

Meeting	<b>LOCAL PLAN ADVISORY COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 18 October 2017
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive and note any apologies for absence.	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
<b>3. MINUTES OF PREVIOUS MEETING</b>	
To approve the minutes of the meeting held on 20 June 2017.	<b>3 - 6</b>
<b>4. COMMITTEE TERMS OF REFERENCE</b>	
Terms of Reference attached.	<b>7 - 8</b>
<b>5. GYPSY AND TRAVELLER SITE ALLOCATION DPD: UPDATE</b>	
Report of the Interim Strategic Director of Place	<b>9 - 14</b>



**6. GOVERNMENT CONSULTATION - PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE**

Report of the Interim Strategic Director of Place

**15 - 22**

Circulation:

Councillor R D Bayliss  
Councillor J Bridges (Chairman)  
Councillor J Cotterill  
Councillor R Johnson  
Councillor J Legrys (Deputy Chairman)  
Councillor V Richichi  
Councillor M Specht

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 20 JUNE 2017

Present: Councillor J Bridges (Chairman)

Councillors R Adams (Substitute for Councillor J Legrys), R D Bayliss, J Cotterill, R Johnson, V Richichi and M Specht

In Attendance: Councillors D Everitt and T J Pendleton

Officers: Mrs M Meredith, Mr I Nelson and Mr J Newton

## **1. ELECTION OF CHAIRMAN**

Councillor R Adams moved that Councillor J Legrys be elected as Chairman for the forthcoming municipal year.

The motion was seconded by Councillor V Richichi and this was subsequently withdrawn.

The motion was then seconded by Councillor R Johnson. The motion was then put to the vote and declared LOST.

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

RESOLVED THAT:

Councillor J Bridges be elected as Chairman for the forthcoming municipal year.

Councillor J Bridges then took the chair.

## **2. ELECTION OF DEPUTY CHAIRMAN**

It was moved by Councillor V Richichi, seconded by Councillor R Adams and

RESOLVED THAT:

Councillor J Legrys be elected as Deputy Chairman for the forthcoming municipal year.

## **3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Legrys.

## **4. DECLARATION OF INTERESTS**

There were no interests declared.

## **5. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 21 February 2017.

Councillor R D Bayliss requested that the minutes be amended to reflect the fact that Councillor J Hault was present as substitute for Councillor R D Bayliss.

It was moved by Councillor R D Bayliss, seconded by Councillor R Adams and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 21 February 2017 be approved and signed by the Chairman as a correct record.

## **6. COMMITTEE TERMS OF REFERENCE**

Noted.

## **7. LOCAL PLAN PROGRESS UPDATE: MODIFICATIONS AND NEXT STEPS**

The Planning Policy Team Manager presented the report to members, outlining the progress on the Local Plan to date. He reported that the modifications which had been requested by the inspector during the examination process had now been published for a 6 week consultation period which would end on 24 July. He advised that the main modifications were those which in the view of the inspector were required in order to make the Local Plan sound or legally compliant; the additional modifications were of a much more minor nature, and many of these were factual or due to a change in position. He added that the inspector could only recommend main modifications to the Council, however the consultation on both the main and additional modifications was being undertaken concurrently.

The Planning Policy Team Manager referred members to section 4 of the report which detailed the most important main modifications. He highlighted in particular main modification 9 at paragraph 4.5 of the report relating to Policy S1 in respect of future housing and economic development needs. He referred to the discussions which had taken place around the need to review the Local Plan in light of the HEDNA, and consequently main modification 9 gave a commitment to commence a review of the Local Plan in January 2018 or within 3 months of adoption of the Local Plan, whichever was later. He added that this date had been chosen as it was felt there was a possibility that the Local Plan might not be adopted by January 2018, when work was due to be finalised on the strategic growth plan for Leicestershire. He highlighted that the key issue was that Leicester City Council had declared that they were unable to meet their housing need. He stated that the inspector was keen that the Council had a formal policy position to review the plan once this work was completed.

The Planning Policy Team Manager referred members to paragraph 4.18 of the report and advised that shortly after the Local Plan was submitted, the revised route for HS2 was published. The route passed through two sites to the west of Kegworth which had planning permission. The impact of the revised route was that officers did not believe these sites were deliverable and consequently main modification 27 identified a reserve site to help mitigate the shortfall.

Councillor J Bridges asked at what point it would be determined that these sites were not deliverable as they were affected now. He felt that the sites were not sustainable and not economically viable to deliver based on the fact that no funding would be available to develop these sites. He felt that delaying this decision could leave the Council open to challenge.

