3.2.1 In addition to savings on the overall scheme cost as outlined above, the DfT have stated that they are expecting promoters to substantially increase their local funding contribution. Previously the NGT promoters (Metro and the Council) had agreed with the DfT to fund around 7% of the total scheme costs.
- 3.2.2 As part of the CSR process in Summer 2010, the promoters put forward a revised indicative offer for a 20% local funding contribution which based on the revised Programme Entry network, amounted to approximately £50m. It was envisaged that this level of contribution would comprise a combination of the Promoters funding all the development costs, a revised approach to procurement and potential use of Tax Increment Financing (TIF). However, at this time no firm proposals were put forward for how this increased level of local funding would be achieved.
- 3.2.3 Under the previous system the DfT would have funded 50% of the scheme development costs after Programme Entry however they have now announced that they no longer intend to do this. As such the promoters will now need to fund all the development costs for the scheme. The DfT and the Secretary of State in his recent visit to Leeds have reiterated that the BAFB submission is a competition and that only the best submissions will gain funding approval.
- 3.2.4 Following the CSR the DfT and ministers have made it clear that they expect scheme promoters to put forward significantly higher local contributions as part of their BAFB. The details of the proposed local funding contribution are contained in Appendix 1. The level of contribution balances the need to be “competitive” and the level of risk.

## **3.3 Risk**

- 3.3.1 It was reported to Executive Board in October 2009 that the promoters would be required to underwrite 50% of the ‘Additional Risk Layer’, namely the risk of scheme costs exceeding the available funding, with the DfT would have funded the other 50%.
- 3.3.2 The DfT have indicated that where BAFB’s are accepted and schemes given authority to proceed, this will be on the basis of a fixed maximum DfT contribution. This means that the

former cost sharing of risk equally between the DfT and the scheme promoter will no longer exist. Therefore all cost increases beyond the scheme budget will have to be funded in their entirety by the scheme promoters. Hence the need to balance a competitive BAFB with the level of risk as mentioned previously.

### **3.4 Scheme Benefits**

3.4.1 The NGT BAFB submission will be informed by the new Leeds Transport Model (LTM) in line with previous agreements with the DfT due to advancements from the existing model. Work is therefore on going in terms of assessment of NGT through the LTM. Metro and LCC are in the process of arranging a number of technical meetings with DfT to gain buy-in on the specification of the modelling works.

3.4.2 The new Leeds Transport Model is anticipated to deliver a considerably greater robust estimation of scheme benefits than the model used at MSBC submission. There is however substantial work still underway, which must be completed before BAFB submission in order to establish a scheme Benefit to Cost Ratio (BCR) which both the Promoters and DfT buy-in to. This work is on the critical path for the submission.

3.4.3 DfT are once again taking an extremely detailed examination of NGT scheme benefits and it is expected that this examination will continue after submission of the BAFB.

### **3.5 LCC Approval to the BAFB**

3.5.1 The Director of Resources will be required to confirm in the BAFB that the scheme estimates are accurate and that the authority has the intention and means to deliver the scheme on the basis of the proposed funding contribution as detailed above, and that no additional funding will be sought from the DfT.

## **4.0 PUBLIC CONSULTATION AND LOBBYING**

4.1 Extensive public consultation has previously been carried out on the NGT proposals and the results of this were reported to the Executive Board in October 2009. Consultation undertaken in Summer 2009 showed a positive reaction to NGT with 77% of all respondents supporting/ strongly supporting the proposals. In May 2010 a separate public consultation event was held at Holt Park which showed that 65% of respondents supported the proposed NGT extension from Bodington Park and Ride to Holt Park District Centre, 46% of whom strongly supported the project.

4.2 Detailed briefings and presentations also continue to be given to Members, and Area Committees.

4.3 Detailed briefings on the project have also been provided to the Chamber of Commerce, Yorkshire Forward, the Integrated Transport Partnership, St James's Hospital, Leeds General Infirmary, the two Universities, local public transport operators as well as key interest and community groups.

4.4 A lobbying campaign from the wider Leeds community would need to accompany the BAFB.

## **5.0 PROGRAMME**

5.1 Assuming that the NGT bid is successful and approved in July 2011, it is currently

expected that a public inquiry will be held in 2013, construction will start in 2015 and the system will become operational in late 2017/early 2018.

## **6.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

- 6.1 The NGT proposals support the objectives of the Local Transport Plan and contribute to the delivery of the Council's Strategic Plan objectives for transport and those of the Vision for Leeds in terms of economic growth. The scheme will make a major contribution to improving the attractiveness and quality of travel by public transport and is predicted to encourage a switch from private car to public transport, thereby alleviating congestion on the NGT routes.
- 6.2 Progress will be reported to the Executive Board at the key stages in the delivery process. Oversight of the scheme is provided by a Project Board chaired by the Director General of Metro. The Board also includes the Director of Resources from Leeds City Council and the Chief Officer Highways and Transportation.

## **7.0 LEGAL AND RESOURCE IMPLICATIONS**

- 7.1 The information contained in this report relates to the financial or business affairs of the Council. It is considered that it is not in the public interest to disclose this information at this point in time as it could undermine the Council's bid to the DfT, particularly as the NGT bid will be submitted earlier than competing bids from other promoters. It is considered that whilst there may be a public interest in disclosure, this information will be publicly available from the DfT after all bids from promoters have been received. It is therefore considered that this report should be treated as exempt under Access to Information Procedure Rule 10.4 (3).
- 7.2 Acceptance of the BAFB by the DfT will financially commit the Council as detailed in 3.1 of Appendix 1

## **8.0 CONCLUSIONS**

- 8.1 The opportunity of DfT funding to deliver a rapid transport solution for Leeds offers a real opportunity to deliver a step change to public transport in the city.
- 8.2 A BAFB has been prepared for the NGT project and ongoing liaison with the DfT has indicated that, if the BAFB is submitted following Executive Board approval an early decision could be reached on NGT.
- 8.3 Members are therefore requested to approve the broad content of the BAFB as detailed in this report so that it can be submitted to the DfT at the appropriate time and secure monies for the scheme.

## **9.0 RECOMMENDATIONS**

- 9.1 Executive Board is requested to:
- 9.2 Approve the submission of the Best and Final Bid to the Department for Transport at the most appropriate time for NGT
- 9.3 Agree to the local contribution towards the scheme as detailed in Appendix 1.



- 9.4 Agree that the Council and Metro underwrite the risk of overspend on the project, previously any overspends have been reported as being shared 50/50 with the DfT.
- 9.5 Agree to a lobbying campaign to be developed and undertaken to support the BAFB from the wider Leeds community.

**Background Papers**

None

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**Report of the Director of City Development**

**Executive Board**

**Date: 18 May 2011**

**Subject: Interim Affordable Housing Policy**

**Electoral Wards Affected: All**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity	<input type="checkbox"/> x
Community Cohesion	<input type="checkbox"/> x
Narrowing the Gap	<input type="checkbox"/> x

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

**Executive Summary**

1. Following a report to Executive Board on 11.2.11 on an Economic Viability Assessment (EVA) (carried out by DTZ consultants) and Draft Interim Affordable Housing Policy, Executive Board recommended publication of the Draft Interim Affordable Housing Policy 2011 for a public consultation period of 4 weeks. It was agreed that the results of the consultation were to be reported back to Executive Board along with any proposed changes to the policy.
  
2. Consultation was carried out between 18th February to 18<sup>th</sup> March 2011.
  
3. 28 representations were received.
  
4. As a result of the consultation, various minor amendments are recommended to the policy. The main changes are:
  - to clarify that individual viability appraisals may still be submitted on a case by case basis where viability of a scheme is an issue;
  - to clarify that priorities for relaxing other S106 contributions in lieu of affordable housing will be determined on the individual merits of a case;
  - to give a clear indication as to when the policy is applicable from, and when it will be reviewed;
  - to time limit permissions, where appropriate, to ensure that applications are implemented relatively quickly, and to allow for future policy changes.

5. It is recommended that Executive Board agree to immediate adoption of the Interim Affordable Housing Policy as amended (ie. after the call in period – on 1<sup>st</sup> June 2011).

### **Purpose of this report**

- .1 To inform the Executive Board of the public consultation carried out on the Draft Interim Affordable Housing Policy.
- .2 To agree the proposed amendments to the policy and its immediate implementation.

### **Background information**

- .1 Following a report to Executive Board on 11.2.11 on an Economic Viability Assessment (EVA) (carried out by DTZ consultants) and Draft Interim Affordable Housing Policy, Executive Board recommended publication of the Draft Interim Affordable Housing Policy 2011 for a public consultation period of 4 weeks. It was agreed that the results of the consultation were to be reported back to Executive Board along with any proposed changes to the policy.
- .2 The Draft Interim Affordable Housing Policy proposed amendments to the total percentage of affordable housing to be sought across Leeds as follows:

Existing Housing market zone as in SPG	SPG policy	Informal Policy July 2008	<b>New Interim Policy 2011</b>
Outer area/rural north	25%	30%	<b>35%</b>
Outer suburbs	25%	30%	<b>15%</b>
Inner Suburbs	25%	30%	<b>15%</b>
Inner Areas	15%	15%	<b>5%</b>
City Centre	15%	15%	<b>5%</b>

No other aspects of the existing adopted Supplementary Planning Guidance are changed through this policy – all other affordable housing issues including tenure mix, location of affordable housing within a development site, etc are to be considered in revisions to affordable housing policy as a whole, through the proposed Core Strategy and Affordable Housing Supplementary Planning Document (SPD).

- .3 The proposed changes to percentage targets directly reflect the findings of the DTZ Economic Viability Assessment (EVA) which is a technical piece of work which provides up to date, robust evidence which will inform affordable housing policy. It was published in February 2011 following approval by Executive Board and a stakeholder presentation of the findings by DTZ on 28<sup>th</sup> January 2011. As production of the Affordable Housing Supplementary Planning Document (SPD) is not imminent (production is to tie in with the Core Strategy – adoption anticipated by spring of 2012), it was considered that an Interim Affordable Housing Policy should be introduced to reflect the up to date assessment of what affordable housing can be delivered in the current market (the baseline scenario of the 3 scenarios modelled by DTZ). The findings of the DTZ report are summarised at Appendix 2 of the Interim Affordable Housing Policy attached at Appendix A.
- .4 **Consultation**  
A four week public consultation was carried out on the Draft Interim Affordable

Housing Policy between 18<sup>th</sup> February and 18<sup>th</sup> March 2011. Details were published on the Council's website along with a press release. All those who had previously commented on the Draft Affordable Housing SPD, previous Interim Policy 2008, the DTZ work, housing policies in the Core Strategy Preferred Options, along with all local housing associations and statutory consultees were consulted directly via email or letter.

