

From: [Chris Coyle](#)
To: [Site Allocations Plan](#)
Cc:
Subject: PDE03211_Leeds Site Allocation Plan Legal Compliance - Statement of Community Involvement
Date: 15 November 2015 23:34:16

From
Christopher Coyle
21 Gilling Avenue
Garforth
Leeds

Regarding **Leeds City Council has not Adequately Involved Garforth Residents or their Neighbourhood Forum in the SAP Process**

Do you consider the Plan to be legally compliant? No
Statement of Community Involvement

I wish to challenge the legal compliance of the plan in regard to the application of its Statement of Community Involvement. It is my view that engagement with unparished communities occurred years after engagement with parished communities and that LCC exploited this delay

Community Involvement Principle	Comment
Early Contact	<p>Residents of Garforth only became aware of the LCC Site Allocation Plan in July 2013, 2 weeks before the consultation period finished. This breaches the Early Contact principle of Community Involvement (1)</p> <p>LCC would not accept any challenges to anomalies identified by GNPf once the Core Strategy was signed off (4)</p> <p>GNPF attempts to find alternatives to LCC SAP proposals have been undermined by decisions that were fixed before GNPf was designated (6)</p>
Access to Information	<p>The conclusions drawn from the initial consultation feedback that were used to justify the second draft of the plan do not match the views of the Garforth residents who commented. There was no strong support for 1232b (2)</p> <p>LCC failed to keep GNPf informed of plans and planning applications in the way that they would a parish council, denying GNPf the information to make informed decisions (7)</p> <p>LCC failed to inform GNPf of the reasons why they went against the sustainability assessment results in</p>

	choosing site 1232b (9)
Reducing Barriers	The designation of the GNPF was delayed by LCC until after the Core Strategy was signed thereby preventing GNPF from challenging aspects of the core strategy (3)
Appropriate Methods	The ownership by neighbouring parishes of land surrounding Garforth that is likely to be developed has created a planning situation that a neighbourhood forum struggles to resolve. I believe the solution proposed by LCC is unsound (5) LCC did not apply their core strategy evenly across all HMCA's and failed to inform GNPF of this (8)
Feedback	Despite repeated requests LCC have failed to give an acceptable reason for the exclusion of parts of Garforth and Swillington ward from Outer South East HMCA (6)

In this document I do not distinguish between elected members and employees of Leeds City Council.

In addition, I believe the Statement of Community Involvement included in the LDF does not reference the requirements of the National Planning Policy Framework and the Localism Act (2011) and how the council will address them. This means that the plan is not consistent with national policy and cannot be legally compliant if it does not incorporate the requirements of the Act.

Supporting Evidence

I feel that Leeds City Council (LCC) has not fully involved the residents of Garforth and their Neighbourhood Forum group throughout the entire process of consultation on potential sites for housing development in the Outer South East HMCA. Below I have listed some of the incidents and observations that led me to that conclusion.

1 The first time the LCC Site Allocation Plan was brought to the attention of the Garforth public was in July 2013, when there were only two weeks of the consultation remaining and every area of land around Garforth appeared to have been selected for housing. A leaflet, supported by a local councillor, was circulated misinforming residents of the council's intention to locate the entire Outer South East Housing requirement of 3,500 homes in the Garforth area and advising residents to propose site 1232 as the best place, indeed the only place big enough to build that many houses. This action established a number of houses and a site location that has proved extremely difficult to challenge.

2 The revised Site Allocation Plan only had one housing site selected, site 1232B. One of the reasons for selecting this site according to LCC was its popular support from residents. GNPF analysed the consultation results for site 1232 and found that 30 people opposed this site and just 98 people out of the Garforth population of 15,000 supported it, and at least 24 of these supporters were on the distribution list for the misleading leaflet. 98 supporters out of 15,000 is not enough support for the Council to make the claim that this site was a popular choice. This is one of the principal reasons quoted by

LCC for selecting 1232B

3 The community decided to set up a neighbourhood forum to try to influence the decisions that were being made about the future of Garforth through the creation of a neighbourhood plan and the establishment of a dialogue with LCC. GNPf prepared its designation application in 2014 and submitted it to LCC for approval on 22nd July 2014. This approval process takes six weeks and GNPf arranged an AGM in September to announce the designation approval. In September LCC asked for more information and then sat on designation for a further 10 weeks, finally signing it off in mid-November, on the day before the core strategy was formally accepted by LCC. Confirmation of designation was received in writing in December 2014. This delay prevented GNPf from challenging any aspect of the Core Strategy

4 GNPf subsequently tried to challenge anomalies in the HMCA but were told that they were now included in the Core Strategy and could not be challenged. GNPf were never given the opportunity to challenge the number of houses proposed for Garforth. (GNPf conducted a survey of residents, asking them what they considered to be a 'fair share' of the housing requirement for OSE and their response averaged out at 1016)

5 The Garforth Neighbourhood Area (GNA) has been created under the guidance of and signed off by LCC. In theory this should have been very straight forward as Garforth is completely surrounded by communities with parish councils. However...