The Planning Policy Team Manager advised that when the government made its final decision on the route, a judgement would be made in respect of the viability of the sites as the route was subject to change. The Planning Policy Team Manager stated that should HS2 run through the two sites, the Council would encourage planning applications to bring forward a reserve site.

Councillor R Johnson commented on the length of time that could elapse before HS2 came through the district.

Councillor R D Bayliss referred to main modification 30 in respect of affordable housing. He sought clarification upon the change in requirement from 15 or more to 11 or more dwellings and the differences in requirement for brownfield sites. He expressed concerns in respect of financial viability and felt that a requirement of 30% on sites with 11 or more dwellings was stringent.

The Planning Policy Team Manager advised that the threshold of 11 or more dwellings was a national threshold and the original threshold of 15 or more dwellings in Ashby de la Zouch, Castle Donington and Coalville had been reduced in order to be consistent across the district. He added that increasing the threshold would reduce the opportunities for affordable housing. In respect of previously developed land, the inspector had identified during the examination that developments on such sites needed to be encouraged and he was concerned that a requirement of 30% affordable housing could have an impact upon viability. He added that whilst part 2 of the policy did allow us to take account of viability issues and adjust the requirement on a site by site basis, it was clear that the inspector was looking for a different approach in respect of previously developed land and as such, the Council was attempting to address the issues raised by the inspector.

In response to a question from Councillor R D Bayliss, the Planning Policy Team Manager advised that nothing had changed in terms of the financial viability assessment for previously developed land or brownfield land and that financial viability would always be a consideration.

Further to questions from Councillor J Bridges, the Planning Policy Team Manager advised that in line with the national approach, whichever threshold was first reached, either 11 dwellings or 1,000 square metres, would trigger the affordable housing requirement.

Councillor J Bridges commented that under today's building standards, having 1,000 square metres floorspace as a threshold would increase the amount of affordable housing required on any given site and would cause the requirement to be triggered more frequently. He felt that this could cause increased concerns in respect of viability which could consequently leave the Council open to challenge as the affordable housing requirement would be triggered at a lot less than 11 dwellings for many sites.

The Head of Planning and Regeneration advised that the viability thresholds detailed ensured that the Local Plan complied with national policy throughout the life of the plan.

Councillor J Bridges felt that that the increase to 30% would create more and more disputes.

Councillor V Richichi asked how long it would take to implement the main modifications and therefore adopt the Local Plan. He asked if the Local Plan was currently unsound.

The Planning Policy Team Manager advised that the current consultation would continue until 24 July following which officers would refer the responses on to the inspector. He advised that the timescales would depend upon how the inspector decided to proceed, but if the inspector was satisfied that all the issues had been addressed, the best date his report could be expected was in September 2017, in which case Council would be asked to adopt the Local Plan at its meeting in November 2017.

Councillor M Specht referred to main modification 10 and sought clarification on whether the limits to development in Coleorton had increased in size.

The Planning Policy Team Manager agreed to provide this information after the meeting.

Councillor R Johnson sought clarification on the range of services referred to in respect of Donington le Heath and Hugglescote.

The Planning Policy Team Manager advised that the range of services referred to were in the context of the greater Coalville urban area rather than individual villages.

Councillor R Johnson sought clarification on where infrastructure such as schools was referred to in the Local Plan.

The Planning Policy Team Manager advised that the Local Plan was supported by an infrastructure delivery plan and that the vast majority of development was already in place through Section 106 agreements. He explained that specific requirements from stakeholders such as the education authority were included in the Section 106 agreements. He added that Policy IF4 in the Local Plan dealt with infrastructure generally.

It was moved by Councillor J Bridges, seconded by Councillor M Specht and

RESOLVED THAT:

- a) the main modifications published following the Local Plan examination hearing sessions be noted.
- b) the additional modifications published following the local plan examination hearing sessions be noted.
- c) the next steps be noted.

## **8. LOCAL PLAN - RISK MANAGEMENT**

The Planning Policy Team Manager presented the report to members, providing an update on the key risks to the Local Plan. He advised that the risk register was reviewed at each monthly meeting of the Local Plan board.

Councillor J Bridges commented that his biggest concern was regarding loss of staff and he was pleased to see this as a key risk in the risk register.

It was moved by Councillor V Richichi, seconded by Councillor R Adams and

RESOLVED THAT:

The current risk assessment be noted.

