

MEETING OF THE CABINET

TUESDAY, 29 OCTOBER 2019

ADDITIONAL PAPERS

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Labour Group Submission to Extraordinary Cabinet Meeting Tuesday 29 October 2019

Preface

- The Labour Group position is that the current wording of the Local Plan, based on old data, leaves all land adjacent to the District's major roads vulnerable to unnecessary speculative planning applications.
- The Local Plan Committee (LPC) (02-10-19) amendment addresses the fact that NWLDC has sufficient employment land of all categories currently and will continue to have sufficient employment land at the time of the Local Plan Partial Review submission to the Inspector in 2020.
- The Council's constitutional timeline for Local Plan Committee meetings was ignored and this has impaired its ability to take decisions in timely manner.
- If the Local Plan Committee amendment is overturned, Elected Members will seek to challenge this on the grounds that the process is not consistent with the proper principles for decision making as set out in the Council's constitution. These include
 - a. due consultation
 - b. a presumption in favour of openness and
 - c. clarity of aims and desired outcomes.

Introduction

The amendment to Agenda item 4 Recommendation (II) debate at the Local Plan Committee on 2nd October 2019 covered two issues:

- a) An urgent need, as part of the proposed Local Plan partial review, to modify or delete Employment Site Policy Ec2(2) and Countryside Policy S3(s), which, we submit, are damaging our Countryside, and
- b) The need to take full account of the Council's Climate Emergency Policy in the proposed Substantive Review.

The amendment was approved on a named vote on a cross party basis by 5 for votes & 2 against. The amendment to Recommendation (II) currently reads:

i) Approves the publication Local Plan Partial Review as set out at appendix b of this report but also including revision or deletion of Local Plan Policies Ec2 (2) and S3 (s) in order to avoid a further erosion of countryside.

iv) Agrees that the substantive review should cover the period to 2039 and should take full account of the Council's Climate Emergency Policy.

Comment

With regards to Policies Ec (2) and S3 (s), we would remind the Cabinet of the following;

- a) Under the original Local Plan partial review schedule, these policies would have been reviewed relatively quickly and there was an opportunity for their deletion or, at least, their

significant amendment to come into force in around one year from now, when additional employment land allocations could have been made if still required.

- b) However, under the proposed new partial review arrangement presented to the LPC, no changes to these policies could or would be implemented until Autumn 2022 at the earliest (3 years time). This is a full 6 months later than proposed in the report to 16th July Cabinet.
- c) In the meantime, the designated Countryside will continue to be under threat from employment applications for un-allocated sites.
- d) Policies Ec2 (2) and S3 (s) were only introduced at the very end of the Local Plan Examination process as a means of addressing a 39Ha shortfall in employment land according to the then newly published HEDNA.
- e) The report to the LPC of 2nd October indicated that, since the Local Plan was adopted, additional planning permissions and resolutions had reduced the HEDNA shortfall of employment land by 30 Ha.
- f) Para 8.26 of the Local Plan makes it clear that, when the 16Ha of new employment land provision allocated to Ashby Money Hill is included, the HEDNA shortfall was only 23Ha (13Ha plus the 10 Ha allowance for loss of already allocated employment land to other uses).
- g) We therefore submit that the HEDNA shortfall already appears to be satisfied and there is no longer any need for Policies Ec2 (2) and S3 (s) to be retained.
- h) However, should deletion of these policies be deemed unacceptable, we would urge the Cabinet to, at least, amend them to reduce the ease with which employment permissions in the Countryside can be gained. We are disappointed that the report to the Cabinet does not suggest any potential amendments in the spirit of the LPC resolution.

For Cabinet Consideration

An example of such an amendment would be deletion of the words **“or demand”** from Ec2(2). This would have the effect of an applicant needing to prove *“an immediate need for additional employment land in NW Leicestershire that cannot be met from land allocated in this plan”*. The inclusion of **“or demand”** has allowed applicants to argue that the very fact of applying for planning permission proves a demand exists and so satisfies the criteria in the policy. Another possible amendment could be to delete the word **“favourably”**.

Climate Emergency

Regarding the Climate Emergency part of the LPC resolution, the report before the Cabinet accepts that it *“does not introduce any new requirement as such. Whilst the amendment is arguably not necessary, equally it does not raise any concerns”*. We therefore urge the Cabinet to accept this part of the resolution, so as to confirm the Council’s commitment to urgent action on the Climate Emergency through its Local Plan.

Considered reasons for impasse

We urge the Cabinet to consider the reasons for this impasse having been reached with an Extraordinary Cabinet Meeting becoming necessary. A reasoned debate on these issues could have

been achieved in a timely manner had the proposed change of policy on the partial review been brought to the LPC much earlier in the process. The Council's constitution states that "*the Local Plan Committee **will meet** at least once every two months but may meet more frequently where necessary*". However, there was an interval of almost 3½ months between the LPC meetings of 26th June and 2nd October. We would point out that the current Committee timetable includes another 3 month gap (25th March 2020 to 24th June) and urge that this is rectified. We also believe that the development of policy would have been greatly enhanced had the LPC been consulted on the proposed changes prior to the issue going to Cabinet and would urge re-ordering of the decision making process be adopted in the future for the LPC and the Scrutiny Committees. This would greatly enhance the involvement of non-executive councillors in the democratic operations of the Council.

NWLDC Labour Group October 2019

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