

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 9 SEPTEMBER 2014

Present: Councillor J Bridges (Chairman)

Councillors R D Bayliss, D De Lacy, C Large, J Legrys, V Richichi and S Sheahan

In Attendance: Councillors R Adams, D Everitt, J Geary, D Howe, G Jones, T Neilson and T J Pendleton

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mrs C Hammond, Mr I Nelson and Mr S Stanion

**21. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**22. DECLARATION OF INTERESTS**

Councillor S Sheahan declared a Disclosable Non-Pecuniary Interest in item 6, Local Plan – Risk Assessment, as a property owner who could be affected by the proposed route of HS2, due to the fact that HS2 was mentioned in the report, but only insofar as to indicate that it did not have any bearing on the Authority's planning policies prior to the final route being announced.

**23. MINUTES OF THE PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 3 June 2014.

Councillor J Legrys requested that Councillor T Neilson be added to the attendance list for the meeting, as he had attended the meeting and was mentioned in the minutes.

Councillor D De Lacy queried if the SHMA figures had been agreed and what was the position of the 5 year land supply.

The Planning Policy Team Manager advised Members that the SHMA figures had not yet been agreed and this would be covered in item 5. He added that the district had a 5 year plus supply using the SHMA figures and that if the Authority was to use the old figures a 5 year supply would be tight.

Councillor D De Lacy asked for clarification that any applications that had been submitted for the Green Wedge would be recommended for refusal.

The Director of Services advised Members that he was unable to comment on individual applications, but officers would take into account the policy when considering them.

It was moved by Councillor J Legrys, seconded by Councillor R D Bayliss and

RESOLVED THAT:

Subject to the amendment above, the minutes of the meeting held on 3 June 2014 be approved and signed by the Chairman as a correct record.

Chairman's initials

## **24. COMMITTEE TERMS OF REFERENCE**

Councillor J Legrys queried with the terms of reference which states that the Advisory Committee would meet at least once every two months, it had now been three months since the last meeting and wanted to know why this was.

Councillor J Bridges stated that the Advisory Committee had agreed to meet when there was business to discuss.

The Planning Policy Team Manager advised Members that two months from the last meeting would have been August and it was felt that as this was the main holiday period, it would be more appropriate to hold the meeting in early September.

Councillor J Legrys stated that the Advisory Committee had a criteria and that it should stick to it. He felt that if they were going to be laid back about this condition what other conditions would they be laid back about.

## **25. UPDATE IN RESPECT OF THE STRATEGIC HOUSING MARKET ASSESSMENT**

The Director of Services presented the report to Members. He reminded Members that they had considered a report on the Strategic Housing Market Assessment (SHMA) at the last meeting. He advised Members that at a meeting of the Members Advisory Group (MAG) in July it was proposed that a Memorandum of Understanding be agreed in respect of the amount and distribution of housing across the Leicester and Leicestershire Housing Market Area (HMA), as there was a consensus that up until 2031 there would be no need for any authority to redistribute. He went on to inform Members that the report identified risks should the SHMA be challenged. He added that one authority had already been challenged and that a second would be examined later in the year. He advised Members that the Packington Road appellant would be presenting evidence against the SHMA, and that this would be monitored closely. He stated that the advice that the Authority had received remained the most up to date and that would be used in creating the plan and making planning decisions.

Councillor S Sheahan expressed his concern over the alternative SHMA and moved to incorporate an additional recommendation that the Advisory Committee reaffirms support to the SHMA endorsed by the MAG on the 17 July. This was seconded by Councillor J Legrys.

Councillor C Large asked if there were any examples of previous figures being successfully contested.

The Planning Policy Team Manager advised Members that some Local Plans had fallen down on the issue of housing numbers where they had not demonstrated to an Inspector's satisfaction that the evidence was robust. However, he was not aware of any instances where an alternative SHMA had been produced and supported.

Councillor J Legrys stated that he was thankful that the GL Hearn work had been done and that this was recognised. He expressed concerns over the risk that the Council had taken with a countywide approach as the district would be affected if issues were to arise. He added that he would like to see the Memorandum of Understanding and it would be wrong if the Committee did not see it, and that he was hopeful that it would be signed. He stated that he was confident that the SHMA would be challenged and that Members needed to take into account that the authority would be working on a much lower figure. He asked officers to emphasise which SHMA they were talking about.

