

**Labour Councillor Andrew Scopes
Beeston & Holbeck Ward**

Civic Hall
Leeds
LS1 1UR

Contact andrew.scopes@leeds.gov.uk
Civic Tel 0113 37 88810

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Cllr P Truswell
Chair
Scrutiny Board (Infrastructure,
Investment and Inclusive Growth)
Labour Group Office
Civic Hall
Leeds
LS1 1UR

Dear Councillor Truswell,

I am writing in my role as Chair on behalf of the Corporate Governance and Audit Committee, to request that your Scrutiny Board (Infrastructure, Investment and Inclusive Growth) consider a referral under Rule 25 of the Scrutiny Board Procedure Rules.

During consideration of matters arising from the Annual Assurance Report on Planning Decision Making and Enforcement Arrangements, Cllr Illingworth raised concerns in relation to the cumulative impact of dispensations permitting development on green space in return for pledges in relation to housing mix. I understand that your Board has previously considered a range of matters relating to housing mix, however my Committee would be grateful if you would revisit the subject with particular reference to the cumulative impact of dispensations on both green space and local infrastructure.

Councillor Illingworth would be more than happy to discuss this with you further should you need any further details.

Yours sincerely



Councillor Andrew Scopes

Chair, Corporate Governance and Audit Committee

CC Cllr J Illingworth

Appendix 2a: Email from Cllr Illingworth with supplementary information (12/01/21)

My immediate concern is planning in Kirkstall Ward, but I believe that similar problems afflict most inner city wards, and many brownfield sites. This issue is therefore of more general interest than a single ward.

Kirkstall is a long, thin ward whose western boundary is the River Aire. At the inner-city end, in Burley, there is a chronic shortage of greenspace and recreational open space. Housing densities are much higher in the inner city than in the outer suburbs and land ownership is often fragmented, so it is physically difficult for developers to provide land for greenspace, even if they were minded to do so.

Each planning application is dealt with on its merits, and developers will often argue that no suitable land is available for a greenspace contribution. Planning officers may accept a cash payment for off-site greenspace provision, or enhancement of existing greenspace, although this is often poor value for money when we really need larger areas of land. More recently planning officers have simply abandoned greenspace contributions and accepted the developer's claim that it can't be done.

It is very difficult for ward members to argue a contrary view. The rules for speaking at Plans Panel provide "equality of arms" between applicants and objectors, but for greenspace provision the real argument is often between the ward member and the planning officer's written recommendation. The issue to be decided is important - the officer is often recommending that the Panel ignore the Council's published planning policies. The officer has unlimited time, slide projector, printed materials and maps, the ward member is limited to 3 or 4 minutes and is not even allowed to submit a printed summary. The outcome of these contests is rarely in doubt.

What makes this worse is that the independent consideration of individual planning applications allows huge cumulative deficiencies to build up, affecting a wide area, without any satisfactory way to flag up what is happening. It is not the task of the present applicant to remedy previous planning mistakes. In Kirkstall this has resulted in planning officers allocating existing greenspace contributions from previous developments as new building land.

Latterly developers have a second arrow for their bow, by claiming that a standard greenspace contribution will render their scheme non-viable. This results in another highly unequal contest with the District Valuer, who is legally obliged to agree a 25% developer's profit margin and is under little obligation to reveal his or her detailed estimates of what the developer can afford. Inner-city wards lose out at every turn – they attract a lower rate of CIL, they have higher site abnormal costs, and greater difficulty in complying with national and local planning guidance than our colleagues in the leafy suburbs.

It doesn't have to be like this. If the local planning authority identified and assembled worthwhile areas of new greenspace within the inner city, then future developers would have no excuses. They would always be able to make a cash contribution, which could be held in trust until the Council was in a position to proceed. Instead of

pokey scraps of greenspace matching individual developments, the Council could pool developers' contributions to facilitate much larger and more attractive schemes. Larger schemes would also extend the radius of the catchment area where contributions are expected. In the Aire valley, we have, for example, the Council submitted a hybrid planning application 19/00741/FU for environmental and public access works associated with FAS2. This application was validated on 7 Feb 2019 but it remains undetermined and largely unfunded almost two years later. If planning permission were granted it could be soaking up money on our behalf.

FAS2 is a one-off event, but I believe that similar schemes are possible in many inner-city locations. Leeds City Council should be using its compulsory purchase and land assembly powers to improve inner-city environments for the people who live and work there, not just to facilitate built development, important as this may be.

Appendix 2b: Email with supplementary information from Cllr Illingworth (13/01/21)

Thank you for your message and helpful advice. There was one other matter that I raised at CG&A which might be caught by the rule against discussing individual planning applications. Nevertheless I will mention it now, because (1) I don't agree that it is actually ultra vires, (2) I don't want to be asked in future why I failed to raise it when the opportunity was given to me, and (3) it is an important issue, that goes to the roots of good governance where planning applications are concerned.

The Plans Panel made a site visit in 2015 for a retrospective planning application 14/07087/FU. Because this was a retrospective application the development was substantially complete when the Panel arrived. Members of the Panel identified several features that were completely unacceptable (and in some cases partly outside the red line application boundary) and recorded their objections in the Panel minutes. The Kirkstall ward members concurred with the Panel's view. There is no challenge to the Panel's excellent decisions.

The application site is partly owned by Leeds City Council, although the red line boundary lies entirely on private land. Council Development officers have ignored the Panel's recorded decisions, and took no enforcement action on the various features that the Panel and the ward members found unacceptable. Development officers rather than Planning officers are responsible for enforcement on mixed ownership sites. It appears that Council officers are involved in joint projects with the applicant, and this creates a conflict when enforcement action is needed. Despite frequent complaints, wasting much time and considerable money, several unacceptable features are still there.

Effectively, by failing to take timely enforcement action, Development officers have provided the applicant with an "indulgence" to ignore the Plans Panel decisions. I find this outcome completely out of order and unacceptable, and I continue to protest about it at every available opportunity. I would be grateful if you could add this business to my complaint.