The Planning Policy Team Manager advised that the date of the next meeting would be postponed to October in the hope that the inspector's report would be issued and could be brought to the committee before the report to Council. A date would be confirmed in due course. The Planning Policy Team Manager stated that upon receipt of the inspector's report it would be published straight away given that it is a public document.

Councillor M Specht sought clarity on the weight given to the Local Plan in the appeal decision in respect of the Coalville bypass.

The Head of Planning and Regeneration advised that the inspector had said that as the emerging Local Plan had not concluded the examination, it could only be given limited weight, however the figures in the HEDNA had been utilised to calculate the housing land supply and it was found that the Council could demonstrate a five year supply.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.17 pm

## **LOCAL PLAN ADVISORY COMMITTEE TERMS OF REFERENCE**

### **Purpose of the Local Plan Advisory Committee**

To enable cross-party discussion, guidance and support for the development of the North West Leicestershire Local Plan.

### **Role of the Local Plan Advisory Committee**

- To consider and comment on documents that relate to the North West Leicestershire Local Plan including (but not restricted to) policy options, draft policies and evidence prepared to support the Plan.
- To make recommendations as required to Council in respect of the North West Leicestershire Local Plan.
- To monitor progress on the preparation of the North West Leicestershire Local Plan.
- To provide updates to other Members who do not sit on the Local Plan Advisory Committee.
- To consider and comment on responses to plans being prepared by other local planning authorities as part of the Duty to Cooperate.

### **Membership of the Local Plan Advisory Committee**

- The Advisory Committee will be constituted in accordance with the proportionality provisions contained within The Local Government and Housing Act 1989.
- The Council's Substitution Scheme will apply.
- The Advisory Committee will select a Chair at its first meeting of each civic year.
- Other members may be invited to attend and participate in meetings of the Advisory Committee in a non-voting capacity at the discretion of the Chair.
- The Advisory Committee meetings must have at least 3 members to be quorate.

### **Operation of the Local Plan Advisory Committee**

- Council Procedure Rule 4 will apply to the Local Plan Advisory Committee
- The Advisory Committee will meet at least once every two months, but will meet more frequently where necessary to enable continued progress on the North West Leicestershire Local Plan.
- The Advisory Committee will have no direct decision-making powers but will consider documents and information relating to the Local Plan and make recommendations to Council. Any such report will include specific comments and issues raised by the minority group.
- The Advisory Committee will be supported by the Director of Services and officers in the Planning Policy Team.
- Meetings will be organised, administered and minuted by Democratic Services with agendas and minutes being made available on the Council's website.
- The Portfolio Holder may attend as an observer.

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**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LOCAL PLAN ADVISORY COMMITTEE – WEDNESDAY 18 OCTOBER 2017**

Title of report	<b>GYPSY AND TRAVELLER SITE ALLOCATION DPD: UPDATE</b>
Contacts	<p>Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Interim Strategic Director of Place 01530 454555 <a href="mailto:tony.galloway@nwleicestershire.gov.uk">tony.galloway@nwleicestershire.gov.uk</a></p> <p>Head of Planning &amp; Regeneration 01530 454782 <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p> <p>Planning Policy Team Manager 01530 454677 <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>
Purpose of report	To provide a summary of the findings from the Leicester and Leicestershire Gypsy, Travellers and Travelling Showpeople Accommodation Assessment and to provide an update on the preparation of the Gypsy and Traveller Site Allocations Development Plan Document (DPD).
Council Priorities	Value for Money Business and Jobs Homes and Communities Green Footprints Challenge
Implications:  Financial/Staff  Link to relevant CAT	<p>There are potential costs to the Council if the possibility of providing a transit site within the district is pursued.</p> <p>None</p>

Risk Management	<p>In previous reports, reference has been made to an on-going risk that the submitted North West Leicestershire Local Plan may not be found sound due to the way in which it addresses the accommodation needs of travellers. This followed the interim findings of the Inspector examining the Maldon District Local Development Plan who concluded that it was not sound because the said plan's policy for the provision of travellers' accommodation does not identify accurately the need for pitches and does not identify specific sites to meet the requirement. Subsequently, the Secretary of State advised Maldon District Council that he agreed that the policy for the provision for travellers was not consistent with national policy. However, he concluded that it was not proportionate for the Inspector to find the whole plan unsound because he had not examined the whole plan.</p> <p>While this case is specific to Maldon, it is considered that the risk to the submitted North West Leicestershire Local Plan in relation to this matter is reduced because of the expressed view of the Secretary of State . Further, during the submitted North West Leicestershire Local Plan examination hearing sessions there has been no suggestion that the submitted Local Plan may be found unsound in relation to this matter.</p>
Equalities Impact Screening	A full equality impact assessment has been prepared.
Human Rights	European Convention on Human Rights and the Human Rights Act 1998 art.8 imposes a positive obligation on the state to facilitate the gypsy and traveller way of life.
Transformational Government	Not applicable
Comments of Deputy Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Minutes and reports of meetings of the Local Plan Advisory Committee dated 27 July 2016, 6 October 2016 and 21 February 2017</p> <p><a href="http://minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&amp;Year=0">minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&amp;Year=0</a></p>