- .5 In addition, the proposed policy was screened for the need for a full Strategic Environmental Assessment (SEA). The three statutory consultees for sustainability appraisal and SEA (Natural England, English Heritage and the Environment Agency) were consulted and all confirmed that they agree with the Council that the draft Interim Affordable Housing Policy would not be likely to have significant environmental effects. In conclusion, the outcome of the screening is that the draft Interim Affordable Housing Policy does not require an SEA.
- .6 An Equality Impact Assessment has also been undertaken – the policy was screened for equality, diversity, cohesion and integration in consultation with the Performance Management and Equalities teams of the Council. Consultation on the draft Interim Affordable Housing Policy has been carried out in accordance with the Council's Statement of Community Involvement (SCI). The implementation of the SCI has helped to ensure that equality, diversity, integration and community cohesion issues have become embedded in all aspects of planning practice. The screening has identified that equality, diversity, cohesion and integration have been considered and there is no need to carry out further impact assessment.
- .7 A total of 28 representations to the main consultation on the proposed interim policy were received. Full details of the comments made together with the Council's response and proposed changes to the policy are appended to this report. See Appendix B.
- .8 There was general support for the policy on the basis that it represents a pragmatic approach to dealing with an unprecedented current housing market situation. Objections were on the basis that the Strategic Housing Market Assessment (SHMA) evidence is that there is a great need for affordable housing, so it does not make sense to reduce targets when such a need exists. It is considered that, whilst the need for affordable housing cannot be denied, the housing market in general has stalled and there is a need to help stimulate recovery of the market, at least for the short term.
- .9 Some of those making representations suggested further reductions in targets, and there was objection to the fact that the Outer Area/Rural North proposes a 5% increase when all other areas propose a reduction in affordable housing targets. However, the DTZ report concluded that in the 'Golden Triangle Area' it is viable to provide between 15 and 40% affordable housing in the current market so 35% is considered a realistic target to adopt, given that an individual viability appraisal may be submitted by applicants which may verify a reduction from the target.
- .10 Four representations referred to the duration of the policy or the need to include a mechanism for increasing affordable housing targets when circumstances permit through S106 agreements, or to time limit planning permissions to deter speculative use of low targets by developers. Members at Joint Plans Panel expressed similar wishes about time limiting permissions. In response to this, paragraph 6.3 of Appendix A, the Interim Affordable Housing Policy proposes that planning permissions will normally be time limited to 2 years, to ensure that permissions are implemented reasonably swiftly and to reflect the fact that the affordable housing

policy will be reviewed through the Core Strategy and Affordable Housing SPD. However, the decision to time limit permissions will be made having full regard to all other planning considerations.

- .11 Some amendments are proposed to the Interim Policy in response to specific comments made. These are:
- to clarify that individual viability appraisals may still be submitted on a case by case basis where viability of a scheme is an issue
  - to clarify that priorities for relaxing other S106 contributions in lieu of affordable housing will be determined on the individual merits of a case
  - To give a clear indication as to when the policy is applicable from, and when it will be reviewed
  - To time limit permissions where appropriate, to ensure that applications are implemented relatively quickly, and to allow for future policy changes. (See paragraph 2.10 above).

See proposed changes in the Interim Policy at Appendix A.

### **3.0 Implications for council policy and governance**

- 3.1 The proposed Interim Affordable Housing Policy represents a pragmatic approach in responding to the evidence (the DTZ Economic Viability Assessment, EVA) that development viability is compromised in most areas of Leeds in the current recession. The officer view is that it is prudent that revisions to overall percentage targets for affordable housing are revised in accordance with this report, and the majority of responses support the overall approach. There will be no change to the procedures for seeking affordable housing on applications for planning permission for residential developments of 15 or more dwellings, it is simply the percentages of overall affordable housing sought that are altered. In making decisions on planning applications, the Council will need to consider time limiting permissions to reflect the concerns raised in paragraph 2.10 above.

### **4.0 Legal and resource implications**

- 4.1 There may be resource implications in that if we maintain affordable housing targets which are unviable for the majority of developers/applications, then the number of individual viability appraisals submitted may increase.

### **5.0 Recommendations**

- 5.1 It is recommended that Executive Board agree the proposed amendments to the draft Interim Affordable Housing Policy as set out at Appendix A to this report, and further agree that the draft Interim Affordable Housing Policy (as amended) should be implemented with effect from 1<sup>st</sup> June 2011 (the policy would therefore apply to all decisions made on or after 1<sup>st</sup> June 2011 – this allows for the call-in period after the Executive Board meeting on 18<sup>th</sup> May).

## **Background Papers**

Economic Viability Assessment Final Report June 2010 - DTZ



**LEEDS INTERIM AFFORDABLE HOUSING POLICY 2011**

**1.0 BACKGROUND**

1.1 *Previous affordable housing policy comprised both the Informal Housing Policy 2008 and Supplementary Planning Guidance (SPG) (the SPG, Feb 2003 and SPG Annex July 2005, revision April 2010).*

The table below summarises previous affordable housing targets:

Housing Market Zone	Total affordable housing required	Proportion of social rented required	Proportion of submarket/ intermediate required
Outer area/rural north	30%*	50%	50%
Outer suburbs	30%*	50%	50%
Inner suburbs	30%*	40%	60%
Inner areas	15%	0%	100%
City Centre	15%	40%	60%

\* 30% was the Informal Policy 2008 requirement (in the SPG the figure is 25%). All other aspects of the SPG are unchanged.

Any application for planning permission for 15 residential units or more has to provide affordable housing in accordance with policy.

1.2 *The Informal Policy 2008 was introduced through decision by Executive Board, in July 2008, in advance of a formal Supplementary Planning Document (SPD) because of the need to be in conformity with the Regional Spatial Strategy (RSS) policy H4 which suggested 30-40% affordable housing across Leeds, and Leeds Strategic Housing Market Assessment 2007 which indicates a massive need for affordable housing (1889 dwellings per annum over a 15 year period).*

*All other aspects of the SPG are unchanged and remain.*

The SPG Annex is revised each April solely to update the Affordability Benchmarks (the price per sq m for affordable housing).

## **2.0 Proposed future policy: Affordable Housing Supplementary Planning Document (SPD)**

- 2.1 The SPD, once formally adopted, will replace the existing SPG and Informal Policy.
- 2.2 A Draft Affordable Housing SPD was produced in 2008 and Leeds City Council undertook formal consultation on the Draft Affordable Housing SPD and accompanying Sustainability Appraisal 29th September – 7th November 2008.
- 2.3 It has not progressed to adoption as yet, due to the fact that more work has been carried out on viability testing of various affordable targets and in addition, in response to representations made on the Core Strategy Preferred Option 2009, it has been agreed that production of the SPD will be aligned with that of the Core Strategy to allow full consideration of affordable housing issues and representations at examination in public of the Core Strategy. Due to this, adoption of a final SPD will not be before 2012.

## **3.0 Viability Testing**

- 3.1 In the public consultation on the Draft SPD, the Council received several comments on the Report of Viability Testing 2008, which was produced as evidence to support the proposed affordable housing targets and threshold. However, the production of the Draft SPD and viability testing were carried out prior to the current downturn in the housing market. Government guidance requires that 'an informed assessment of the economic viability of any thresholds and proportions of affordable housing proposed is carried out' (PPS3 Housing, June 2010).
- 3.2 It was therefore decided to carry out further work on the viability testing to ensure that the evidence is robust. Consultation was carried out on a set of assumptions to be included within the remodelling exercise (closing date 27th March 2009). However, due to resource constraints DTZ consultants took over this work. There was further consultation on the revised assumptions to go into the remodelling exercise (closing date 8 January 2010). DTZ's **final** report was made publicly available in **February** 2011.
- 3.3 Now that the Economic Viability Assessment (EVA) report is completed and published the SPD will be redrafted and go out for a further period of public consultation. The redrafted Affordable Housing SPD will also consider other evidence including the Strategic Housing Market Assessment Update due to be published in **April/May** 2011.

## **4.0 The need for an interim policy**

- 4.1 The interim affordable housing policy **is replacing** the Informal policy introduced in July 2008, in advance of the **revised** Draft SPD being published.

The reason for this is that the findings of the Economic Viability Appraisal provide an up to date assessment of what affordable housing can be delivered in the current market.

## 5.0 INTERIM AFFORDABLE HOUSING POLICY

5.1 New **affordable housing** targets are **introduced through this policy** (see table below); all other aspects of existing SPG policy remain unchanged. In other words, the existing tenure splits, threshold, policy on pro-rata provision, integration throughout a site etc remain unchanged. The policy as a whole will be reviewed and updated as necessary through the Core Strategy and a revised Affordable Housing SPD.

5.2 The interim policy 2010/11 **amends** the total affordable housing targets sought as indicated in the table below:

Existing Housing market zone as in SPG	SPG policy	Informal Policy July 2008	<b>New Interim Policy 2011</b>
Outer area/rural north	25%	30%	<b>35%</b>
Outer suburbs	25%	30%	<b>15%</b>
Inner Suburbs	25%	30%	<b>15%</b>
Inner Areas	15%	15%	<b>5%</b>
City Centre	15%	15%	<b>5%</b>

Appendix 1 shows the existing housing market zones.

5.3 The new percentage targets can be compared against the DTZ report findings which are in Appendix 2. In terms of the higher value outer areas, the new interim targets represent a percentage of affordable housing considered to be appropriate taking into account scheme viability in these areas during the “baseline” (current) period. Affordable housing will be sought in the lower value inner areas and city centre despite the outcome of the DTZ report . This is because the DTZ findings represent the worst case scenario modelling for affordable housing provision - for example they assume that all other section 106 obligations will be delivered in full. In practice, it has been possible to secure affordable housing provision on schemes in these areas during the worst months of the recession.

5.4 The Interim Policy **replaces** the Informal Policy 2008 and the total % targets in the SPG Annex, but everything else in the SPG (including the SPG Annex) is not affected by the changes.

5.5 The viability assessment undertaken to develop these targets factored in the other obligations that can properly be sought by the Council. This was a device for modelling purposes and does not imply that these other obligations are of greater importance than affordable housing.

5.6 The policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals (in accordance with the Supplementary Planning Guidance (SPG) para 3.9) If verified, the Council may reduce the affordable housing targets or reduce other S106 contributions in lieu of reduction in affordable housing. Priorities for relaxing other S106 contributions will be decided on a case by case basis.

## **6.0 Implementation of the Interim Affordable Housing Policy**

6.1 The policy is applicable from 1<sup>st</sup> June 2011. The new policy applies to any decisions made on or after 1<sup>st</sup> June 2011. (The date allows for call in after the policy was approved by Executive Board on 18<sup>th</sup> May).

6.2 It will apply until replaced by the formal Local Development Framework policies within the Core Strategy and Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.

6.3 Permissions granted on the basis of the interim policy will normally \* be time limited to 2 years implementation to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and Affordable Housing SPD.

