

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices Coalville on TUESDAY, 3 JUNE 2014

Present: Councillor J Bridges (Chairman)

Councillors R D Bayliss, A Bridges (Substitute for Councillor C Large), J Legrys, S Sheahan and R Woodward (Substitute for Councillor D De Lacy)

In Attendance: Councillors T J Pendleton

Officers: Mr M Sharp (Consultant), Mr S Bambrick, Mr D Gill, Mrs M Meredith and Mr I Nelson

**15. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D De Lacy and C Large.

**16. DECLARATION OF INTERESTS**

There were no interests declared.

**17. MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 29 April 2014.

Councillor J Legrys referred to the proposed amendment to the minutes which had been circulated at the meeting. He moved that the minutes be amended as set out in the paper. This was seconded by Councillor R Woodward.

Councillor J Legrys pointed out that there were page numbers at the top and bottom of the minutes. The Legal Advisor clarified the purpose of these.

Councillor R D Bayliss stated that he had no problem with the amendment, however he felt that the subsequent explanation should also be included. It was agreed that the Democratic Services Officer and the Chairman would agree a suitable form of wording to reflect this.

**18. COMMITTEE TERMS OF REFERENCE**

The Director of Services referred to the Terms of Reference and clarified that other Members were able to participate in meetings in a non-voting capacity. An amended seating plan and the requirement to give notice had been agreed with the Chairman. A seating area would be set aside at each meeting for Members wishing to participate. Members would be asked to notify Democratic Services 24 hours in advance of the meeting if they wished to participate, specifying which item(s) their request relates to. All requests to participate will be subject to the approval of the Chairman.

Councillor R Woodward stated that he felt strongly that democracy was slipping away when Members had to give notice of their intention to speak. He stated that he had been interrogated when he had asked to participate in this meeting. He added that he could not know what he wanted to say until he had heard the debate. He stated that it was appalling that such arrangements had to be made. He felt that he should be able to come along and ask a question or make a statement as and when he wished to do so.

Councillor J Bridges stated that he had initially requested that comments and questions be directed via Members of the Advisory Committee to ensure that the debate was meaningful. He added that it was not possible to have every Member at the table, however he would do his best to accommodate requests.

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During the debate on item 6 – Local Plan Timetable, Councillor R Woodward stated that he wished to amend the terms of reference of the Advisory Committee as the quorum could be made up of Members of one party. He felt that there needed to be at least one Member from each party present and requested that the terms of reference be amended accordingly.

Councillor J Bridges advised that the terms of reference had been agreed by Council and would therefore have to be amended by Council.

Councillor R Woodward requested that this issue be addressed.

## **19. STRATEGIC HOUSING MARKET ASSESSMENT**

The Director of Services presented the report to Members. He referred to the previous report the Advisory Committee had received relating to the Strategic Housing Land Availability Assessment (SHLAA) and the work that was currently being done on building the evidence base to enable decisions to be made on the Local Plan. He stated that it was imperative to understand the level of need in the district and the level of house building that would need to be accommodated. He explained that the Strategic Housing Market Assessment (SHMA) was not specific to North West Leicestershire and covered the whole of the Leicestershire Housing Market Area (HMA), setting out the housing need for that area. He added that the SHMA was a requirement to inform the evidence base for the Local Plan. He advised that the SHMA had now been updated, but there was still work to be done. He reported that the Council was now in receipt of the final report from the consultant. He referred to the projected levels of need for the two different plan periods as set out in the report, and advised that these levels were broadly equivalent to the levels which were previously being planned for. He referred to the duty to co-operate and the need to be satisfied that each authority in the HMA had the land available to accommodate the housing need. He explained that if one or more authorities were unable to accommodate their level of need, it would be a matter for the remaining local authorities to agree a redistribution that could be accommodated, which could in turn affect the projected level of need in our area. He advised that the next meeting of the Members Advisory Group (MAG) would take place on 26 June and progress on the discussions around the duty to co-operate would be considered. He explained that the MAG was not a decision making group and issues were referred back to the local authority in question for agreement.