	<p>Gypsy and Traveller Site Allocations Development Plan Document Consultation Draft</p> <p><a href="http://www.nwleics.gov.uk/pages/gypsy_and_traveller_site_allocation_consultation">www.nwleics.gov.uk/pages/gypsy_and_traveller_site_allocation_consultation</a></p> <p>National Planning Policy for Traveller Sites  <a href="http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf">www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf</a></p> <p>Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment Refresh (2013)  <a href="http://www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%20Leicestershire%20and%20Rutland%20GTAA%20Refresh%20-%20May%202013.pdf">www.nwleics.gov.uk/files/documents/leicester_leicestershire_and_rutland_gtaa_refresh_may_2013/Leicester%20Leicestershire%20and%20Rutland%20GTAA%20Refresh%20-%20May%202013.pdf</a></p> <p>North West Leicestershire Local Plan: Publication  <a href="http://www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.pdf">www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.pdf</a></p> <p>Leicester City and Leicestershire and Rutland Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017)  <a href="http://www.nwleics.gov.uk/pages/gypsy_and_traveller_site_allocation_consultation">www.nwleics.gov.uk/pages/gypsy_and_traveller_site_allocation_consultation</a></p>
Recommendations	<p>(I) THAT THE FINDINGS OF THE LEICESTER AND LEICESTERSHIRE GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION ASSESSMENT BE NOTED; AND</p> <p>(II) PROGRESS ON THE PREPARATION OF THE GYPSY AND TRAVELLER DEVELOPMENT PLAN DOCUMENT BE NOTED AND;</p> <p>(III) COMMENT ON THE POSSIBILITY OF PROVIDING A TRANSIT SITE WITHIN THE DISTRICT</p>

## 1.0 BACKGROUND

- 1.1 Members will be aware that the Council's submitted Local Plan sets out the intention to prepare a Gypsy and Traveller Site Allocations Development Plan Document (DPD) as a means of identifying a range of sites to meet the identified need.
- 1.2 Members will also be aware from previous reports to this Committee (27 July 2016, 6 October 2016 and 21 February 2017) that an up to date needs assessment has been commissioned for the Leicester and Leicestershire Housing Market Area (LLHMA) (excluding Hinckley and Bosworth Borough Council who commissioned their own separate

study) to update the pitch targets for gypsies and travellers and the plot targets for travelling showpeople.

1.3 The Leicester and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) has now been completed. This report provides a summary of the study and its findings.

## 2.0 THE LEICESTER AND LEICESTERSHIRE GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION ASSESSMENT

2.1 The GTAA was undertaken by Opinion Research Services (ORS) who have experience nationwide of undertaking similar studies.

2.2 The study took account of the change in definition of who constitutes a traveller arising from the publication by the government of the revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This change in definition now excludes those who have permanently ceased from travelling for whatever reason.

2.3 The study used a combination of desk based research (e.g. census data, caravan counts) and direct engagement with members of the travelling community through a series of interviews. The fieldwork was undertaken between July and November 2016. In North West Leicestershire 41 interviews were undertaken.

2.4 In view of the change in the definition of who constitutes a Traveller this process needed to identify those of the existing traveller community who, in line with the amended definition, are or are not travellers. The study also identified the potential needs rising from unknown households (e.g. where an interview was not completed), but the view of ORS is that there is insufficient certainty about such figures and so the figures are provided for illustrative purposes only.

2.5 Taking account of current supply and the findings from the interviews, and breaking the future needs down in to 5 year bands as required by the PPTS the following needs were identified for North West Leicestershire. It is these needs which the Council must seek to address. It should be noted that the DPD will cover the period to 2031 - the same plan period as the submitted Local Plan.