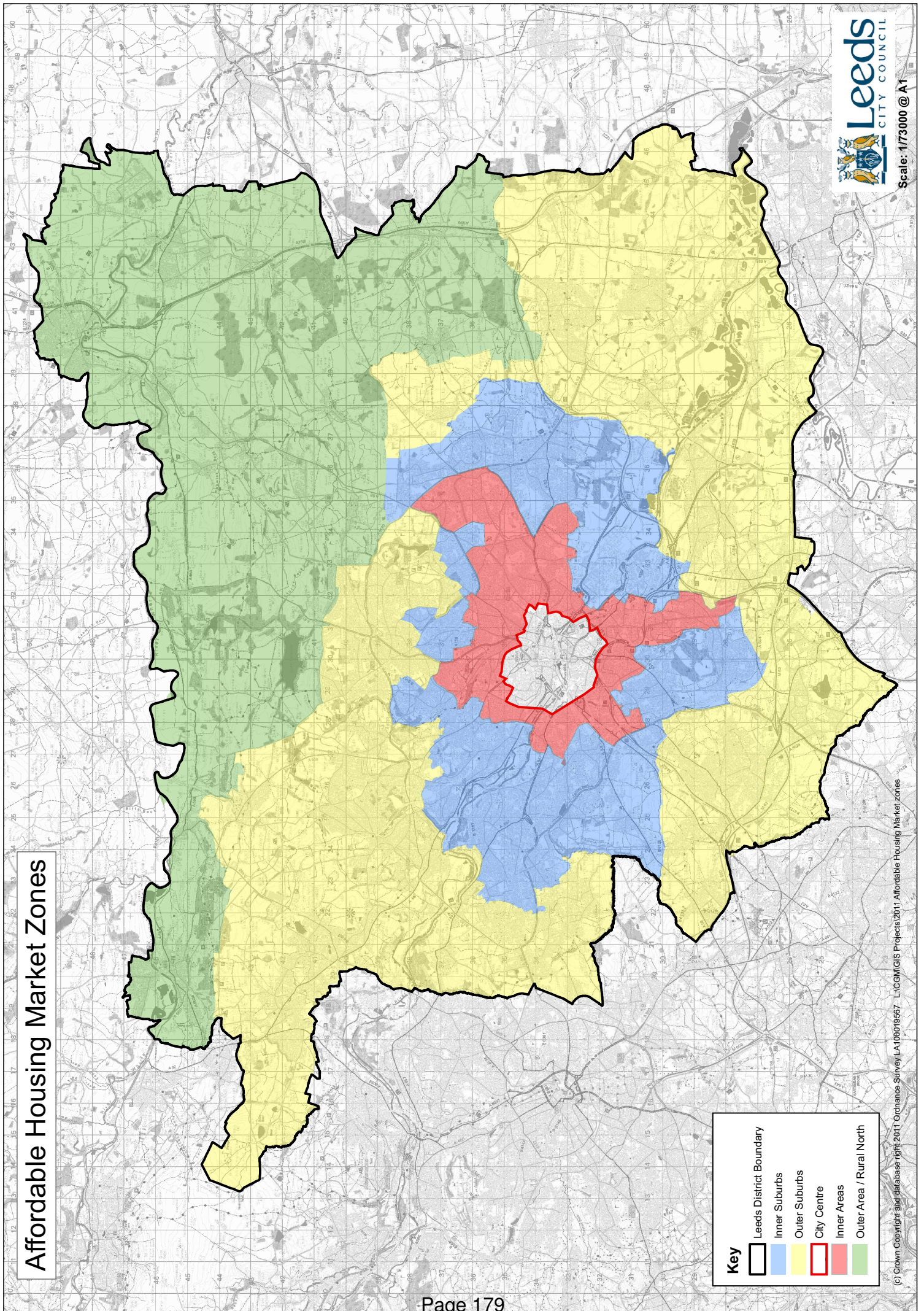
\* The life of the permission will be a matter for the decision maker having regard to the full range of planning considerations, not just affordable housing.

APPENDIX 1 – map of existing housing market zones the Interim Policy applies to –  
amend key – Inner Areas rather than Inner City and Outer/Rural North rather than  
The Rural North – to conform with para 5.2 above.

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# Affordable Housing Market Zones



**Key**

- Leeds District Boundary
- Inner Suburbs
- Outer Suburbs
- City Centre
- Inner Areas
- Outer Area / Rural North



Scale: 1/73000 @ A1

(c) Crown Copyright and database right 2011 Ordnance Survey 100019567 L:\CGM\GIS Projects\2011 Affordable Housing Market Zones



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## APPENDIX 2

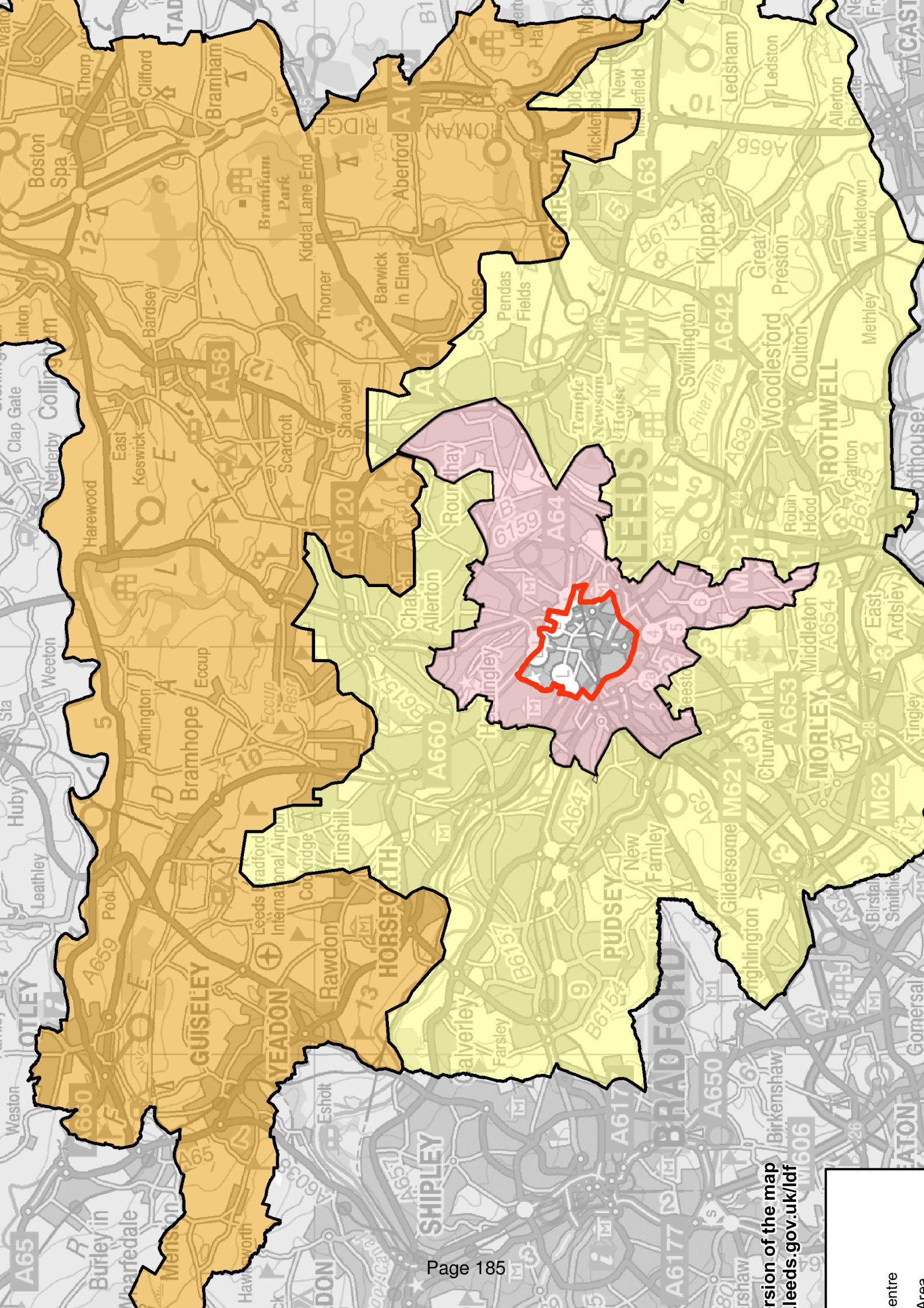
The final DTZ report conclusions/findings can be summarised as follows.

<b>Area</b>	<b>Baseline position</b> % of affordable housing deliverable	<b>Mid Point position</b> % of affordable housing deliverable	<b>Height of the market position</b> % of affordable housing deliverable
<b>City Centre</b>	0	0	0
<b>Inner Area</b>	0	0	15 (at 60% social rented)
<b>Golden Triangle area – high value</b>	40 (at 50% social rented)	45 (at 60% social rented)	50
<b>Golden Triangle area – medium value</b>	30 (at 50% social rented)	40 (at 50% social rented)	45 (at 50% social rented)
<b>Golden Triangle area – low value</b>	15	25 (at 50% social rented)	40 (if 0% social rented)
<b>Outer Area – high value</b>	15 (at 40% social rented)	25 (at 60% social rented)	35 (at 50% social rented)
<b>Outer Area – medium value</b>	0	10 (if 0% social rented)	15 (at 60% social rented)
<b>Outer Area – low value</b>	0	0	5 (at 70% social rented)

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Appendix 3 Map showing the 4 DTZ modelling zones listed in table above (City Centre, Inner Area, Outer Area, Golden Triangle)

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APPENDIX B  
 REPRESENTATIONS RECEIVED IN PUBLIC CONSULTATION PERIOD 18<sup>TH</sup> FEB TO 18<sup>TH</sup> MARCH ON DRAFT INTERIM  
 AFFORDABLE HOUSING POLICY AND LEEDS CITY COUNCIL RESPONSE

