

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on MONDAY, 18 APRIL 2016

Present: Councillor J Bridges (Chairman)

Councillors J Cotterill, R Johnson, J Legrys, V Richichi and M Specht

In Attendance: Councillors S McKendrick and T J Pendleton

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mr I Nelson, Mr J Newton, Mr S Stanion and Mrs R Wallace

**29. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor R D Bayliss.

**30. DECLARATION OF INTERESTS**

There were no interests declared.

**31. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 9 March 2016.

It was moved by Councillor J Legrys, seconded by Councillor V Richichi and

RESOLVED THAT:

The minutes of the meeting held on 9 March 2016 be approved and signed by the Chairman as a correct record.

**32. COMMITTEE TERMS OF REFERENCE**

RESOLVED THAT:

The Terms of Reference be noted.

**33. DRAFT LOCAL PLAN - CONSULTATION RESPONSES**

An update regarding an additional consultation response was circulated to Members at the meeting.

The Director of Services presented the report. He explained that the issues not dealt with at the previous meeting in March were addressed within the report and referred Members to the number of tables that accompanied the report which were available to view online. The tables detailed all consultation responses and the recommendations to address them. He stressed that the housing requirement figure was a critical part of the plan and was set at a higher level to take account of the potential impact of the then proposed Roxhill development on the number of jobs in the district compared to those assumed in the Strategic Housing Market Assessment (SHMA). He confirmed that as this was now a consented scheme it was required to show the impact and therefore an independent consultant who worked on the SHMA had been commissioned to undertake the additional work on providing evidence of the impact; this work had not yet been completed. He added that if the result of this additional work meant significant changes then it would affect the plan and could mean another round of consultation but this could not be confirmed at this stage.

Chairman's initials

Members were informed that some of the other local authorities had concerns regarding the level of housing requirement. The principal concern related to the risk to other authorities as a result of North West Leicestershire District Council's Local Plan deviating away from the SHMA and the Memorandum of Understanding (MOU). It had been suggested that the next stage of the Local Plan should be delayed to await the outcome of the recently commissioned Housing and Economic Development Needs Assessment (HEDNA); however this work was unlikely to be concluded until late 2016. The Director of Services reported that delaying the Local Plan would make its adoption prior to the Government's deadline very difficult to achieve and so could leave the Council open to significant risks and appeals. Also, it would mean the Council could be penalised by the loss of the New Homes Bonus. Members were informed that officers had received advice from a number of sources and the advice was to proceed as quickly as possible and not to delay, therefore a report would be considered by Cabinet on 3 May to relay the advice received and to ask for a decision on how to proceed. The Director of Services was currently working to present the draft Local Plan to Council on 28 June.

At this point the Chairman stated that if the Committee decided to agree with officers recommendations but Cabinet went against officer's recommendations when considered in May, he would like members to be aware of the difference in opinion when the Draft Local Plan was presented to Council in June.

Councillor J Legrys, on behalf of the Labour Group, thanked the Planning Policy Team Manager and his team for the hard work undertaken so far. He went on to ask the following questions:

Councillor J Legrys commented that the majority of recommendations for consultation responses in respect of the issue of housing requirements were 'Noted and the Council is undertaking further work on this matter' and asked if it was genuine or meant that it would just be noted and ignored. The Planning Policy Team Manager confirmed that it was a genuine response and it was the intention to have more information available by the Council meeting in June.

Councillor J Legrys referred to paragraph 4.5 of the report. He expected a complete spectrum of opinion on the housing requirement level, with the public wanting a low figure and the developer wanting a high figure. He asked if there would be sufficient effort made in explaining the figures to the public and making sure everything was robust. The Director of Services responded that this was the intent with commissioning the additional work and reminded Members that the independent consultant undertaking the work had been involved with the SHMA and was also part of the company that would produce the HEDNA. This would help with consistency and the work that the consultancy did across the country had proved to be robust in the past. He added that there could be no promises made that the Planning Inspector would agree once the plan was submitted but by commissioning the additional work, he believed it would place the Council in the best possible position without a HEDNA. He commented that the least risky approach, taking the risk of appeals aside, would be to wait for the HEDNA but he did not believe it was a realistic approach and the Council could offer the inspector an early review if the HEDNA showed significantly different figures.