The Director of Services reminded Members that this did not relate to just North West Leicestershire, but to the whole of the market area.

Chairman's initials

Councillor J Legrys acknowledged the statement, but expressed concerns that there was a possible risk at County level, as they could challenge their own figures.

Councillor S Sheahan stated that the alternative SHMA could only be a critique and that it should be reported as such and that greater weight should be given to the GL Hearn figures.

Councillor J Legrys stated that it was unfortunate to have an alternative SHMA and that the Advisory Committee should focus on the GL Hearn figures, if that was approved policy.

The Legal Advisor informed Members that it was inaccurate to describe the alternative SHMA as such.

Councillor D De Lacy supported the recommendation as there was a big difference between the two and that at this stage the Council's position should be that of the GL Hearn and that the agreement should be signed. He added that the position should have cross party support to ensure that doubts weren't raised over the supply.

Councillor J Bridges supported the additional recommendation

It was moved by Councillor S Sheahan, seconded by Councillor J Legrys and

RESOLVED THAT:

The Advisory Committee notes;

1. The proposal to agree a Memorandum of Understanding in respect of the amount and distribution of housing.
2. The fact that an alternative SHMA had been produced;

And reaffirms support to the SMHA that was endorsed at the Members Advisory Group on the 17 July 2014.

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

The Director of Services presented the report to Members. He advised Members that to develop the plan, it was being done as a project and therefore there was a need to bring the risk assessment to Members to give them an opportunity to comment and add to it.

Councillor J Legrys expressed gratitude that officers had undertaken the necessary work. He stated that HS2 couldn't be taken into account however he was disappointed that Roxhill was not included as it was live and happening. He raised concerns at how the risk of a challenge on the SMHA had gone down from 12 to 4 and how the risk of insufficient budget had lowered from 16 to 1. He also questioned how the risk of local politics had been assessed. He stated that a lot of this had been built on the expertise of officers and external consultants. He added that he understood politics could be unfair, but if the Members showed trust and were open there would not be a need to discuss.

The Director of Services advised Members that the process was about managing a project built on judgement. He explained that the project team would contribute experience and knowledge, but it was not black and white, and for this reason it was being reported to Members for the opportunity to debate. He stated that in relation to HS2 this was more of a generic risk if it was to materialise and he felt that the Roxhill would not be a project risk as this had been submitted to the Inspectorate.

Chairman's initials

Councillor D De Lacy felt that local politics could still be high risk, even though it talks about the working party, there were chances that views would not be listened to and that more members should be consulted.

Councillor J Bridges agreed that Councillor D De Lacy had made a good point as at the first meeting of the Advisory Committee, Members had discussed feeding back to other colleagues the progression on the plan.

The Planning Policy Team Manager advised Members that as the Plan was still going through the process, it could not be assumed that it would be agreed.

Councillor S Sheahan welcomed the report and stated that it covered everything, and showed that the authority was watching its back.

By affirmation of the meeting it was

RESOLVED THAT:

The Advisory Committee notes the current risk assessment.

## **27. PLAN PERIOD UPDATE**

The Director of Services presented the report to Members. He reminded Members that at the first meeting of the Advisory Committee, Members had agreed to recommend to Council that the period of the plan covered 2011-2036. He informed Members that since then, with the SHMA being agreed and as a result of the proposed Memorandum of Understanding that all authorities in the Housing Market Area could accommodate their housing requirements to 2031, it was now being suggested that 2031 be the plan end date. He advised Members that whilst 2031 raised the issue of the plan not hitting the time horizon, it was less of a risk than to commit to 2036. He stated that this was the Cabinet preferred option and that it had requested the Advisory Committee to reconsider this.

Councillor J Legrys stated that he understood the need for the report and the date coming down, however he was aware that some neighbouring authorities were looking at a 2028 end date. He added that the three year period between 2028 and 2031 would make a difference and questioned the inconsistency. He highlighted that the NPPF makes clear the period length and that he could not understand why all authorities could not be consistent. He added that whatever the Authority chose, once the plan was approved, it would need to be reviewed.