Rep No and details	Support /object	Comments made	LCC response	Change to Interim Policy proposed
<b>External</b>				
<b>Developers, consultants etc:</b>				
1. Carter Jonas	Support/ Object	<p>Support: The policy overall is a pragmatic response to the current economic situation. Support for reduction in the proportion of on site affordable provision i.e. 15% of something is better than 30% of nothing. The policy should be introduced as quickly as possible but clarity should be provided by reference to introduction, duration and circumstances for review.</p> <p>It is appropriate that the Council progresses identification and release of housing sites across the district to deliver housing in places where people want to live.</p> <p>Object: It is counterintuitive to increase the percentage target in the outer area/rural north. This should be reduced to 20% maximum. Affordability is a District wide issue, particularly in the 'Golden Triangle' area.</p> <p>Viability: Each application should be considered on a site by site basis. Some clarity is required in the document as to where other obligations may be relaxed to secure affordable housing.</p>	<p>It is recommended that the policy be introduced immediately (ie upon approval at Executive Board, allowing for the call in period after 18<sup>th</sup> May meeting). The new policy would therefore apply to any decisions made on or after 1<sup>st</sup> June.</p> <p>It will apply until replaced by the Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012/13 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.</p> <p>Permissions granted on the basis of the interim policy will be time limited to 2 years implementation where appropriate to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and SPD.</p> <p>The Council has not yet commenced its Site Allocations Development Planning Document (DPD). This will follow on from the Publication Draft Core Strategy (anticipated Autumn 2011).</p> <p>The DTZ Economic Viability Assessment (EVA) concluded that within the Golden Triangle area in the current market it is viable to provide between 15 and 40% affordable housing. 35% is therefore considered a realistic target to adopt, given that an individual viability appraisal may be submitted by applicants which may verify reduction from the target.</p> <p>Where full S106 contributions cannot be achieved on specific applications and a viability appraisal has been submitted and verified, the priority for relaxing one or more contribution will be decided on individual merits and priorities in areas.</p>	<p>Clarify when the policy will be applied from and until when.</p> <p>Provide detail in the policy to ensure that consideration is given to time limiting permissions.</p> <p>No change proposed to Golden Triangle/Outer Area-Rural North percentage target of 35%. Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals – if verified, the Council may reduce the affordable housing</p>

				targets or reduce other S106 contributions in lieu of reduction in affordable housing. Priorities for relaxing other S106 contributions will be decided on a case by case basis.
2. Drivers Jonas Deloitte	Support	Support the identification of Horsforth and surrounding areas as 'Outer Suburbs'. Support the reduction in affordable housing in 'Outer Suburbs' to 15%. This is appropriate in the current economic climate. Developers may be more inclined to propose housing with a reduced affordable housing contribution, so this would assist in responding to the demand to meet local housing needs in Leeds. The overall economy will benefit from job creation & investment in wider infrastructure by creating conditions which will encourage delivery of housing. Split in intermediate/social rented housing should be reviewed on a case by case basis but suggest a 75:25 split.	Tenure split will be considered when the SPD is revised and was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or there is clear local evidence	No change to policy proposed.
3. Barton Wilmore for White Laith Developments. Land at Whinmoor, housing allocation H3-3A.33	Support/ Object	<b>The councils approach</b> Support the immediate reconsideration of the affordable housing policy in the light of the current economic climate. <b>Evidence base</b> Reserve right to comment further when we see the SHMA update. <b>Revised Percentages</b> The policy for the Outer Area is based on high value areas within the Outer Area, not on middle or lower value outer areas.  <b>Comments</b> Support the principle of reduction in targets from 30% to 15% for the Inner & Outer Suburbs but the policy should be more flexible and subject to further considerations of viability on a site by site basis in reference to these targets. <b>Economic Viability Assessment</b> Concern about the evidence base and lack of clarity about how many sites were used to come up with a low figure of £2104 per dwelling and how developed to take account of other obligations sought by the council.	The SHMA update 2011 will inform the future Affordable Housing SPD.  This is correct, but boundaries of these areas were not defined – a range of beacon sites/areas were tested. The modelling assumes all other S106 costs are included & as the DTZ report states because it is strategic modelling, there will be sites within areas tested where different levels of affordable housing can be achieved in practice – individual viability appraisals can be submitted where viability is still an issue.  The ability to submit individual viability appraisals on a case by case basis allows for flexibility in applying the targets. This will be detailed in the policy.  The figure was based upon actual S106 costs achieved on applications in the previous 6 months. For the height of the market position full S106 costs were applied – these went up to £8,636 per unit – see appendices for DTZ report on website.	No change to policy proposed.  Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals



		<p><b>Social Rented/Sub market Split</b> The interim policy leaves other aspects of the SPG unchanged i.e. social rented/sub market for Outer Suburbs at 50%/50% and inner suburbs as 40%/60%. Where sites straddle a boundary the less onerous split should apply i.e. 50/50. In short the blanket 50% social rented will be inappropriate when evidence in the EVA suggests this is not achievable in current market. We recommend a flexible target for up to 50% accommodation. The tenure should be more broadly defined in any event.</p> <p><b>Internal Rate of Return</b> Developers need to take account of net/gross trading margins. Seek clarification whether trading margins have been considered in the model. <b>The key Variables for scenario testing</b> The EVA has not captured by analysis the specific circumstances of individual housing sites in the study area.</p> <p><b>Density and dwelling mix</b> Density range of 175-375 dph in city centre seems high- question whether developments of this scale will be brought forward in the future. Minimum density targets have been removed by central government – family housing will be built at 25-35 dph- as a result of lack of demand for flats which will be no more than 5% on our client’s sites. The council should consider a scenario of max 5% of total units on sites as being apartments.</p> <p><b>Abnormal Costs</b> There is no reference to abnormal ground conditions i.e. contamination etc-without factoring in abnormal the evidence base is questionable.</p> <p><b>S106</b> The council’s figure of £2104 is extremely low especially when taking into account such considerations as education contributions which could be around £4500 per dwelling without factoring other costs i.e. Public open space or CIL FIA. CIL FIA modelling suggests £5000 or £10,000 per dwelling. The £2104 figure needs clarification. The council should consider testing an increase in S106 contributions to £10,000 per dwelling.</p>	<p>Tenure split will be considered when the SPD is revised &amp; was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or where there is clear local evidence. There is a current consultation on changes to the definitions of affordable housing in PPS3. Once these are agreed, any changes would be incorporated into the revised SPD.</p> <p>The representor had opportunity to comment on the DTZ work – the second consultation ended in January 2010, a previous one in March 2009. Paras 2.3-2.5 of the DTZ report explain why IRR is used.</p> <p>PPS3 leaves it for local authorities to develop housing density policies – this may be a range of densities across the plan area or a broad density range. There is still emphasis on a more efficient use of land (para 50, PPS3). It is considered that the DTZ modelling considered a broad range of densities, (30, 35 and 40 dwellings per ha outside the city centre) and this was the subject of consultation (Dec – Jan 2010). Individual viability appraisals can be submitted where viability is still an issue due to density of a scheme.</p> <p>It is standard practice in DTZ modelling to exclude abnormal costs as these are very site specific, and this work is strategic modelling only. The DTZ methodology has been found to be sound at public examination in work carried out for other local authorities.</p> <p>See previous comments. Modelling has included for up to £8,636 per unit S106 costs in the height of the market scenario. All assumptions that went into the modelling were the subject of consultation and are available to view on the Council’s website.</p>	<p>No change to policy proposed.</p> <p>No change to policy proposed.</p> <p>No change to policy proposed.</p> <p>No change to policy proposed.</p> <p>No change to policy proposed.</p>
4. Barton Wilmore For Ashdale Land & Property Company. Interests at Micklefield, Allerton Bywater, Kippax	Support/O bject	As above (no. 3) plus: There is inconsistency between the SPG Housing Market Zones and the market zones tested ion the EVA which causes confusion and should be amended.	As above (no. 3) plus: The boundaries of housing market zones and consideration of aligning the zones with the areas tested in the EVA will be considered through the production of the SPD. To implement boundary changes to the SPG housing market zones now would	As above (no. 3) plus: No change to policy proposed.

		<p>Site size - The viability testing considered sites up to 10 hectares in size, but nothing larger. Larger sites may be brought forward in the site allocations process – a further scenario for sites larger than 10ha should be considered.</p> <p>Broadly supportive of 15% for the Outer Suburbs. Policy should state 'up to 15%' and for tenure mix 'up to' 50% social rented.</p>	<p>have delayed introduction of the policy. The priority was to introduce an interim policy quickly in response to the current economic market situation. All other aspects of the existing SPG will be reviewed through production of the Core Strategy and SPD.</p> <p>The representor had opportunity to comment on the DTZ work – the second consultation ended in January 2010, a previous one in March 2009. It is considered that a reasonable range of site sizes has been considered.</p> <p>The policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals – if verified, the Council may reduce the affordable housing targets.</p> <p>Tenure split will be considered when the SPD is revised &amp; was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or where there is clear local evidence.</p>	<p>No change to policy proposed.</p> <p>Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals</p>
5. White Young Green on behalf of Harrow Estates	Stupport/ Objec	<p>Support the Council introducing a policy which allows flexibility in current financial climate, based on an accurate viability model – a positive step towards stimulating the housing market in Leeds. It will encourage development of available sites to come forward. There was confusion with having the SPG and Informal Policy 2008 that underwent limited consultation.</p> <p>Support for reduction in affordable housing requirements in the 4 areas proposed.</p> <p>However surprised the Council has not implemented zero affordable housing in City Centre or Inner Areas as recommended in the DTZ Report.</p> <p>Suggest policy wording based on figures being 'up to' percentages to support the council's aim to accept viability appraisals for individual schemes regardless of the housing market zones.</p> <p>The Government has introduced intermediate rent as a delivery option which should be recognised rather than referring to existing tenure splits as remaining unchanged.</p>	<p>The Interim policy will still exist along with the SPG until the SPD replaces it.</p> <p>The modelling assumes all other S106 costs are included &amp; as the DTZ report states because it is strategic modelling, there will be sites within areas tested where different levels of affordable housing can be achieved in practice – individual viability appraisals can be submitted where viability is still an issue. In addition, the city centre modelling does not take account of the fact that most city centre schemes have an element of commercial space within them and this has an impact on development viability.</p> <p>The policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals – if verified, the Council may reduce the affordable housing targets.</p> <p>Affordable rent is being introduced from April 1<sup>st</sup>. Intermediate rent is an existing intermediate product type. There is a current consultation on changes to</p>	<p>No change to policy proposed.</p> <p>Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals</p> <p>No change to policy</p>