The Consultant commented that the officer's recommendation took full account of his views and he believed there would be considerable risk if the Local Plan was delayed. He felt the officers had done all they could to mitigate risk under the current circumstances. Inspectors had been asked to be more pragmatic when considering Local Plans and offering an early review should things change is one of the best ways to mitigate risk. Councillor J Legrys felt that the Council needed to be pro active in explaining to the public what was happening.

Councillor J Legrys asked what would happen if there was no agreement on the MOU. The Director of Services explained that if there was no agreement it would be up to each of the constituent authorities to decide whether to move on with their own Local Plans and deal with the risks. He added that he did not believe that it would come to no agreement but would just take some time. The Legal Advisor reminded Members that it was a duty to cooperate not a duty to agree because there were circumstances when an agreement could not be reached. In this case, the advice was to proceed and to make sure that there was a robust evidence base of the attempt to cooperate with all the authorities in reaching an agreement.

Councillor J Legrys was disappointed that the plan was still being pulled together and he understood that this was partly to do with the constant moving of goalposts by Whitehall, but he would still leave the meeting with no knowledge. He referred to paragraph 4.10 of the report and asked if the information regarding ongoing discussions with authorities and the legal advice being sought would be considered by the Committee before the Draft Local Plan was considered by Council in June. The Director of Services responded that the information would be available as part of the report to Cabinet in May and there were no plans to hold another meeting of the Committee before the Council meeting in June. He assured Members that Cabinet would only be commenting on the process not the content of the plan as that was a decision for Council. Councillor J Legrys expressed his concerns that there was still a lot of detail missing with no further meetings scheduled for the committee to make further comments.

Councillor J Legrys asked for an update on the current status of the separate booklet on gypsies and travellers provision. The Planning Policy Team Manager reported that the recent consultation had concluded and had received a low response rate; work was currently ongoing and would be reported back to Members in due course. Councillor J Legrys thanked the Planning Policy Team Manager but once again stressed his concerns that the committee would not meet again until after the Council meeting in June and there was still missing information. His other concern was that there would be a lot of scrutinizing at the Council meeting and the public were also missing the information. The Director of Services suggested that as matters became clearer, a briefing note could be prepared and circulated in advance of the Council agenda to allow Members to be more prepared for the meeting. He also offered officer availability to Members to come in to the offices and discuss matters further if required. The Chairman felt that it was a good way forward and Members could also take the information out to the public and parish Councils.

Councillor J Legrys shared his deep concern of conveying the message out to the tax payers of the District and he had misgivings regarding entering into the final round of consultation as he wanted everything to be in place, in an understandable way when it goes out to the public. The Chairman commented that officers would give as much information as possible in the given timeframe and he believed the briefing note by officers would be helpful. Councillor J Legrys commented that the Council could not afford to delay the Local Plan but he wanted all the facts to be available to the public. He was happy with the briefing note suggestion but it needed to be clear. The Director of Services reassured Members that he would not submit a plan that did not have the satisfactory evidence in place to support it and although there were gaps at the moment, they were still two months away from the Council meeting deadline and it would come together. He added that if it could have been brought together sooner it would have been and a full picture would be available for Council.

At this point the Director of Services continued to present the report to Members. He commented that the approach towards the provision for gypsies and travellers was good and would hopefully be supported by the Planning Inspector. He highlighted that there would be continued support for the Leicester to Burton rail line for passenger traffic, however it had been suggested that the policy be amended to refer to the 'provision of public transport services' rather than the 'reinstatement of passenger services' as the

latter suggested that the only option would be rail services. Regarding the River Mease, he referred to the recent announcement by the Leader at Council about the recently identified second developer window, due to this some amendments were required and work was currently underway in respect of the updated Developer Contributions Scheme. The Local Plan was dependent on this scheme and the Director of Services was confident that it would be in place. Regarding the Area of Separation policy, the Director of Services explained that a number of respondents were concerned about the inclusion of the word 'significant, therefore it was proposed to change the word to 'demonstrably'. Finally regarding renewable energy, specifically wind energy, the Committee had discussed whether additional work should be commissioned to look at potential areas for wind energy generation due to a statement from the Secretary of State. This work has been commissioned and the intent was to reflect this in the Local Plan.