Councillor J Bridges asked the Consultant to advise how sound he considered the figures to be and if the Council would have a strong case to resist against the figures increasing.

The Consultant advised that he could not give a definite answer, however he was well aware of the consultants who had compiled the report and they were nationally reputed. He assured Members that the report would have been compiled in accordance with best practice and he would expect an Inspector to have confidence in the figures coming forward.

Councillor J Legrys stated that he accepted the figures for the Leicestershire HMA. However he expressed deep concerns that the study did not take into account neighbouring authorities in other areas, particularly South Derbyshire. He referred to the Regional Spatial Strategy (RSS) which required an assessment for the whole of the East Midlands, and at that time, there had been criticisms that the West Midlands had not been given due consideration. He referred to Lichfield and Tamworth and the Northern Parishes which were influenced by Nottinghamshire. He stated that Planning Committee Members were aware that places like Appleby were coming under a lot of pressure from the West Midlands. He stated that he would have preferred to see an appendix on the HMA for North West Leicestershire. He felt that the 5 year housing land supply issue and

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the duty to co-operate were not duly highlighted in the report. He expressed considerable concern that the whole picture was not being taken into account, and referred to the fact that for Leicestershire, this authority was placed at the bottom in terms of demand. He stated that Members were being given contradictory information in that developers were indicating there was not enough land available, however the SHLAA had identified sites with enough land available for 25,000 homes. He expressed concern that the Local Plan could be found unsound if it did not take into account housing markets outside of Leicestershire.

The Planning Policy and Business Focus Team Manager clarified that the question of defining the HMA could be debated, and this was recognised when drawing up to specification for the consultant. He explained that Members had not had sight of the full report, however it did address the issue of whether the Leicestershire HMA was appropriate. He advised that national guidance was available and the consultant had paid close attention to that in the methodology they adopted. He added that issue of considering matters outside of the HMA had been raised, however the advice was to define a HMA and consider that area. He added that a region was not being considered in the same way as under the RSS. In respect of the 5 year housing land supply issue, he advised that this was being constantly monitored, and if the projected figures were accepted, this would have a significant impact upon the housing land supply.

Councillor R Woodward expressed concern that the SHLAA had identified sufficient land to build 25,000 homes, however the need had been identified as 10,000 homes. He felt there was an implication that we would be looking to increase that figure when considering any redistribution across the HMA. He felt strongly that the figures should be reduced, not increased, particularly while the Whitwick green wedge was still included in the SHLAA.

Councillor J Bridges reminded Members that the duty to co-operate was relevant nationally.

Councillor R Woodward reiterated that he felt it was implicit that the Council would be seeking to increase the allocation if any redistribution was necessary.

The Director of Services clarified that it was not intended to give that impression, as he was reporting a factual position in respect of the figures. He explained that as each local authority published their SHLAAs, they may well be in a similar position to us and therefore there was no implication that we would need to take on more growth. He stated that each local authority would need to assess whether they could accommodate their own needs and only in the event that this was not the case would it be necessary to enter into discussions about redistributing the shortfall. He added that ultimately this would be a matter for Council to agree.

The Consultant added that assuming some redistribution was necessary, developments would nevertheless need to be located somewhere that was deliverable and that made sense, and there were many matters that would have to be considered first. He explained that the working assumption at present was that the figures relating to projected need should be accepted and that local authorities should try to accommodate the projected need within their area. He added that it would be difficult to make a case to reduce the figures given that it had already been demonstrated that twice the projected growth figures could be accommodated.

Councillor S Sheahan referred to paragraph 3.4 of the report and asked how this was being dealt with locally.

The Planning Policy and Business Focus Team Manager advised that work was currently taking place on updating the SHLAA to clarify what could be accommodated in North West Leicestershire. He added that the broader constraints would be discussed jointly

across the HMA over the next few months and more detailed work would be undertaken by the Housing Planning and Infrastructure Group (HPIG).

Councillor S Sheahan sought clarification that each local authority would be working to a standard protocol if this work was being done across the HMA.

The Planning Policy and Business Focus Team Manager clarified that this would be necessary to ensure that the figures were robust.