		Specific reference to viability assessments and to when the policy is to be implemented should be made.	the definitions of affordable housing in PPS3. Once these are agreed, any changes would be incorporated into the revised SPD. Agreed. It is recommended that the policy be introduced immediately (ie upon approval at Executive Board). The new policy would apply to any decisions made after Executive Board. Individual viability appraisals may still be submitted.	proposed.  Clarify when the policy will be applied from and until when. The policy will make it clear that individual viability appraisals may result in reductions from the targets
6. Tetlow King for Arndale Properties Ltd – interest in Holbeck	Support	Support for DTZ cautious approach to housing market recovery reflecting in their final report a recommendation for a zero housing requirements in the City Centre but also to the Council target of 5% in order to ensure a sustainable community can be delivered, in accordance with PPS3. We note that to achieve this account will be taken to reduce other planning obligations and viability assessments will be produced in relation to any specific schemes. We support this pragmatic and flexible approach.		The policy will make it clear that individual viability appraisals may result in reductions from the targets and priorities for relaxing other S106 contributions will be decided on a case by case basis.
7. Joint response: Barratt David Wilson Homes, Bellway Homes, Ben Bailey Homes, Bracken Developments, Chartford Homes, Harron Homes, McCarthy & Stone, Miller Homes td, Persimmon Homes, Redrow Homes, Taylor Wimpey, prepared by ID Planning & Dacres Commercial	Support/Obje ct	Support the policy approach. The approach of initial consultation on the viability testing, assimilating responses and then carrying out further testing in response to representations is welcomed. The policy includes targets based on, but not wholly reflective of the DTZ findings and sets higher requirements on the basis that these are not mandatory but negotiable – there is flexibility to allow for site specific negotiations/individual viability assessments and it may be possible to deliver affordable housing by reducing other S106 contributions. Need clear reference to this in the text of the document with a link back to the SPG para 3.9 which sets out the issue in relation to site development costs and viability. We welcome the policy and this pragmatic approach. It should help kick start developments. Need clear indication of when it will come into force.	Agree  Agree	Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals – if verified, the Council may reduce the affordable housing targets or reduce other S106 contributions in lieu of reduction in affordable housing. Priorities for relaxing other S106 contributions will be decided on a case by case basis. Clarify when the policy will be applied from and until when.
8. Smiths Gore for Cannon Hall Estate	Object	A threshold of 15 units is to low when requiring 35% of the scheme to be affordable in the Outer Area/Rural North-this will hinder housing growth in this area. We strongly question the viability of schemes using this threshold. Each scheme needs to be assessed on its merits.  The policy proposes reduced affordable housing in the rest of the City. It	A threshold of 15 is the minimum threshold in PPS3. Threshold is not part of this consultation – it is to be considered in producing the SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them rather than increasing them). The DTZ Economic Viability Assessment (EVA)	No change to policy proposed as thresholds were not part of this consultation.  No change proposed to

		<p>is considered unviable for the increase to take place in the rural north. Developers will not develop sites until there is uplift in the market. If LCC continue to pose these obligations on residential development in the rural north, LCC will not reach housing targets.</p> <p>The council should accept the need for off site provision –this should be clarified in the text.</p> <p>The type and size of housing should be negotiated on a site by site basis as established by the Strategic Housing Market Assessment. Other local authorities, eg. Harrogate have reduced their affordable housing requirements. The target should be 30% or lower in the Outer Area/Rural North.</p>	<p>concluded that within the Golden Triangle area in the current market it is viable to provide between 15 and 40% affordable housing. 35% is therefore considered a realistic target to adopt, given that an individual viability appraisal may be submitted by applicants which may verify reduction from the target.</p> <p>Off site provision and/or commuted sums are not part of this consultation. Existing policy allows for off site provision in exceptional circumstances (para 5.2 of the SPG). The SPD will review policy in this respect.</p> <p>The target of 35% is established directly from the DTZ report. The DTZ Economic Viability Assessment (EVA) concluded that within the Golden Triangle area in the current market it is viable to provide between 15 and 40% affordable housing. 35% is therefore considered a realistic target to adopt, given that an individual viability appraisal may be submitted by applicants which may verify reduction from the target. Harrogate have reduced their target from 50 to 40% - this is because their EVA concluded that they had not achieved with a 50% target. Despite the reduction to 40%, this is still 5% above our proposed 35%, and values within this area are comparable.</p>	<p>Golden Triangle/Outer Area-Rural North percentage target of 35%. Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals</p> <p>No change to policy proposed</p> <p>The policy will make it clear that individual viability appraisals may result in reductions from the targets</p>
9. Leeds York & N Yorkshire Chamber of Commerce	Support/ Object	<p>Support council's intention to adjust the target percentages because of scheme viability in depressed market conditions. Support the flexibility accorded to developers to opt for scheme viability review should particular circumstances merit a lower proportion of on site affordable housing. Individual viability assessments can be time consuming. The council should adopt a process signed up to by major house builders as a template. Some inconsistencies arise from the market zone definitions. i.e. Outer Area /Rural North and the Outer Suburbs result in some anomalies eg. Otley and Scholes are placed in the same market zone as Adel Lane and Wigton Lane which is an unrealistic market position. A potential high value site like the former Leeds Girls school would contribute only 15% affordable housing. The council should reconsider its position and introduce the 0% target for affordable housing in the City Centre &amp; lower value Inner Areas as the level of public grant funding that might have supported affordable housing in the past is no longer available.</p>	<p>The council has recently updated its guidance and template for viability appraisals &amp; this is on the website.</p> <p>In consistencies in boundaries will be considered in preparing the SPD.</p> <p>The modelling assumes all other S106 costs are included &amp; as the DTZ report states because it is strategic modelling, there will be sites within areas tested where different levels of affordable housing can</p>	<p>No change to policy proposed</p> <p>Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual</p>

		<p>Welcome Council's recognition that targets must be seen against a list of other contributions developers are obliged to meet. The council must deal flexibly with these other contributions if housing development is to increase its scale &amp; pace across the city.</p>	<p>be achieved in practice – individual viability appraisals can be submitted where viability is still an issue. In addition, the city centre modelling does not take account of the fact that most city centre schemes have an element of commercial space within them and this has an impact on development viability.</p>	<p>viability appraisals – if verified, the Council may reduce the affordable housing targets or reduce other S106 contributions in lieu of reduction in affordable housing. Priorities for relaxing other S106 contributions will be decided on a case by case basis.</p>
10. Lynch Planning Consultancy	Object	<p><b>Lack of clarity as to its status</b>  A succession of informal and interim provisions adds to confusion and illegibility and the uncertain status of the document . Para 2.11 indicates this is another interim stage pending production of an SPD which accompanies the Core Strategy which is not anticipated before 2012 or later with no details of programming for its production. A parallel example is the council's discredited paper on the Interim Housing Policy relating to housing supply requirements presented to Executive Board in July 2010 in relation to the succession of Greenfield appeals.  <b>It reflects a piecemeal approach to issues of housing strategy and fails to consider implications for delivery</b>  Passing reference is made to low number of units delivered in the past without any critical analysis of the factors involved and how they may be reversed. There is passive acceptance that the whole situation is simply the result of the recession post 2008. No reference is made to the council's attempts to support affordable housing through its regeneration programmes eg. EASEL. No reference is made to the implications of the planning permissions granted on appeal recently nor to the contribution these developments may make to affordable housing provision particularly if they were based on old targets. The report does not consider the sub regional context, nor collaboration and coordination with neighbouring authorities. It is presumed the RSS evidence base still has validity but the report does not demonstrate that this has been considered.  <b>It lowers aspirations for affordable housing when need is greater than ever and is unrealistic in suggesting levels can be restored when the housing market recovers.</b>  The report confirms the 2007 SHMA suggested a massive need for affordable housing. Low housing completions will have made need more acute, hence it seems counter-intuitive to propose a reduction in target percentages in these circumstances. Developers have always presented viability arguments against affordable housing even in periods of market buoyancy. There have been cases where developers have been persuaded to modify their stance on viability and to renegotiate land values. The basic point of retaining ambitious targets as a context for</p>	<p>It is considered that paragraphs 1 and 2 of the Interim Policy 2011 explain the context for having interim policies in advance of the Core Strategy and SPD.</p> <p>This is a separate issue unrelated to affordable housing policy.</p> <p>The policy relates to applications for planning permission for residential schemes of 15 or more residential units, and it would add to confusion by referring to regeneration schemes. The wider context will be set in the Core Strategy and SPD.</p> <p>Agree that the need for affordable housing has not diminished, but seeking higher percentages of affordable housing will not necessarily result in higher numbers being delivered – 30% of nothing will not deliver anything, and at present it is the housing market as a whole that has stalled – the interim policy</p>	<p>No change to policy proposed.</p> <p>No change to policy proposed</p> <p>No change to policy proposed.</p>

		<p>negotiation remains relevant. Wakefield retains ambitious targets even after legal challenges. The targets as existing should be retained. The interim policy is simply not needed –it will divert resources away from the greater priority of progressing the Core Strategy and weaken the council's negotiating position-it is a defeatist approach not addressing the city's housing needs. The prospects of targets being restored after the recovery of the market is open to doubt. This would require more consultation and it will be difficult to define a point in the economic cycle for the timing of this. Developers would oppose such a change.</p> <p><b>Conclusion</b> The council is urged to abandon the interim policy. There is a need for a comprehensive review of housing strategy addressing structural changes resulting from national changes to grant regimes, the Housing Revenue Account and Housing Benefit. This should be the focus for work on the Core Strategy, and its preparation should be coordinated with neighbouring councils.</p>	<p>is aimed at responding to these unprecedented circumstances and stimulating development in the short term. Wakefield's affordable housing policies have been established in its Core Strategy. Leeds Core Strategy will similarly need to adopt higher affordable housing requirements to reflect the longer term position. There is no reason that targets cannot be revised appropriately in the future with the evidence to support this, as has been done in the past.</p> <p>The Core Strategy and SPD will undertake full consideration of all affordable housing issues. This policy is a short term measure in direct response to the current economic climate.</p>	<p>No change to policy proposed.</p>
11. J & J Design for Mr S Soulsby Horsforth Gospel Hall Trust	Support	<p>The Trust has land at Brownberrie Lane with potential for some 45 units as apartments. The Trust welcomes the recognition of current market conditions. It supports the Interim Policy and the proposed reduction in targets from 30% to 15% in the Outer Suburbs.</p>		<p>No change to policy required.</p>
12. Dr Richard Tyler, Headingley Development Trust	Support/O bject	<p>Recognise that affordable housing as a developer contribution is a key means of achieving national policy on housing mix in areas where mix has been lost. Recognise the council's need to reduce targets. Supports the council's target for Inner Areas rather than the 0% proposal by DTZ. Recommend that the council considers higher targets of 10% in the Inner Area and 20% in the Inner and Outer Suburbs. Recommend that Policy should include a mechanism for ongoing review and revision of targets so that they can be increased when circumstances permit and that S106 agreements made are time limited to deter speculative use of these low targets by developers (i.e. securing agreements now in order to capitalise when economic conditions improve).</p>	<p>The targets proposed reflect the DTZ findings.</p> <p>The policy will apply until replaced by the Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012/13 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime. Permissions granted on the basis of the interim policy will be time limited to 2 years implementation where appropriate to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and SPD.</p>	<p>Clarify when the policy will be applied from and until when.</p> <p>Provide detail in the policy to ensure that consideration is given to time limiting permissions.</p>
13. Leeds Residential Property Forum	Support/O bject	<p>Planning obligations and other associated costs place viability problems with the private sector. Therefore reductions in levels of affordable housing are to be welcomed as it plays a small part in helping to revive house build. Targets should be reduced further in accordance with the baseline position as outlined in the DTZ Report. The Forum believe the percentages in the Outer Area/Rural North, Outer Suburbs and Inner Suburbs are still too high. We suggest 15% in the Outer Areas/Rural North and 10% in the Outer Suburbs and Inner Suburbs. The Forum consider that the Inner Areas and City Centre</p>	<p>The modelling assumes all other S106 costs are included &amp; as the DTZ report states because it is strategic modelling, there will be sites within areas tested where different levels of affordable housing can be achieved in practice – individual viability appraisals can be submitted where viability is still an issue. In addition, the city centre modelling does not take</p>	<p>Clarify in the text that the policy is flexible in that it will allow for site specific negotiations</p>