Councillor J Legrys continued with his questioning and responses are below:

Regarding policy Ec4 – Brickworks and Pipeworks, Councillor J Legrys asked if the reinstatement package would apply in every case and what evidence there was to support it. The Planning Policy Team Manager explained that it was based on the discussions had between Leicestershire County Council and the Minerals Authority, he agreed to check and report details back to Members.

Regarding policy IF1 – Development and Infrastructure, Councillor J Legrys commented that again there was a lot of information missing and no clarity for the public for the delivery plan, no timelines or what the policy would say. He asked for some clarity. The Planning Policy Team Manager responded that the delivery plan would be in place by the Council meeting in June and would identify a whole range of projects with assigned costs, who would be responsible for delivery and timeframes for implementation. He informed Members that it would not provide all of the answers but provide a way to manage the process as a way forward and there would be a lot more work to be undertaken after the Council meeting in June.

Regarding policy IF2 – Community Facilities, Councillor J Legrys welcomed the addition of places of worship but asked about non conventional buildings such as schools which were used for worship as these were important to communities; he asked if these would be listed. The Planning Policy Team Manager confirmed that the aim of the policy was to protect services and recognise the importance of community facilities and therefore yes they would be listed.

Regarding policy IF3 – Open Space and Recreation, Councillor J Legrys felt that the responses had been dismissive and that the areas of open spaces were very important. As these areas were set up in neighbourhood plans and Ashby was the only area in the district with a neighbourhood plan, Councillor J Legrys asked if other areas would be neglected and not protected. The Planning Policy Team Manager responded that a lot of the areas that were included within the responses were in the existing Local Plan as sensitive areas but that the vast majority of areas were designated as outside limits to development in both the current and new Local Plan and therefore would be protected as countryside.

Regarding policy IF4 – Transport Infrastructure and New Development, Councillor J Legrys and Councillor R Johnson welcomed the removal of Hugglescote cross roads and the inclusion of Coalville and Ashby Cycle Network. Councillor J Legrys asked for clarity on who would provide and scrutinise the transport assessments. The Planning Policy Team Manager confirmed that it would be the relevant Highway Authority.

Regarding policy IF5 – Leicester to Burton Rail Line, Councillor J Legrys welcomed the inclusion of the Long Eaton to Willington rail line. He understood the need to change the wording in the policy to mean a tram or light rail but he felt that officers needed to be cautious that it could also mean guided bus way or other non rail related projects.

The Chairman commented that officers would always be cautious and the comment would be duly noted.

Regarding policy IF6 – Ashby Canal, Councillor J Legrys understood the need to re-examine the route but he felt there should be a clear explanation as to why and asked for reassurance of that. The Planning Policy Team Manager explained that the concern was the change of land levels along the current route which could potentially necessitate the introduction of locks and be costly. A potential alternative route had been identified but unfortunately there was currently not enough information available to assure it was a justifiable route. The proposals put forward provided some flexibility. The Chairman welcomed the proposals and this needed to be clarified on the briefing note for Members.

Regarding policy IF7 – Parking Provision and New Development, Councillor J Legrys welcomed the provision of cycle parking but he had received questions from the public regarding provision for motorbikes and other motorised two wheeled vehicles. He asked that the policy include this type of secure parking provision. He also expressed concerns regarding the number of car parking spaces per dwelling and asked if the Council was not planning on insisting on any car parking spaces but leaving it to the decision of the developer. The Planning Policy Team Manager explained that the Council did not currently have the necessary evidence required by the NPPF to insist on parking provision and therefore it had been left out. He understood that it was not ideal but it was the best option to ensure the Local Plan continued to progress.

Regarding policy EN1 – Nature Conservation, Councillor J Legrys welcomed the amendments but as Whitehall were pruning down some of the wildlife directives, he asked for assurances that the policy would be robust enough. The Planning Policy Team Manager responded that that was the intention.