Councillor S Sheahan asked if Members of the Advisory Committee could have any oversight of the process.

The Director of Services stated that he would be more than happy to bring evidence of the work to a future meeting as and when appropriate.

Councillor S Sheahan felt that there needed to be some transparency to ensure that Members were clear on the process. He asked if Members would be able to challenge the decisions if necessary.

The Director of Services stated that he could not provide an answer at the present time as the process was not yet clear. He advised that a final position on the SHMA and the SHLAA was intended to be reached by the end of the year; however he could not agree to the request until it was clear whether the timescales would allow for this.

Councillor S Sheahan reiterated that there should be some opportunity for Members to challenge decisions and he would like some confidence about the process.

The Consultant advised that under the national policy, local authorities would be expected to be able to meet the identified need. He added that any high level issues that would prevent the need being met would need to be discussed across the HMA.

Councillor S Sheahan sought some assurance that an effort would be made to bring the information before Members to allow them an opportunity to comment.

The Director of Services agreed completely about the need for transparency once the process was clearer. He felt it was imperative to understand that, having completed this exercise, each local authority in the HMA may well be able to accommodate their own needs. In this case, the figures would remain the same, and the issue of any high level factors would only arise when considering any redistribution.

Councillor S Sheahan asked how discussions on any potential redistribution might take place.

The Director of Services advised that this would be discussed by the HPIG, which would provide the MAG with technical information. He envisaged that this would take the form of a number of options presented to Members. He explained that sustainability and other issues would be taken into consideration. He added that the MAG would debate the issues and potentially arrive at an agreed position, and thereafter it was a matter for each constituent authority to seek agreement on this.

Councillor S Sheahan pleaded for transparency on any negotiations. He referred to the Consultant's earlier statement in respect of additional sites being located where it made sense. He asked if that could mean that housing could be built where there was demand. He referred in particular to the south west of the County where the commuter routes were located.

The Consultant clarified that he was referring to the placement of the allocated need. He added that under the SHLAA there was a lot of choice due to the sites which had been included. He explained that in respect of any unmet need, consideration would have to be given to how this could best be met.

The Planning Policy and Business Focus Team Manager added that it would make no sense to place developments where the housing market could not accommodate them due to issues of insufficient demand and/or viability.

Councillor J Legrys stated that no one would have any influence on the MAG meeting on 26 June because of how this was run. He moved that the Advisory Committee ask the leadership to ensure that the process of redistribution was open and transparent. He added that the issue was that no ordinary Councillor or member of the public was allowed to attend and no one would have any influence of understanding of the negotiation in the district.

Councillor J Bridges stated that he could see no reason why the process could not be transparent and he would have thought this was already in place.

Councillor J Legrys stated that he wanted assurances and referred to the members of public present at tonight's meeting. He accepted the explanations from the Director of Services and the Consultant, however the figures were now in the public domain. He stated that there were lots of caveats in the report yet the public could not even get themselves involved. He referred to the duty to co-operate and felt that there was a democratic void as the process was being run by the Leicester and Leicestershire Enterprise Partnership (LLEP). He added that one of the criticisms of the RSS was that there had been no due diligence. He felt that people should be strongly aware that the process was open.

Councillor R Woodward seconded the motion.

Councillor J Bridges reminded Members that the decision would be taken by Council as a whole.

The Legal Advisor sought to clarify the wording of the motion.

Councillor J Legrys advised that he intended to move the remaining recommendations as set out in the report and the intention of his motion was to include a statement in the minutes and from the Advisory Committee to ensure the process was open and transparent.

It was moved by Councillor J Legrys, seconded by Councillor R Woodward and

RESOLVED THAT:

- a) The findings of the SHMA be noted.
- b) The next steps for agreeing the amount and distribution of housing across the HMA be noted.
- c) The Advisory Committee notes that the process of any redistribution needed to be open and transparent.