		<p>should be reduced to 0% to encourage sites to come forward. It is better to have some development and a certain amount of social housing provision than none at all. To burden the purchase price with the additional cost of social housing makes it more expensive for first time buyers.</p> <p>The Forum queries why affordable housing should be required of those who provide housing to rent. The private rented sector is required to provide a greater share to those who require subsidy for their housing costs through the housing benefit scheme.</p> <p>Also question why student accommodation has to provide affordable housing as this is a specialist provision.</p> <p>The council proposes to leave the Tenure requirements at the same level ignoring the DTZ recommendation which only advocates 60% social rented in the Outer Area with development of medium value if it is at the height of the market position. This will impact negatively on viability.</p> <p>The Forum does not support the DTZ recommendation of reducing threshold from 15 dwellings to 10.</p>	<p>account of the fact that most city centre schemes have an element of commercial space within them and this has an impact on development viability.</p> <p>This is not part of this consultation. Private rented properties do not constitute affordable housing, so have to be treated in the same way as all market housing in terms of planning policy. Student accommodation does not have to provide affordable housing providing occupancy is strictly controlled for full time students only, via a S106 agreement.</p> <p>Tenure split will be considered when the SPD is revised &amp; was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or where there is clear local evidence. There is a current consultation on changes to the definitions of affordable housing in PPS3. Once these are agreed, any changes would be incorporated into the revised SPD.</p> <p>Threshold is not part of this consultation – it is to be considered in producing the SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them rather than increasing them).</p>	<p>based on individual viability appraisals</p> <p>No change to policy proposed</p> <p>No change to policy proposed</p> <p>No change to policy proposed</p>
<p>14. Walton &amp; Co for Commercial Estates Group</p>	<p>Support/Obje</p>	<p>Whilst the reduction requirement from 30% to 15% in the Inner Suburbs is welcomed it does not go far enough. The evidence from DTZ indicates it should be 0% (the Outer Area, medium value correlates with the Inner Suburbs). As the policy is interim and short term it is illogical not to adopt a percentage which reflects the current evidence. The council accepts appraisals on a site by site basis but these submissions and reviews will add to burden/costs when the Council already has independent evidence that such schemes would not be viable.</p> <p>The economy needs a kick start, so the policy is not appropriate - 15% of no schemes is nil.</p>	<p>Boundaries of the high, medium and low value areas within the Outer areas were not defined – a range of beacon sites/areas were tested. The modelling assumes all other S106 costs are included &amp; as the DTZ report states because it is strategic modelling, there will be sites within areas tested where different levels of affordable housing can be achieved in practice – individual viability appraisals can be submitted where viability is still an issue. The strategic modelling does not take away the need for individual viability appraisals where there are still viability issues. As para 2.7 of the DTZ report states, the model “does not seek to capture analysis of the specific circumstances of individual housing sites in the study areas. To do this would have been impossible in practical terms and inappropriate to a strategic study designed to inform policy development.” Para 1.3 reiterates this and states that “The results of this study will inform policy but do not bind LCC to adopt the results or follow the guidance in</p>	<p>No change to policy proposed</p>

		The council is leaving the tenure requirements as existing. This ignores DTZ recommendation of 60% social rented in an Outer Area development of medium value only at the height of market, which is not the current situation. DTZ's recommendation should be followed.	relation to specific or individual sites.”  Tenure split will be considered when the SPD is revised & was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or where there is clear local evidence. There is a current consultation on changes to the definitions of affordable housing in PPS3. Once these are agreed, any changes would be incorporated into the revised SPD.	No change to policy proposed
15. Walton & Co for Pickard Properties	Support/Object	Same comments as above (no.14).	Same response as above (no. 14)	
16. Moran Developments	Object	The Council should not waste time on this issue- sites are currently unviable. A realistic build figure for apartments is £110 per sq.ft. without land, professional fees, planning, building regs etc therefore cannot expect a charge on top for affordable housing. Need is to: 1. Identify land to build 2. Invite schemes based on the following: a) efficient dealing of planning applications b) the developer will receive tax relief c) the council may waive council tax for a period. d) there could be shared equity arrangements with tenants. e) tenants with good payment histories should be offered right to buy and banks should provide funds at reasonable rates. f) tenancies must be assured short term tenancies to deal with bad tenants. g) the above would create jobs and homes, bring land into use and boost the economy.	The Council has an established Strategic Affordable Housing Partnership which considers schemes and release of council owned land to deliver affordable housing, but it is a requirement of PPS3 that local authorities set policies for provision of affordable housing on applications for planning permission.  The proposed targets are considered a realistic and pragmatic approach to the DTZ evidence base, given that an individual viability appraisal may still also be submitted by applicants which may verify reduction from the target.	No change to policy proposed  Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals
17. Leeds City Region	Object	The HCA 2011-2015 Affordable Homes Programme – Framework introduces the concept of Affordable Rent (AR). AR will be to max of 80% of market rent allocated in the same way as social housing is at present. DCLG has issued a consultation on changes to Annex B, PPS3 - it proposes AR be considered as affordable housing for planning purposes. In the new policy AR should be considered as intermediate affordable housing and that considering the guidance on tenure split in the SPG, it should come within the percentage applied to intermediate housing rather than social housing. Asking for a 5% contribution on a scheme of 15 produces less than 1 unit. It needs to be made clear what happens in this circumstance and if a commuted sum will have to be paid.	Affordable rent is being introduced from April 1 <sup>st</sup> . There is a current consultation on changes to the definitions of affordable housing in PPS3. Once these are agreed, any changes would be incorporated into the revised SPD. Agree with the representor that it is likely that affordable rent will equate with intermediate affordable housing.  There have been examples of housing associations taking on single units, so on-site provision cannot be automatically discounted. Where on-site provision cannot be achieved (there is no housing association willing to take on a single unit) a commuted sum would be sought as a fallback position. Para 5.2 of the SPG refers to commuted sums.	No change to policy proposed  No change to policy proposed
<b>Parish Councils, civic societies etc:</b>				



18. Boston Spa Parish Council	Support/ Object	<p>Theoretical viability testing makes the model flawed. The city centre and inner areas are most closely related to employment and better public transport provision and should continue to be required to contribute to the accepted need for affordable homes. The model downplays the higher sales values in the outer and rural areas. Developers will factor in affordable housing costs into land purchase costs. It doesn't necessarily show that the areas tested can, or should, provide a much higher level of affordable homes, nor does it show that city centre and inner areas cannot be expected to provide a significant element of affordable housing.</p> <p>A one size fits all policy is neither appropriate nor deliverable. Localism will dictate the needs and wishes of the community. Provision of affordable homes in the outer and golden triangle areas must not be used for 'social engineering' in an attempt to create balanced communities.</p> <p>The report shouldn't be based on outdated minimum density requirements following revisions to PPS3.</p> <p>The increase in requirement for affordable housing in the golden triangle and outer areas cannot be treated in isolation from sustainability issues eg. local employment, public transport and supporting infrastructure. Tenure split must be variable based on a regular assessment of local need and affordable housing should be made available to members of the local population or immediate families. Submarket housing must be protected to ensure it is always available as such.</p> <p>Affordable housing should be 'pepper potted' across developments to avoid friction between the 2 elements and support balanced and mixed developments.</p> <p>In the outer rural and semi rural areas where developments tend to be smaller there may be a case for reducing the trigger threshold to 10 houses providing the housing is to be made available to local families and is supported by infrastructure.</p> <p>All future local authority land sales for housing development should include a requirement for affordable housing even if below the 15 (or 10) houses threshold.</p>	<p>PPS3 requires modelling of viability scenarios to inform affordable housing policy.</p> <p>The policy applies different targets to different housing market zones according to the evidence base, so does not represent a blanket policy approach.</p> <p>PPS3 leaves it for local authorities to develop housing density policies – this may be a range of densities across the plan area or a broad density range. There is still emphasis on a more efficient use of land (para 50, PPS3). It is considered that the DTZ modelling considered a broad range of densities, (30, 35 and 40 dwellings per ha outside the city centre) and this was the subject of consultation (Dec – Jan 2010). Individual viability appraisals can be submitted where viability is still an issue due to density of a scheme.</p> <p>Applications for housing development will be considered on their individual merits and take account of sustainability and other policy criteria applicable. Tenure split will be considered when the SPD is revised &amp; was not the subject of this consultation. Tenure splits in current policy therefore remain. However, they may be reviewed where individual viability appraisals verify a different approach or where there is clear local evidence.</p> <p>This was not the subject of this consultation. Policy is for pepper-potting where possible.</p> <p>Threshold is not part of this consultation – it is to be considered in producing the SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them rather than increasing them).</p>	<p>No change to policy proposed</p> <p>No change to policy proposed</p> <p>Clarify in the text that the policy is flexible in that it will allow for site specific negotiations based on individual viability appraisals</p> <p>No change to policy proposed</p>
19. Morley Town Council	Support/ Object	If the report recommendations are followed this will result in a dramatic reduction in the provision of affordable housing especially against RSS	The policy will apply until replaced by the Affordable Housing Supplementary Planning Document (SPD),	Clarify when the policy will be applied from and