Regarding policy EN2 – River Mease Special Area of Conservation, Councillor J Legrys welcomed the policy statement but he could not see how the pollutant problem would be mitigated. He was concerned that it was not clear what the Developer Contributions Scheme 2 meant equated against development in the area. He asked if the development in the MSAC would be paused and clarification on when the updated Developer Contribution Scheme would be available. The Chairman reminded Councillor J Legrys that the matter had already been discussed earlier in the meeting and it did not need to be repeated. Councillor J Legrys explained that he only wanted assurances that the Local Plan would not be going to an inquiry without the scheme in place.

Regarding policies EN3 and EN4 – The National Forest and Charnwood Forest, Councillor J Legrys was not happy with the lack of clearly defined discussion on Tourism and Cultural development, and would like it made clear to developers that the areas should not be touched. He asked for assurances that the policies would be robust. The Planning Policy Team Manager responded that the policy sought to support appropriate development such as tourism and cultural facilities but could not overly restrict other types of development. .

Regarding policy EN5 – Area of Separation, Councillor J Legrys believed that the report sidestepped the issue and felt that the areas should be defined in red lines prior to any planning applications. The Planning Policy Team Manager commented that the area between Colaville and Whitwick were already defined in red lines on the plan. Councillor J Legrys responded that the areas of separation were more than just Coalville and Ibstock, and that the opinion at recent parish meetings was that defined red lines was important. The Planning Policy Team Manager made reference to planning policy S4 and commented that if an application was submitted and officers judged that there was a decrease in separation, it could be refused under policy S4. He explained that if all areas were defined there was always the risk of missing areas and officers felt that generalising would be a better approach. The overall view was that plans should be as simple as possible.

Regarding policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment, Councillor J Legrys welcomed the statement from Historic England and the changes proposed but he regretted that there would be no opportunity to scrutinise the final details. The Planning Policy Team Manager confirmed that discussions were still underway with Historic England and the full details would be available for the Council meeting in June.

Regarding policy Cc1 – Renewable Energy, Councillor J Legrys was concerned that there were still further background papers to be prepared and therefore was not available at the meeting which left no opportunity for scrutiny.

Regarding policy Cc2 – Sustainable Design and Construction, Councillor J Legrys felt disappointed with the proposal but understood that the goal posts were being moved. He asked if there was any way to persuade developers to provide a better product from the new builds. The Chairman commented that the improvements to developments over the last few years had been great and much better than other areas but he reminded Members that requirements still had to be met. The Planning Policy Team Manager reported that it related to what the Council could require more than the physical design. Councillor M Specht stated that from comments he had received from members of the public regarding the new build properties in Ravenstone, he could see that the heat retention was very good because of the installation levels. He believed the balance was right compared to new build properties 20 years ago.

Regarding policy Cc4 – Water: Sustainable Drainage Systems (SUDS), Councillor J Legrys expressed his deep concerns that there was no inclusion of the long term maintenance responsibility of SUDS. He felt that it could open up areas to more flooding in the future if the parish council’s refused to continue the maintenance. The Legal Advisor explained that currently the Section 106 Agreement set out the legal responsibility for the SUDS but it did not provide the legality of maintaining, this needed to be agreed at the planning stages. Councillor J Legrys asked if the reluctance to take responsibility could delay development and believed that it should be included within the Local Plan. The Chairman understood the concerns but as the developers needed to have the agreement before a development could complete, he did not believe there was a need for it to be included in the Local Plan. The Planning Policy Team Manager explained that policy F1 addressed the matter.

Councillor J Legrys thanked officers for the responses received at the meeting and the patience of his colleagues.

Councillor R Johnson asked what the Council’s view was regarding the Governments plan to change all schools to academies, his view was that it was privatisation. He asked if it was to go ahead, who would be responsible for building new schools as part of the larger developments. The Chairman felt that it was a very good point but did not believe that it was a matter to be discussed at the meeting but for officers to respond to separately. He offered his assistance to Councillor R Johnson in wording a request to officers and was fully in support of it.

RESOLVED THAT:

- a) The responses received to the consultation on the Draft Local Plan as set out in tables E to K of the background papers be noted.
- b) The suggested changes to the Local Plan as outlined in the report be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.00 pm

Chairman’s signature