**Table 1 – Needs arising from known households**

	Period				Total to 2031	Total to 2036
	2016-21	2021-26	2026-31	2031-36		
<b>Gypsies and Travellers meeting the amended definition</b>	3	1	1	1	5	6
<b>Travelling Showpeople who meet the amended definition</b>	15	1	2	2	18	20

2.6 The level of need identified is significantly less than that in the previous study in 2013 which identified a need for a total of 68 pitches for gypsies and travellers and 9 travelling showpeople plots. This change is largely attributable to the change in definition.

2.7 It should be noted that the change in definition is currently the subject of a Judicial Review. If successful this will change the level of need, potentially incorporating the findings in respect of unknown households, the results of which are summarised below in Table 2

**Table 2 - potential needs arising from unknown households.**

	Period				Total to 2031	Total to 2036
	2016-21	2021-26	2026-31	2031-36		
<b>Gypsies and Travellers unknown households</b>	6	1	1	2	8	10
<b>Travelling Showpeople unknown households</b>	0	1	1	1	2	3

2.8 There is no way to be certain how many of these ‘unknown households’ would meet the revised definition of a Traveller. ORS’ experience elsewhere of surveys undertaken since the change in the definition suggests that about 10% of interviewed gypsy or traveller households and 70% of travelling showpeople households meets the revised definition. Whilst cautioning that these are not official statistics, they are the most comprehensive assessments to date on this matter and so “should be seen as a robust statistical figure”.

2.9 Assuming, therefore, that only 10% of the unknown households identified in table 2 meet the revised definition of a Traveller then the additional need for gypsies and travellers could be as little as 1 pitch. For travelling showpeople an additional 2 plots would be required based on a requirement of 70% of unknown households. This would increase the overall need for gypsies or travellers to 7 pitches to 2036 and for travelling showpeople an increase to 22 plots.

2.10 The following number of households did not meet the definition of a Traveller as set out in the PPTS.

**Table 3 – Households not meeting the definition of a Traveller**

	Period				Total to 2031	Total to 2036
	2016-21	2021-26	2026-31	2031-36		
<b>Gypsies and Travellers unknown households</b>	4	1	0	1	5	6
<b>Travelling Showpeople unknown households</b>	0	0	0	0	0	0

2.11 In terms of transit provision the ORS study advised that there is a need for additional pitches, based on the previous assessment, caravan counts and data from the Multi Agency Traveller Unit (MATU) at Leicestershire County Council, for 12 in the city and 36 across the remainder of the study area. The consultants suggest that the latter should be spread over 2-3 sites and that based on data the “need is greatest in the North West of the county [and the City]” and that “transit provision should be prioritised in these locations”.

### **3.0 HOW WILL WE TAKE FORWARD THESE FINDINGS?**

- 3.1 The findings of the GTAA will need to be taken in to account in the DPD.
- 3.2 Members will recall that a consultation was undertaken in February 2016 (The Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft). Amongst other matters this provided an opportunity for individuals, organisations (including parish councils) and stakeholders to suggest sites that may be suitable for allocation. No sites were put forward. A more recent consultation as part of preparing a revised Strategic Housing Land Availability Assessment (SHLAA) also failed to generate any potential sites.
- 3.3 The reports to the 27 July 2016 and 6 October 2016 meeting of this Committee noted that officers had undertaken a district wide search for potential sites. This work is ongoing and in particular is seeking to ensure that any potential sites are deliverable. A report will be taken to a meeting of Council in due course.
- 3.4 In terms of transit provision, whilst the GTAA does not identify a specific requirement for North West Leicestershire, having regard to the available evidence (and the advice set out in the GTAA as referred to above) officers are continuing to explore the potential for the Council to make transit provision in the district. This will potentially incur significant costs to the Council (e.g. possible purchase of land, laying out a site and ongoing running costs) but the provision of a public (as opposed to a private) transit site will enable the police to direct those on unauthorised sites to move to the transit site, so reducing the impact on the settled community and reducing costs to the Council associated with dealing with unauthorised sites.