The Director of Services advised Members that in looking at an end date of 2028, Leicestershire County Council had tested the likely highway impacts but that should the Authorities in the HMA go to 2031, it would require a small piece of work, but they would be looking at each authority meeting its needs. He added that the Authority needed to progress the plan as soon as possible, and should they go to 2036, it would require more work and possible redistribution as the City would not meet their needs. He added that some authorities may go to 2036 as they were comfortable to do this. He reminded Members that the district needed a robust plan soon.

Councillor J Legrys stated that he was not suggesting 2036, but he felt that consistency was required across the whole market area. He added he was aware that the City would struggle past 2030, but wanted the district to be consistent with neighbouring authorities in going for 2028.

The Planning Policy Team Manager advised Members that the Authority would struggle with 2028.

Chairman's initials

The Consultant added that it would be a big risk to go with an end date of 2028.

Councillor C Large expressed her concerns with 2028. She stated that the Director of Services had explained the reasoning well and that she was happy to move the recommendation to amend the plan period. This was seconded by Councillor R D Bayliss.

Councillor D De Lacy stated that it was a big call and that Members had just considered the risks involved with preparing the plan. He advised Members that it would not take much of a delay for the risks to increase. He added that he could not judge risks and therefore would go with officers, but stated that if it went wrong it would be a big disaster.

The Legal Advisor informed Members that it was a big call and that the plan should be drawn up over an appropriate timescale and that this was an informed risk.

It was moved by Councillor C Large, seconded by Councillor R D Bayliss and

RESOLVED THAT:

The Advisory Committee recommends to Council that the Local Plan Period be amended to cover 2011-2031.

## **28. LIMITS TO DEVELOPMENT**

The Planning Policy Team Manager presented the report to Members. He advised Members that they were now starting to get down to the potential detail of the plan. He explained that the existing proposed limits to development were prepared twenty years ago and that they needed to be reviewed. He stated that having boundaries was the right way to go as it gave certainty. He informed Members that they were taking the Core Strategy as a starting point in terms of which settlements might require the identification of limits to development. He suggested that a workshop be held to allow all Members to provide comments.

Councillor C Large queried what the role of the SHLAA was in terms of identifying limits to development?

The Planning Policy Team Manager advised Members that the intention was to look at what was on the ground and that if more sites were required then they would look at the SHLAA when allocating sites.

Councillor J Legrys welcomed the report, but did not agree with sections three and four. He raised concerns about changing Limits to Development as this was understood by most. He stated that the report sets out pros and cons, but it was not clear leaving some settlements with no boundaries and it did not talk about overlaps with the South Derbyshire District areas. He advised that he was not happy with recommendation 2 stating that changing the name would lead to confusion. He added that it was not clear in what the Authority was trying to achieve and requested that limits were put on the Green Wedge and Charnwood Forest, and would put this as an amendment.

The Planning Policy Team Manager reminded Members that they were looking at what was on the ground now and that Charnwood Forest would need to be reviewed and a boundary defined separately. Following an additional question from Councillor J Legrys about the Green Wedge, he advised that the western section of the wedge was outside of limits in the existing Local Plan, but the central and eastern section were within the limits as it was surrounded by development.

Councillor R D Bayliss stated that whatever it was called, it would be criteria based on a case by case reason. He added that it would be difficult for criteria based to work in tandem with a neighbourhood plan.

The Director of Services stated that criteria based did not give certainty on judgements, however having a boundary did.

Councillor C Large stated that the authority should not change the name and that the Green Wedge Limits to Development could be amended.

The Planning Policy Team Manager advised that this could be looked at and what was behind the policy as the Green Wedge was not considered as countryside, but Members could now decide that it would be outside the limits.

Councillor J Legrys stated that recommendation 2 needed to be amended. He went on to ask officers for a timescale for the process and that the workshops were held at suitable times. He added that Town and Parish Councils should also be invited to the workshops as he had been lobbied by many over the process.

The Planning Policy Team Manager stated that it was hoped to find a suitable date before the next meeting and that the workshops would be held between 4pm and 8pm. He went on to advise Members that it was envisaged that the workshops would be held for District Councillors first before rolling out to Town and Parish Councillors.

Councillor D De Lacy expressed that he felt the current plan was a waste of space as it had been ignored, due to the 5 year housing land supply, as many applications had been submitted outside the limits and that limits were needed in the new plan with a rigid approach. He added that he supported the idea that the name shouldn't be changed and that he agreed that each settlement should have a boundary. He went on to state that the workshops were crucial and that decisions should not be made before consultations.