## **20. LOCAL PLAN TIMETABLE**

The Director of Services presented the report to Members, drawing their attention to the indicative timetable for the preparation of the Local Plan and the influencing factors

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thereon as set out in the report. He referred to the debate on the previous item, which in itself was a significant influencing factor, as it would be difficult to conclude the assessment without agreeing the figures. He highlighted the timetable set out at Appendix A, which indicated potential adoption in December 2016.

Councillor J Legrys referred to page 4 of the minutes and felt that the Council should be conscious of the timing of the consultation, as the first part took place in July and August, when many Parish Councils and community groups would be closed for the summer holidays. He accepted the need to commence the consultation however he felt that the timing was unfortunate and the Council would be castigated for trying to consult in July and August. He welcomed advice on how this problem could be overcome as the manner in which the consultation would take place had not yet been agreed.

Councillor J Bridges reiterated the need for the consultation to commence as soon as possible.

The Planning Policy and Business Focus Team Manager explained that one of the reasons for starting the consultation sooner was the number of events taking place over the next few weeks, such as Picnic in the Park. He explained that these events had been seen as an opportunity to engage with people and raise the profile of the consultation. He added that the consultation period was not statutory and could be extended, however this could have a knock-on effect.

Councillor J Bridges stated that he had taken on board Councillor J Legrys' comments and recommended that the first period of consultation be extended. He reiterated the need for caution in respect of the timescales.

Councillor J Legrys stated that he thoroughly supported promotion at large events and asked that all Members be made aware so that they could assist. In respect of the Statement of Community Involvement, he felt that agreement needed to be reached on how this was going to be done and there should be significantly more involvement of Councillors in this process. He expressed concerns regarding the timing of the consultation in January to March, and added that officers needed to be aware of work that would be taking place during purdah.

Councillor R D Bayliss stated that the usual business of the Council had to continue and added that this was a broadly non-political issue.

Councillor S Sheahan stated that it was originally indicated that this process would be concluded much more quickly. He sought clarification on the reasons for this.

The Director of Services advised that the original intention had been to resubmit the Core Strategy at the earliest opportunity, which would have been a different timescale. He explained that the advice from the Consultant had led the Advisory Committee to consider preparing a Local Plan rather than resubmitting the Core Strategy. He clarified that the preparation of a Local Plan required this timescale in order to be robust.

The Consultant added that the proposed timescale was quite usual and this would need to be followed in order to produce a robust plan that would be found sound. He added that the purdah period would have to be factored in and he would not advise that the process be expedited.

Councillor R Woodward agreed that work needed to commence. He referred to the lack of a five year housing land supply which allowed developers to submit speculative applications. He felt the process needed to conclude faster.

The Director of Services agreed that speed was needed, however it would not be a good use of time to rush unnecessarily and find that work needed to be repeated. He stressed the importance of getting the Local Plan right first time. He added that in the meantime, once the SHMA figures were accepted and agreed, this would have an impact on the five year housing land supply, as would any subsequent decisions at Planning Committee. He stated that the position in respect of the five year housing land supply would be closely monitored. He explained that an Inspector would take into account the fact that a timescale was in place, and any other protection currently afforded to sites such as the green wedge would remain under the existing Local Plan. He envisaged that the Council would continue to protect those types of sites. He referred to the previous appeal in respect of the green wedge and added that a similar approach would be taken should that situation arise in future.

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

RESOLVED THAT:

- a) The suggested timetable for producing the Local Plan be noted.
- b) The dates for future meetings of the Local Plan Advisory Committee be noted.

Councillor T Neilson left the meeting at 7.30pm at the close of the discussion on item 5 – Strategic Housing Market Assessment.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.50 pm

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**PROPOSED AMENDMENT TO THE MINUTES OF THE MEETING OF THE LOCAL PLAN  
ADVISORY COMMITTEE HELD ON 29 APRIL 2014**

Minute 13 – Strategic Housing Land Availability Assessment

First full paragraph at the top of page 12 of the minutes

**AFTER** “Councillor Johnson was invited to speak to this item”.

**ADD** “Councillor Johnson sought clarification from the Chairman as to why he had been requested to seek permission to address the Committee and explain in advance of the meeting what he wished to say, yet Councillor Wyatt had been given privilege and did not have to follow this process”

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