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

## LOCAL PLAN ADVISORY COMMITTEE – WEDNESDAY 18 OCTOBER 2017

Title of report	<b>GOVERNMENT CONSULTATION – PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE</b>
	<p>Councillor Trevor Pendleton 01509 569746 <a href="mailto:trevor.pendleton@nwleicestershire.gov.uk">trevor.pendleton@nwleicestershire.gov.uk</a></p> <p>Interim Strategic Director of Place 01530 454555 <a href="mailto:tony.galloway@nwleicestershire.gov.uk">tony.galloway@nwleicestershire.gov.uk</a></p> <p>Head of Planning &amp; Regeneration 01530 454782 <a href="mailto:jim.newton@nwleicestershire.gov.uk">jim.newton@nwleicestershire.gov.uk</a></p> <p>Planning Policy Team Manager 01530 454677 <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>
Purpose of report	To provide a summary of the government's current consultation 'Planning for the right homes in the right place' and to identify potential implications for plan making.
Council Priorities	Value for Money Business and Jobs Homes and Communities Green Footprints Challenge
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>None</p> <p>None</p> <p>Complying with national policies is one of the tests of 'soundness' for a local plan. Therefore, any changes introduced by the government will need to be addressed in future Local Plans.</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
Comments of Deputy Head of Paid Service	Report is satisfactory

Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Department for Communities and Local Government – Planning for the right homes in the right place which can be viewed at <a href="http://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals">www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals</a></p> <p>Planning Practice Guidance which can be viewed at <a href="http://www.gov.uk/government/collections/planning-practice-guidance">www.gov.uk/government/collections/planning-practice-guidance</a></p>
Recommendations	<p><b>(I) THAT MEMBERS NOTE THE PROPOSALS PUT FORWARD BY GOVERNMENT;</b></p> <p><b>(II) THAT THE POTENTIAL IMPACT UPON THE PREPARATION OF LOCAL PLANS BE NOTED; AND</b></p> <p><b>(III) THAT MEMBERS ADVISE OF ANY COMMENTS THEY HAVE</b></p>

## 1.0 BACKGROUND

- 1.1 Members will be aware that a local plan has to identify the amount of new housing which is needed for the period covered by the local plan. Members will also be aware that the issue of housing need is often the single most controversial issue when preparing the plan and at the subsequent public examination. This was the case with the Council's submitted Local Plan in the examination sessions which took place earlier this year.
- 1.2 In terms of the submitted Local Plan, the evidence as to future needs has been derived from a Housing and Economic Development Needs Assessment (HEDNA) and prior to that by a Strategic Housing Market Assessment (SHMA). Both of these identify housing need across the whole of the Leicester and Leicestershire housing market area (HMA) and their preparation has followed the Planning Practice Guidance issued by the government.
- 1.3 In February 2017 the government published a 'Housing White Paper' (Fixing our broken housing market). The White Paper identified four themes:
- Planning for the right homes in the right place;
  - Building homes faster;
  - Diversifying the market; and
  - Helping people now.
- 1.4 In terms of 'Planning for the right homes in the right place' the White Paper proposed to introduce "a standardised approach to assessing housing requirements".



- 1.5 The government has now published its proposed methodology for consultation together with a number of other proposals (Planning for the right homes in the right places: consultation proposals).
- 1.6 The consultation notes that it is intended, subject to the outcome of the consultation, to issue a revised National Planning Policy Framework (NPPF) in early 2018 with a final version in Spring 2018. The changes proposed in the consultation, together with any revisions to the NPPF, will impact upon future plan making.
- 1.7 This report highlights those matters which would be likely to impact upon plan making and sets out officers' comments.

## **2.0 PROPOSED APPROACH TO CALCULATING THE LOCAL HOUSING NEED**

2.1 The proposed standard methodology to calculating local housing need has, according to the consultation document, three key principles behind it:

- Simple
- Use publicly available data
- Realistic taking account of affordability issues

2.2 There are three steps in the methodology:

### **Step 1 Setting the baseline**

- Use Office for National Statistics ("ONS") household projections with baseline using annual average household growth over a 10 year period.
- These should be the minimum local housing needs figure.

### **Step 2 Adjust for market signals**

- Use median affordability ratios published by ONS for each local authority.
- To ensure that housing needs are met it is proposed that the need figure be increased by 0.25 for each 1% that affordability ratio is above 4.
- Use following formula to derive final local housing needs figure  
(1 + number from affordable housing ratio calculation) x household growth

2.3 The third step in the process is to set a cap on the level of any increase, in recognition that applying the standard approach in steps 1 and 2 will, in some instances, result in very significant increases over and above what has (or is) being planned for.

### **Step 3 Capping the level of increase**

The extent of any cap will depend upon the stage in plan production at the time of any assessment.

- (a) Where a plan was adopted within the last 5 years it will be 40%

- above the annual requirement specified in the plan; or
- (b) for authorities with a local plan adopted more than 5 years ago (the current position here at the Council) this is 40% above the higher of either the projected household growth over the plan period projected by the ONS or the annual housing requirement in the current local plan.