Councillor R D Bayliss requested that when Town and Parish Councils were invited to attend workshops, this be extended to non elected members of any neighbourhood plan groups.

Councillor C Large stated that if the limits were being drawn using the SHLAA and based on the current applications, it was not showing the growth or predictions and therefore would be out of date very quickly.

The Planning Policy Team Manager stated that allocations would be done as part of the plan and that the workshop would cover the areas of development as they were now, but in the event of allocations being made it would be necessary to tweak the limits from those proposed.

Councillor J Legrys stated that he was unclear on what was trying to be achieved and stated that they could not put approved sites in as they were currently outside. He added that the authority needed 7,000 homes and that currently the council had approved 5,500, therefore the authority only needed to find 1,500. He added that he preferred the limits in the 2002 plan.

The Director of Services advised that allocating sites would provide a tool to be used on applications over the next 25 years and that part of the preparation of the plan would be revisiting the Limits to Development if it was required during the process.

Councillor C Large stated that consultation was needed on the Limits to Development and that they needed to look at sites, but it did not require two rounds.

Councillor V Richichi asked officers if a site was put forward that was brownfield, but outside the limits to development would it get planning permission.

The Planning Policy Team Manager stated that each application would be considered on its own merit and as it stood it may not be granted it was not sustainable.

Councillor J Legrys stated he was unable to vote as he thought it was very misleading and that he preferred Councillor C Large's approach that it needed to be clear and precise.

The Consultant advised Members that he understood that they were trying to involve everyone and helping officers to go forward as soon as possible, however if the Limits to Development were not agreed it would delay and be hard to keep to the programme.

Councillor S Sheahan asked officers what the consequence of not agreeing the limits now and if there was another way of progressing.

The Planning Policy Team Manager advised Members that when a draft plan had been formulated and a complete picture formed it would be put out to consultation.

Councillor J Bridges agreed with going to the next stage and that in deciding the limits it was a case of picking up what the authority already had and see what was left, he added that Members did not want to slow down the process and they were not intending to block the process, but felt that they could not commit.

Councillor C Large stated that she agreed with the wording change, but was concerned at just looking as it currently stands and then looking at it again a few months down the line.

The Planning Policy Team Manager confirmed with Members that they wished to amend the recommendations to read "Limits to Development".

Councillor J Legrys expressed concern that the Authority be abundantly clear to all during the process and agreed with Councillor C Large that it should all be wrapped up in one process. He stated that there was a lack of trust in the planning process and added that Members needed to be clear that officers were trying to kick start the process.

Councillor S Sheahan felt that the issue was not being presented right and that Members should consider deferring the decision to the next meeting if they weren't sure it was right. He asked what the implications would be if it was deferred.

Councillor D De Lacy stated that limits needed to be in the plan and that he was happy with recommendations 1 and 2, however if there was to be big changes he agreed that it should be deferred, if there were to be no changes then it should go forward for officers to prepare the plan and then bring back to Members.

Councillor J Bridges raised concerns if there was a delay in bringing the report back at a later date.

The Planning Policy Team Manager advised Members that the next meeting would be in October.

The Director of Services advised Members that they needed to prepare bespoke issues and focus attention on this, discussing with others at a later stage, otherwise they were in danger of going back to the old process whereby officers prepared a draft plan in isolation from members and then it was issued for consultation.

Councillor S Sheahan suggested that the workshops be held for the District Councillors and that a further report be brought back to Committee following the outcome.

Chairman's initials

By affirmation of the meeting it was

RESOLVED THAT:

The Advisory Committee:

1. Notes the limitations of settlement boundaries, particularly where there is no up to date plan or the lack of a 5 year supply of housing land;
2. Recommends that the Limits to Development settlements be defined as part of the new local plan;
3. Agrees that officers prepare draft Limits to Development for those settlements listed in paragraph 4.5 of this report:
4. Notes that workshop(s) will be arranged to allow all Members to be involved in discussion and guidance on the preparation of settlement boundaries.
5. Following the Member workshop(s) a report be brought back to the Advisory Committee to agree the next steps.

Councillors D Everitt and J Geary left the meeting at 7.10pm.

Councillors R Adams and G Jones left the meeting at 7.15pm.

Councillor D Howe left the meeting at 7.50pm.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.25 pm

Chairman's initials