- GNA excludes lands belonging to other parishes with the exception of Austhorpe parish which is inside our boundary. I do not believe we can submit any plan for their land.
- GNA includes land that lies in Leeds East HMCA, so any development planned for that area would count in the wrong HMCA. I do not believe we can submit any plan for their land.
- LCC seem to have reached some kind of agreement with Aberford Parish Council (APC) for them not to include any APC land south of the M1 and adjacent to Garforth within their neighbourhood plan. As GNPf cannot submit plans for the land belonging to another parish this means that all the land to the north and east of Garforth is excluded from any designated neighbourhood area and therefore excluded from any neighbourhood plan.
- LCC addressed the situation they had helped create in Aberford by proposing a process whereby GNPf would create plans for the Aberford land bordering Garforth and Aberford would agree them prior to submission. LCC proposed that a Document of Understanding (DoU) be drawn up and signed by GNPf and APC. GNPf were unwilling to sign this document for the following reasons:
 - GNPf is a volunteer group and therefore has no mandate to sign an agreement on behalf of the community
 - Because neither Aberford nor Garforth included these lands in their designated neighbourhood areas and therefore they cannot appear in any neighbourhood plan it was felt any plan resulting from a DoU would be easily challenged by a developer
 - GNPf has similar conflicts with neighbouring lands belonging to three other

parishes and felt that the issue should be resolved on all boundaries rather than just with Aberford

- o Because the Aberford land was excluded from their neighbourhood plan APC could only claim 15 percent CIL money and GNPF were not legally entitled to anything from this land. The developers would of course pay 100 percent of the levy and the beneficiary of this manufactured muddle would be LCC

6 GNPF reviewed the available land in OSE for alternative, more appropriate sites for the 2314 houses planned for Garforth and noticed that two areas in the Garforth and Swillington ward that had good access to the M1 and available land were both in Leeds East HMCA. Both sites are east of the M1 which is a natural boundary between the two HMCAs. GNPF raised the issue with LCC through our councillors and were initially told it was too late to challenge this. However they continued to press them for the reasoning behind these two voting districts of our ward being moved to Leeds East. Despite half a dozen requests LCC have failed to satisfactorily explain the rationale behind the decision. They suggested the two pieces of land had housing characteristics more in keeping with Leeds East. However these two pieces of land are poles apart. One has an average house price of £340,000 and the other is a fairly derelict area. LCC have plans to build 2700 houses on one of these sites. By splitting the housing development over two HMCAs, LCC have successfully achieved a plan to place 5000 additional homes in Garforth and Swillington ward without alerting the residents.

7 Whilst a neighbourhood forum has limited powers there is a requirement that LCC inform them of local planning applications in the same way that they would inform a parish council. This simply did not happen for many months and the planning applications that did eventually come through were house extensions and the like. In June 2015 a GNPF member discovered a reference to proposed bypass in Garforth on Streetlife, a social media site and contacting the author, acquired a copy of plan for a bypass around the southern part of Garforth. The plan had been prepared by LCC in December 2014 and distributed for comment but not shared with GNPF. Furthermore GNPF learned that the author of the Streetlife posting had tried to post it three months earlier on a facebook site administered by one of our councillors, who refused to publish it.

8 The core strategy states the biggest communities would take the biggest hit in terms of locations and this was quoted back to GNPF whenever they tried to raise the issue of the large number of houses targeted at Garforth. GNPF have subsequently analysed the site allocation plans of all the outer HMCAs to verify this statement. The figures below show the largest community in each of the outer HMCA and how many of the residual target each took in actual numbers and as a percentage of the residual target

HMCA	Largest Community	Share of Housing Allocation	Actual Houses
Airebrough	Guiseley	61%	773
Outer North	Wetherby	7%	232

Outer North West	Otley	21%	135
Outer South	Rothwell	52%	920
Outer South East	Garforth	83%	2314
Outer South West	Morley	23%	1025
Outer West	Pudsey	26%	535

The table above clearly indicates that some of the largest communities are not taking the biggest hit. For example Garforth is taking ten times the number of houses that Wetherby is taking. The three communities with the largest share of housing allocation all have neighbourhood forums and all have complained about being kept in the dark by the council until too late in the day.

9. GNPF have reviewed the Sustainability Assessments for each of the 49 potential development sites in Outer South East HMCA using the scores against each of the 22 SA objectives to derive a total for each site and then rank the 49 sites. The results reveal that site 1232b was equal 41st along with its neighbour 1232a out of 49 sites. Only six sites scored lower than 1232b yet it was selected. LCC's choice of site 1232b is not supported by their own sustainability assessments or by the community feedback. Other mitigating circumstances have not been shared with GNPF and the residents of Garforth.

I am forced to conclude that site suitability was not the criterium upon which 1232b was selected, there was never any cooperation with the community, consultation was a sham and the suspiciously well prepared leaflet that kicked off the consultation was in fact a statement of the final result

Signed C Coyle

Date 1511/2015