2.4 Where the standard methodology would result in an increase in excess of (a) or (b) (whichever is applicable) then the results of (a) or (b) would be applied to establish the local housing need rather than the standard methodology.

2.5 The following points are of note:

- The standard methodology would apply from 31 March 2018.
- A higher figure can be planned for “where there is a policy in place to substantially increase economic growth...”.
- Where it is proposed to have a higher housing figure it is proposed to amend planning guidance so that Inspectors, when looking at soundness, are to assume the approach is sound unless “compelling reasons indicate otherwise”.
- The government recognises that new data published in the process of plan preparation could result in delays and changes to housing figures. It is proposed that the local housing need figure can be relied upon for a period of two years following submission.
- Proposed that having a robust methodology will become a test of soundness of a plan and that using the standard approach will be sufficient to satisfy such a requirement.
- There would be limited grounds for adopting an alternative method which results in lower need than the standard methodology.
- Propose transitional arrangements based on what stage the plan has reached in plan making terms. Where the plan is at examination it is proposed to continue using the current approach.

2.6 The consultation recognises that some authorities are working jointly on strategic plans and in such cases the consultation suggests that the housing need for the area being planned for should be the sum of the local housing need for each local planning authority. The area wide housing need should then be distributed across the different authorities.

What might this mean for North West Leicestershire?

2.7 In terms of the last bullet point this is very positive for the Council's submitted Local Plan as it is already at examination and so there will not be a need for the Inspector to reconsider the issue of housing numbers in light of this consultation.

2.8 Alongside the consultation the government has published the results for each authority using the proposed standard methodology based on current data. For North West Leicestershire steps 1 and 2 results in a figure of 360 dwellings per annum for the period 2016-2026. This is significantly less than the 481 dwellings being planned for in the submitted Local Plan.

2.9 In terms of the cap, the Council would (at this time) fall within category (b) from the above. Based on figures provided as part of the consultation the annual growth projected by the ONS is 300 dwellings per annum. Applying a 40% cap to this would equate to 420 dwellings per annum. The annual requirement in the adopted Local

Plan is 387 dwellings per annum. Applying a 40% cap to this would equate to 542 dwellings per annum.

- 2.10 For this district, as both of these cap figures (420 and 542 dwellings) are higher than the results of the proposed standard methodology anyway, they wouldn't be applicable as the results from the proposed standard methodology (360 dwellings per annum) would apply.
- 2.11 Moving forward the consultation notes that "*For the second and subsequent plan reviews we propose that the cap for authorities should remain at 40 percent above the number of homes they are planning for in the extant local plan at the time of review*".
- 2.12 Members will be aware that a proposed modification to the Local Plan published in June 2017 includes a commitment to commence an immediate review of the Local Plan in early 2018. Using the suggested standard approach the Council would fall in to step 3(a) and applying a 40% cap to the housing requirement of 481 dwellings would result in a cap of 673 dwellings per annum.
- 2.13 Again, as the standard methodology would result in a figure (360 dwellings) less than the cap that would result from the submitted Local Plan, the standard methodology would apply.

#### Comments

- 2.14 On the face of it the standard methodology and its outcomes are potentially positive for North West Leicestershire. However, by allowing for the possibility of planning for higher numbers than suggested by the standard methodology, this will immediately open up the potential for challenge. The use of vague terms in the consultation document such as "*substantially increase economic growth*" will only exacerbate this.
- 2.15 Therefore, in reality it is considered that the issue of housing need is likely to remain a highly contested feature of local plans and examinations.
- 2.16 On the other hand, where an authority wishes to plan for a higher number, the proposal that Inspectors should assume such an approach is 'sound' would appear to disadvantage those opposed to such an approach (for example local communities) unless they are able to demonstrate otherwise.
- 2.17 Whilst it is useful that there will be a two year period of grace following submission without the need to revisit housing figures, it is questionable as to how useful this will be as any changes prior to submission could still impact upon preparation of the submitted Local Plan. An alternative approach would be for any period of grace to be from the commencement of plan preparation (equivalent to consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 20012) to submission so as to provide a greater incentive to proceed as quickly as possible.
- 2.18 Members will be aware that this Council is working with the other Leicestershire authorities (and Leicester City) to prepare a Strategic Growth Plan. Whilst this is not a formal plan as referred to in the consultation, it would seem appropriate that the same principles would still apply. In order to ensure that the area wide needs are met it is likely that this approach will, in some instances, result in a higher figure for a local planning authority than suggested by the standard methodology.