		<p>standards. The RSS standards were insupportable even in boom times. The current 2008 interim policy is not RSS compliant. The Viability assessments show retreat from higher figures and would reflect economic reality, therefore qualified support.</p> <p>However the policy should be assessed annually to see if there has been any recovery in the housing market which would justify any increases in percentages for affordable housing.</p> <p>House builders may be happy to drop below RSS targets with regard to affordable housing, but have exploited inflated RSS house building targets to win a series of planning appeals which cannot reflect current or easily foreseeable levels of actual building.</p>	<p>anticipated in 2012/13 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.</p> <p>Permissions granted on the basis of the interim policy will be time limited to 2 years implementation where appropriate to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and SPD.</p>	<p>until when.</p> <p>Provide detail in the policy to ensure that consideration is given to time limiting permissions.</p>
20. The Oulton Society	Support/Object	<p>The new proposals appear realistic.</p> <p>The area descriptions in Appendix 1 do not match the descriptions of areas in the 2010/11 interim policy table. These descriptions need to match for clarity.</p> <p>Developers should be required to provide on site provision rather than a contribution to future provision.</p>	<p>Agreed.</p> <p>This is not part of this consultation. However, current policy nationally and locally is for on-site provision unless there are exceptional circumstances that warrant off-site provision or a commuted sum.</p>	<p>Amend Appendix 1 to refer to Inner Areas rather than Inner City, and Outer Area/Rural North rather than the Rural North.</p> <p>No change to policy proposed</p>
21. Leeds Civic Trust	Support/Object	<p>Support increase in proportion of affordable housing in the Outer/ Rural Areas around the north of the city in order to support local communities with lower cost housing for local people.</p> <p>Accept that current market dictates that percentages need to be reduced in the suburban and inner areas but these should be reviewed on a regular basis to account for market changes.</p> <p>Trust that the Draft SPD proposal that affordable housing should be required on developments of 5 or more dwellings will be retained. If possible this should be extended to cover all development - the percentage figure should be the determinant in each zone (i.e. 1 in 3 in the rural areas).</p>	<p>The policy will apply until replaced by the Affordable Housing Supplementary Planning Document (SPD), anticipated in 2012/13 unless there is clear evidence of a change in market circumstances to warrant any further change in the meantime.</p> <p>Threshold is not part of this consultation – it is to be considered in producing the revised SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them to 10).</p>	<p>Clarify when the policy will be applied from and until when</p> <p>No change to policy proposed</p>
<b>Statutory consultees:</b>				
22. Highways Agency	Object	<p>Affordable housing implies lower car ownership and shorter commuting distances as travel cost is more significant than for occupiers of market housing and implies potential for more public transport trips, dependent on proximity to core/frequent public transport services. Whilst approach may seem sensible in the context of the housing market it is counter intuitive from a transport point of view. Travel to work from locations in the outer areas and rural north means long journeys meaning higher transport costs in car running or public transport fares. People in affordable housing don't have the financial resources to pay higher travel costs. If affordable housing is provided here then it must be on sites accessible to the core public transport network.</p> <p>Conversely the policy proposes lower percentages in the Outer and Inner</p>	<p>All developments, whether comprising market or affordable housing should consider sustainability factors including reducing the need to travel by car.</p> <p>Much affordable housing is for those accessing the housing ladder for the first time, or moving 'up the ladder' – intermediate tenures are aimed at these people, who may also own a car - it is difficult to generalise.</p>	<p>No change to policy proposed</p>

		Suburbs where transport costs will be lower and where more people will choose public transport.		
23. Natural England	No comments	No comments		No change to policy proposed
24. Yorkshire Forward	No comments	No comments		No change to policy proposed
25. North Yorkshire County Council	No comments	No comments		No change to policy proposed
<b>Councillors</b>				
26. Cllr Monaghan	Object	<p>A time limit should be granted on planning permissions under the new policy otherwise developers will sit on permissions with low affordable housing until the market picks up.</p> <p>All developments should make a contribution including householder applications as per Harrogate. This way lots of small scale developments can make a contribution.</p> <p>Purpose built student accommodation should make a off site contribution in order to fund bringing back empty or neglected landlord properties back into family use with the assistance of housing associations or more new houses through the ALMO's.</p> <p>Schemes should be considered not just on number of units or price in comparison to onsite contributions but other social factors such as the regeneration potential of schemes.</p>	<p>Permissions granted on the basis of the interim policy will be time limited to 2 years implementation where appropriate to ensure that permissions are implemented reasonably swiftly, and to reflect the fact that the affordable housing policy will be reviewed through the Core Strategy and SPD.</p> <p>Threshold is not part of this consultation– it is to be considered in producing the SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them to 10).</p> <p>This is not part of this consultation. Student accommodation does not have to provide affordable housing providing occupancy is strictly controlled for full time students only, via a S106 agreement.</p>	<p>Provide detail in the policy to ensure that consideration is given to time limiting permissions.</p> <p>No change to policy proposed</p> <p>No change to policy proposed</p>
27. Cllr Campbell	Object	<p>The trigger point of 15 units is too high. All developments including single dwellings should contribute. A levy should be made on 1-15 units to provide affordable housing on alternative sites in the area.</p> <p>The blanket designation of the north of the City is unhelpful as it does not take account of the variety of local communities. The Localism Bill will allow development suitable for the area which may be at odds with the policy.</p> <p>The viability issue should be one of last resort and in response to new issues not known at the time of purchase. The value of land falling or rising is a hit or benefit the developer should take.</p>	<p>Threshold is not part of this consultation– it is to be considered in producing the SPD. (The DTZ EVA did consider thresholds – there is evidence to support lowering them to 10).</p> <p>The proposed targets are considered a realistic and pragmatic approach to the DTZ evidence base, given that an individual viability appraisal may still also be submitted by applicants which may verify reduction from the target.</p> <p>Agree that historic price paid for land is at owner's own commercial risk.</p>	No change to policy proposed
28. Cllr Ronald Grahame MP	Object	The Housing Revenue Account should be ring fenced to build new affordable housing including East North East Homes and for decent homes standards in 2012. S106 monies should be spent on Home Zones and Green Spaces. This would be carried out by direct service organisations employing local people and thus give credence to the localism bill, supporting small/medium sized businesses.	The Council has an established Strategic Affordable Housing Partnership which considers schemes and release of council owned land to deliver affordable housing, but it is a requirement of PPS3 that local authorities set policies for provision of affordable housing on applications for planning permission.	No change to policy proposed

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**Report of : Acting Director of City Development**

**To : Executive Board**

**Date: 18 May 2011**

**Subject: JOHN SMEATON ACADEMY**

**Electoral Wards Affected:**

**CROSSGATES & WHINMOOR  
HAREWOOD  
KILLINGBECK & SEACROFT**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In



Not Eligible for Call In

(Details contained in the report)



## Executive Summary

This report seeks to obtain Members approval to the granting of a lease of the former John Smeaton Community College to the John Smeaton Academy, for use as an Academy, in accordance with the Council's policy on disposals at less than best consideration.

The purpose of this report is to seek Member agreement to the proposed Heads of Terms for the leasehold disposal at nil consideration of John Smeaton Community College to the John Smeaton Academy.

John Smeaton Community College has applied to the Department of Education (DFE) for the College to be granted Academy status.

The Department for Education has approved the conversion to Academy status and granted an Academy Order. The DFE requires confirmation that the Council has agreed to grant a leasehold interest of the building and site to the John Smeaton Academy. The key elements of the Heads of Terms are as follows:-

1. 125 year lease at a peppercorn rental.
2. The lease to be limited to use as a non profit making academy.
3. If during the duration of the lease the premises cease to be used as an Academy, the premises will revert to the Council.

The building is currently subject to a PFI agreement with Investors in the Community (Leeds

Schools) Ltd, which commenced in April 2005 for a period of 28 years. Any occupation of the school by the John Smeaton Academy will be subject to the PFI agreement that is currently in place.

Executive Board are requested to agree the disposal of John Smeaton Community College to the John Smeaton Academy Trust for a proposed Academy on a 125 year lease at nil consideration, as requested by the Secretary of State for Education.

## **1.0 Purpose of This Report**

1.1 The purpose of this report is to seek approval to the Heads of Terms for the leasehold disposal at nil consideration of John Smeaton Community College for the Academy scheme to John Smeaton Academy who are the Council's selected operator for an Academy at this school.

## **2.0 Background Information**

2.1 John Smeaton Community College has applied to the Department of Education to be granted Academy status. The DFE has made an Academy Order enabling the school to convert to an Academy under section 4 of the Academies Act 2010.

## **3.0 Proposals**

3.1 In order for the DFE to approve the Academy, it will require confirmation that the Council has agreed to transfer the building and site to the Trustees of the South Leeds Academy. The proposed draft Heads of Terms to be granted to the sponsors are summarised below:-

### **Draft Heads of Terms**

1. Lease: The party to the lease will be the John Smeaton Academy, to operate the John Smeaton Academy.
2. Demise: All the land and buildings within the area edged black on the attached plan.
3. Term: 125 year lease to commence on a date to be agreed.
4. Consideration: The consideration payable for the grant of the lease will be nil. The annual rental during the duration of the lease will be at a peppercorn (if demanded).
5. Use: The premises will be limited for use as an Academy with extended school use in accordance with the 'every child matters agenda'.
6. Termination: If during the period of the lease the subject site ceases to be used as an Academy the premises will revert to the Council.
7. Repair The lessee will be responsible for the repair and maintenance of the premises, subject to the terms and conditions of the existing PFI contract between the Council and Investors in the Community (Leeds) Ltd, until its expiry.

9. Alienation: The lessee will not assign the tenancy, sub let nor part with possession of the whole or any part of the demise.
10. Legal Costs: Each party will be responsible for their own legal costs arising from the transaction.

The building is currently subject to a 25 year PFI agreement with Investors in the Community (Leeds) Ltd, which started in 2005 and expires in 2033. Any occupation of the school by the Academy will be subject to the PFI agreement that is currently in place and the lease and other documentation will provide for the contractor's continued access and service provision along with property insurance, with the Academy named as an additional insured party.

#### **4.0 Links to Corporate Priorities**

- 4.1 The proposals outlined in this report will impact at the "Narrowing the Gap" and "Going up a League" agendas. Academies in Leeds have the potential to contribute to the ambitious targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement.

#### **5.0 Power to Dispose**

- 5.1 The proposed disposal at nil consideration is the Council's contribution to the delivery of the Academy scheme which is consistent with the educational policies and objectives of the Council.
- 5.2 The premises for disposal comprise the current John Smeaton Community College which was built under the Combined Secondary Schools Project. The building is subject to a PFI agreement with Investors in the Community (Leeds Schools) Ltd, which expires in 2033.
- 5.3 Whilst the building will be leased by the Trust ownership will remain with the Council and the building will be required to operate as a school serving the East Leeds area. The Academy will be dependent on funding from the DFE, should funding be withdrawn or the Academy cease to operate, the buildings and land will revert to the Council. The Trust will also be required to operate under the existing PFI agreement and to be responsible for the repair and maintenance of the building at the expiry of the PFI agreement. The use of the land and premises by the Trust as an Academy would represent value for money for the Council and as such would not have less than best implications, as it is a statutory function of the Council to provide education for children in Leeds. The alternative value for the site based on open space values for the playing fields and residential values for the footprint of the building is £810,000. However, as explained above, this is not an option available to the Council due to the requirement to continue to provide education to 952 children who attend the school.
- 5.4 The Council's current policy on disposal at less than best consideration was approved by Executive Board on 12 January 2000. The condition of the policy are such that the proposed disposal requires Executive Board approval.

#### **6.0 Financial Implications**

- 6.1 There are no implications for granting a lease on the finances.

## **7.0 Risk Assessment**

- 7.1 In terms of the leasehold disposal of the premises required for the Academy the risks associated with the scheme not proceeding, subsequent closure or material change in the use of the property will be covered in the terms of disposal.

## **8.0 Recommendation**

- 8.1 Executive Board is requested to agree the disposal of John Smeaton Community College for the proposed Academy on a 125 year lease at nil consideration and authorise the Director of City Development to agree the final terms in paragraph 3 above.