### **3.0 JOINT WORKING**

- 3.1 The Housing White Paper had identified concerns regarding the operation of the Duty to Cooperate. Three particular problems are identified:
- A lack of transparency or sufficient certainty that authorities are working together;
  - Co-operation is only tested towards the end of the plan-making process at which point it is too late to make any remedies; and
  - There is no requirement to reach agreement so resulting in avoiding difficult decisions or putting unrealistic burdens on others.
- 3.2 To address concerns it is proposed that the NPPF will require that each local planning authority should produce a statement of common ground (SOCG) across the HMA or other agreed geographical area, although the HMA is to be the default area.
- 3.3 The SOCG will set out cross boundary matters and where agreement has or has not been reached. However, an authority would only be a signatory in respect of those strategic matters in which they have an interest and can sign more than one SOCG.
- 3.4 It is proposed that the SOCG should be in place within 12 months of a revised NPPF with an outline statement within 6 months.
- 3.5 It is proposed to amend the test of soundness to include a) plans which are based on strategy informed by agreements over wide areas and b) based on effective joint working on cross-boundary strategic issues evidenced in the SOCG.

#### Comments

- 3.6 Members will be aware that the Council has long established working arrangements with the other HMA authorities. These will be helpful in ensuring that the requirements associated with a SOCG are addressed.
- 3.7 As part of the proposed review of the submitted Local Plan it will still be necessary to consider whether any other SOCG's are required with other neighbouring authorities. This will need to be built into the timetable for the review.
- 3.8 Whilst the Government recognise that other statutory consultees have a role to play in plan making they do not propose to require that they be signatories to SOCG's. It is considered that as a minimum government agencies should be included as well as a means to ensure they play their part.

### **4.0 PLANNING FOR A MIX OF HOUSING NEEDS**

- 4.1 It is proposed to update guidance on how to plan for different types of need and that as part of a local plan that different housing needs should be disaggregated by different types of need (including older people, disabled people, self-build and affordable housing).

#### Comments

- 4.2 The NPPF already requires that authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

- 4.3 The proposal to specifically disaggregate needs to different types of groups will have implications for the review of the submitted Local Plan in terms of resources and timetable.
- 4.4 It is to be hoped that any guidance published on how to determine future needs is clear and uses existing data sources where possible rather than being vague and open to interpretation, otherwise any time saved as a result of introducing the standard methodology will be lost.

## **5.0 PROPOSED APPROACH TO VIABILITY ASSESSMENT**

- 5.1 It is proposed to amend national policy to require that plans should identify the infrastructure and affordable housing needed, how these will be funded and the contributions that developers will be expected to make.
- 5.2 The government is seeking views on whether changes to guidance are required to the way that plans are tested for viability.
- 5.3 It is proposed that housing associations and infrastructure providers be encouraged through guidance to become involved to inform plan making.
- 5.4 It is proposed that national policy will require authorities to set out in their plans how they will monitor, report on and publicise funding secured through S106 agreements and how it is spent using an open data approach.

### Comments

- 5.5 The NPPF already requires that plans address issues related to affordable housing and the need for infrastructure. However, to require details about what funding is needed and what contributions developers will be expected to make risks introducing a level of detail and certainty which is difficult to achieve, and therefore whether it will really add to the quality of plans is questionable. There is a risk that plans will become out-of-date quite quickly, for example if there are changes in funding requirements or opportunities.
- 5.6 In addition, the resources required to prepare detailed Infrastructure Plans are very significant and it is questionable whether requiring this as part of a local plan is the correct approach.
- 5.7 On the issue of testing of viability assessments, it is considered that the current practice guidance could be improved through the provision of a more specific methodology as with the issue of housing need. This will help to make it easier to test the plan on the issue of viability.
- 5.8 The current practice guidance emphasises the use of generic assumptions on matters such as costs. Any move to more detailed considerations along the lines expected with an assessment which accompanies a planning application would be costly and time consuming, negating any benefits arising from having the standard housing methodology.
- 5.9 Without a requirement to become more involved in plan making, there is no guarantee that housing associations and other organisations would be willing, or able, to engage constructively. It is suggested that the government should, however, give serious consideration to ensuring that government agencies (e.g. the Environment Agency, Natural England) are instructed to become more actively involved than is currently the case and to do so at no cost to local authorities.

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