## **9.0 BACKGROUND PAPERS**

- 9.1 **None**



**JOHN SMEATON COMMUNITY COLLEGE  
SMEATON APPROACH  
MANSTON  
LEEDS LS15**



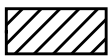
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DATE 14/04/2011

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**PLAN No 15072/A**

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Originator: N Bamford

Tel: 43053

**Report of : Acting Director of City Development**

**To : Executive Board**

**Date: 18 MAY 2011**

**Subject: PRIMROSE HIGH SCHOOL**

**Electoral Wards Affected:**

**CITY & HUNSLET  
GIPTON & HAREHILLS  
BURMANTOFTS & RICHMOND HILL**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

**Executive Summary**

This report seeks to obtain Members approval to the granting of a lease of the former Primrose High School to the Co-operative Academy, for use as an Academy, in accordance with the Council's policy on disposals at less than best consideration.

The purpose of this report is to seek Member agreement to the proposed Heads of Terms for the leasehold disposal at nil consideration of Primrose High School to the Co-operative Academy.

Executive Board agreed to the consideration of the expression of interest in establishing an Academy to serve the central Leeds area. Executive Board subsequently agreed the closure of Primrose High School at its meeting, with closure to take place on 31 August 2011.

In order for the Department for Education (DFE) to approve the Academy it will require confirmation that the Council has agreed to grant a leasehold interest of the building and site. The key elements of the Heads of Terms are as follows:

1. 125 year lease at a peppercorn rental.
2. The lease to be limited to use as a non profit making academy.
3. If during the duration of the lease the premises cease to be used as an Academy, the premises will revert to the Council.

The building is currently subject to a PFI agreement with Investors in the Community (Leeds Schools) Ltd, which commenced for a period of 28 years. Any occupation of the school will be subject to the PFI agreement that is currently in place.

Executive Board are requested to agree the disposal of Primrose High School for a proposed Academy on a 125 year lease at nil consideration.

## **1.0 Purpose of This Report**

1.1 The purpose of this report is to seek approval to the Heads of Terms for the leasehold disposal at nil consideration of Primrose High School to the Co-operative Academy scheme who are the Council's selected operator for an Academy at this school.

## **2.0 Background Information**

2.1 At its meeting on 21 July 2010 Executive Board received a report from the Chief Executive of Education Leeds updating members on proposals for the establishment of an Academy at Primrose High School.

(a) The Executive Board decided that, noting the responses to the statutory notice and approval be given to the closure of Primrose High School on 31 August 2011 conditional on the establishment of an agreement between the Secretary of State and the Co-operative to establish an Academy on the same site from 1 September 2011.

2.2 The proposed Academy at Primrose High School is sponsored by the Co-operative. Funding for the school comes directly from the Department of Education (DFE). The City Council's contribution is made by providing the school building as shown on the attached plan.

2.3 The Academy scheme is being developed by the sponsors with the intention of the school opening as an Academy in September 2011.

2.4 The Executive Board approved the closure of Primrose High School and the opening of an Academy operated by the Co-operative utilising the former Primrose High School building on a 125 year lease.

## **3.0 Proposals**

3.1 In order for the DFE to approve the Academy, it will require confirmation that the Council has agreed to transfer the building and site to the Co-operative. The proposed draft Heads of Terms to be granted to the sponsors are summarised below:-

### **Draft Heads of Terms**

1. Lease: The party to the lease will be the Co-operative.
2. Demise: All the land and buildings within the area edged black on the attached plan.
3. Term: 125 year lease to commence on 1 September 2011.
4. Consideration: The consideration payable for the grant of the lease will be nil.

The annual rental during the duration of the lease will be at a peppercorn (if demanded).

5. Use: The premises will be limited for use as an Academy with extended school use in accordance with the 'every child matters agenda'.
6. Termination: If during the period of the lease the subject site ceases to be used as an Academy the premises will revert to the Council.
7. Repair: The lessee will be responsible for the repair and maintenance of the premises, subject to the terms and conditions of the existing PFI contract between the Council and Investors in the Community (Leeds Schools) Ltd, until its expiry.
9. Alienation: The lessee will not assign the tenancy, sub let nor part with possession of the whole or any part of the demise.
10. Legal Costs: Each party will be responsible for their own legal costs arising from the transaction.

The building is currently subject to a 25 year PFI agreement with Investors in the Community (Leeds Schools) Ltd, which started in 2005 and expires in 2033. Any occupation of the school by the Academy will be subject to the PFI agreement that is currently in place and the lease and other documentation will provide for the contractor's continued access and service provision along with property insurance, with the Academy Trust named as an additional insured party.

#### **4.0 Links to Corporate Priorities**

- 4.1 The proposals outlined in this report will impact at the "Narrowing the Gap" and "Going up a League" agendas. Academies in Leeds have the potential to contribute to the ambitious targets to meet key priorities within the Children and Young People's Plan and the work on the Local Area Agreement.

#### **5.0 Power to Dispose**

- 5.1 The proposed disposal at nil consideration is the Council's contribution to the delivery of the Academy scheme which is consistent with the educational policies and objectives of the Council.
- 5.2 The premises for disposal comprise the current Primrose High School which was built under the Combined Secondary Schools Project. The building is subject to a PFI agreement with Investors in the Community (Leeds Schools) Ltd, which expires in 2033.
- 5.3 Whilst the building will be leased by the Academy ownership will remain with the Council and the building will be required to operate as a school serving the Leeds area. The Academy will be dependent on funding from the DfE, should funding be withdrawn or the Academy cease to operate, the buildings and land will revert to the Council. The Trust will also be required to operate under the existing PFI agreement and to be responsible for the repair and maintenance of the building at the expiry of the PFI agreement. The use of the land and premises by the Academy would represent value for money for the Council and as such would not have less than best

implications, as it is a statutory function of the Council to provide education for children in Leeds. The alternative value for the site based on open space values for the playing fields and residential values for the footprint of the building is £900,000. However, as explained above, this is not an option available to the Council due to the requirement to continue to provide education to 1225 children currently enrolled at the school

- 5.4 The Council's current policy on disposal at less than best consideration was approved by Executive Board on 12 January 2000. The condition of the policy are such that the proposed disposal requires Executive Board approval.

## **6.0 Financial Implications**

- 6.1 The report of the Chief Executive of Education Leeds to the Executive Board detailed the financial implications for the Council of the proposed Academy. The Council's continued responsibility for the payment of the Unitary Charge Bill, under the Combined Secondary School's Project (Primrose High School was built as part of this project) was highlighted in the report and noted by the Executive Board.

## **7.0 Risk Assessment**

- 7.1 In terms of the leasehold disposal of the premises required for the Academy the risks associated with the scheme not proceeding, subsequent closure or material change in the use of the property will be covered in the terms of disposal.

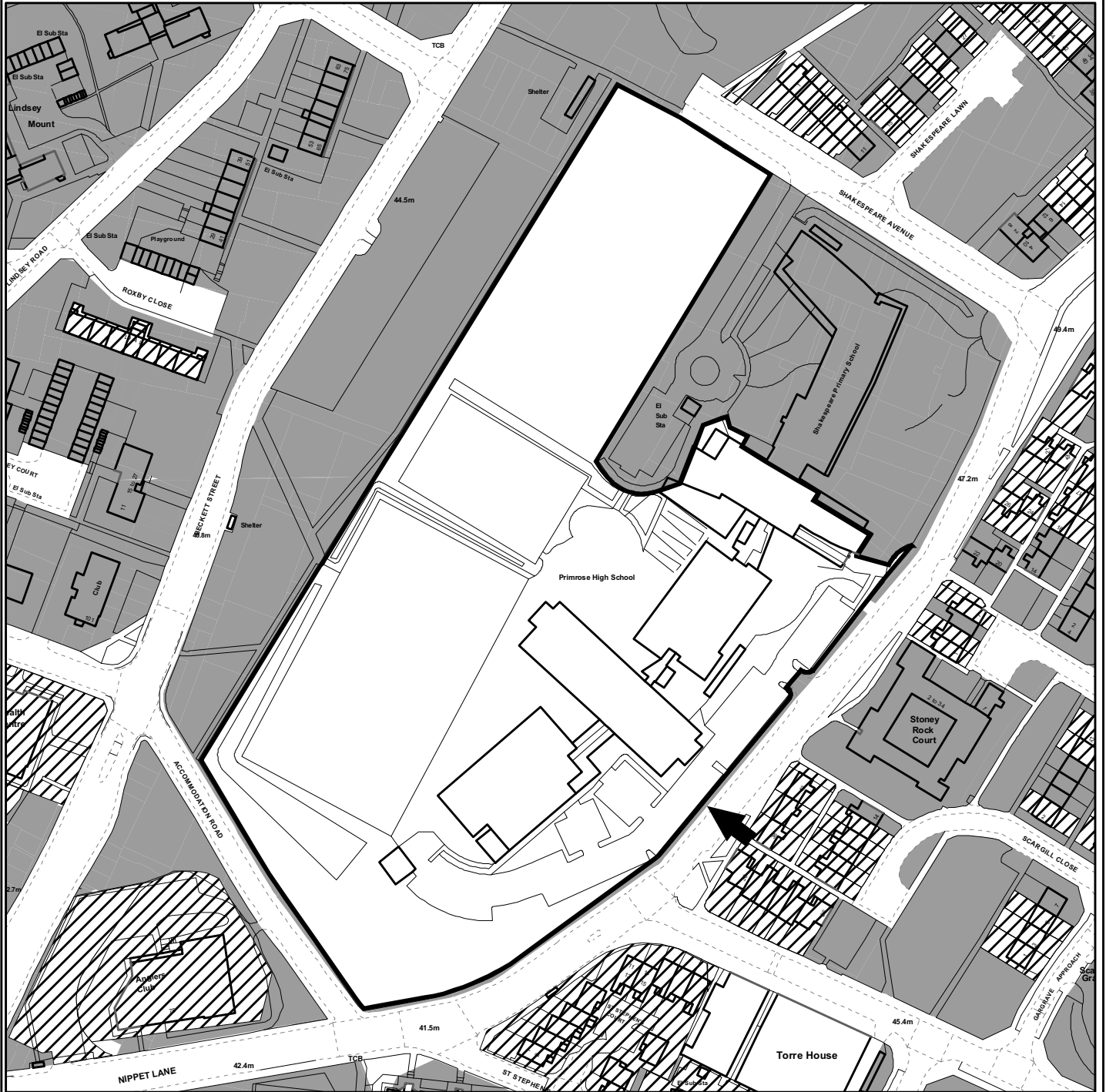
## **8.0 Recommendation**

- 8.1 Executive Board is requested to agree the disposal of Primrose High School for the proposed Academy on a 125 year lease at nil consideration and authorise the Director of City Development to agree the final terms in paragraph 3 above.

## **9.0 BACKGROUND PAPERS**

- 9.1 Executive Board 4 March 2009, Executive Board 3 December 2008.

**PRIMROSE HIGH SCHOOL  
 STONEY ROCK LANE  
 BURMANTOFTS  
 LEEDS LS9**



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**PLAN No 15071/B**

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