

Meeting	LOCAL PLAN ADVISORY COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 31 January 2018
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
1. APOLOGIES FOR ABSENCE	
To receive and note any apologies for absence.	
2. DECLARATION OF INTERESTS	
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.	
3. MINUTES OF PREVIOUS MEETING	
To approve the minutes of the meeting held on 18 October 2017.	3 - 6
4. COMMITTEE TERMS OF REFERENCE	
Terms of Reference attached.	7 - 8
5. REVIEW OF LOCAL PLAN	
Report of the Strategic Director of Place.	9 - 14



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 WEDNESDAY, 18 OCTOBER 2017

Present: Councillor J Legrys (in the Chair)

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

In Attendance: Councillors T J Pendleton and A C Saffell

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

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Bridges.

10. DECLARATION OF INTERESTS

There were no interests declared.

11. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 20 June 2017.

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

RESOLVED THAT:

The minutes of the meeting held on 20 June 2017 be approved and signed by the Chairman as a correct record.

12. COMMITTEE TERMS OF REFERENCE

Noted.

Councillor J Legrys invited Councillor A C Saffell to speak. He made reference to a question he had asked at a previous meeting relating to the shop front and conservation area policies which he had been advised would be introduced at the same time as the adoption of the Local Plan, which at that time was planned for summer 2017. He asked whether these policies would still be introduced concurrently with the Local Plan.

The officers agreed to provide a written response to Councillor A C Saffell.

13. GYPSY AND TRAVELLER SITE ALLOCATION DPD: UPDATE

The Planning Policy Team Manager presented the report to members. He reminded members that work had been ongoing for some time on the allocation document and the awaited needs assessment had now been completed. The needs assessment updated the previous study completed in 2013 and took account of the revised definition of a traveller. He explained that the work undertaken by the consultants involved a variety of techniques including speaking to members of the gypsy and traveller community. He made reference to table 1 of the report which summarised the outcome of the work and showed the requirements for gypsies and travellers. Compared with the 2013 study, there was a dramatic decrease in the need for pitches for gypsies and travellers and an increase in the need for plots for showpeople. He explained that the figures could change as there was still some uncertainty around the issue of the definition of gypsies and travellers and the outcome was the subject of a judicial review; however this possibility had been built in to the review. The study had also looked at transit provision. He

advised that the advantage of having a transit site was that in the event of an illegal encampment, the police would be able to move travellers on to a publicly provided transit site. At present there was insufficient data under the new definition of gypsies and travellers to be certain of the need; however there was clear reference to the north west of the county in the study. He added that there would be significant costs associated with the provision of a transit site.

Councillor J Legrys sought clarification on the classification of a household and how many people and caravans could occupy a pitch. The Planning Policy Team Manager advised that it was assumed that a pitch would contain one caravan however the number of occupants would vary.

In response to a question from Councillor J Legrys in respect of the timetable, the Planning Policy Team Manager stated that the Development Plan Document was planned to be adopted towards the end of next year and at that would complete the suite of Local Plan documents. He added that an early review of the Local Plan had been committed to.

In response to questions from Councillor V Richichi, the Planning Policy Team Manager advised that the Development Plan Document was not a main modification to the Local Plan as the study was not available at that time. The Inspector had addressed the issue of gypsies and travellers in his report and was clearly content with the process of addressing this issue through a separate document.

In response to comments from Councillor V Richichi, the Head of Planning and Regeneration explained that a covering letter and statement was submitted along with the Local Plan setting out the proposed main modifications to be made if the plan as submitted was found to be unsound. Therefore, in order for the Inspector to accept those main modifications, he must find the submitted plan unsound. He advised that this was standard practice and no further main modifications had been identified. He explained that an early review of the Local Plan had been committed to as there were two parallel processes, each of which were subject to a duty to co-operate. A joint statement of co-operation was being prepared to support the Local Plan for each district, and a memorandum of understanding was being prepared to support the strategic growth plan. He explained that any Local Plans adopted after the joint strategic growth plan would need to have regard to it but would not need to be in complete conformity as this was not a statutory requirement. He advised that the fact that the growth plan was not yet agreed did not mean the Local Plan could not be adopted; however once this was published a review may be triggered. He added that this may not be necessary if there was enough inbuilt flexibility in the Local Plan.

The Regeneration and Planning Portfolio Holder reiterated the importance of having an up to date Local Plan. He added that Leicestershire were ahead of the curve in terms of attempting to put together all the various studies which might influence the Local Plan.

In response to comments relating to the previous Core Strategy process, the Head of Planning and Regeneration assured members that the Inspectors Report and schedule of Main Modifications would be reported to Council. He explained that unlike with the Core Strategy, the Local Plan had approval from the Inspector to proceed subject to the Main Modifications.

Councillor M Specht expressed disappointment that no traveller sites had come forward during the call for sites.

In response to a question from Councillor M Specht, the Planning Policy Team Manager advised that the study had identified a need across the county for 36 transit pitches, however North West Leicestershire would not have to make all of that provision, if any.

He added that the level of provision would depend upon the sites that were available. Officers were currently considering potential sites.

Councillor R Johnson expressed concern regarding illegal encampments and the time and cost involved in moving these on. He felt a transit site was needed immediately.

Councillor J Legrys concurred with Councillor R Johnson's comments and stated that he was in firm favour of the council providing a transit site. He made reference to the concerns raised by his constituents. He also drew members' attention to the costs involved in providing a transit site which were highlighted at section 3.4 of the report.

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

RESOLVED THAT:

- a) The findings of the Leicester and Leicestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment be noted;
- b) Progress on the preparation of the Gypsy and Traveller Development Plan Document be noted;
- c) The definitive support of the Local Plan Advisory Committee for providing a transit site within the district be noted.

14. GGOVERNMENT CONSULTATION - PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACE

The Planning Policy Team Manager presented the report to members, highlighting the proposed standard methodology for establishing housing requirements at section 2 of the report which was suggested to come into effect from March 2018. He explained that a higher figure than that arrived at through the standard methodology and formula could be planned for where there was to be a significant increase in economic growth. He outlined the implications for the Local Plan, specifically for the review. He added however that there remained a number of uncertain areas and further detail was awaited.

Some members felt that the report could have been better presented, however they acknowledged the complexity of the issue and the lack of clarity from the government.

In response to a question from Councillor J Legrys, the Planning Policy Team Manager advised that the consultation closed on 9 November, and a response would be put forward taking into consideration the comments made by the Local Plan Advisory Committee and agreed by the Regeneration and Planning Portfolio Holder.

Councillor R Johnson referred to section 5.1 of the report and commented that the council had its own policies for affordable housing which never seemed to be enacted. He stated that the Housing White Paper had never been laid before parliament and until this happened, he felt the tail was wagging the dog. He stated that he was not happy with the proposals set out in the report.

Councillor M Specht expressed concerns regarding two of the themes in the Housing White Paper, planning for homes in the right place and building homes faster. He commented on the lack of qualified construction workers and the shortage of materials in certain segments of the construction industry.

Councillor T J Pendleton commented that housing policy was led by the private sector and market forces, and the market dictated whether a development was affordable. He made reference to paragraph 5.1 of the report and the infrastructure issues.

Following comments from Councillor V Richichi in respect of the consistency of approach in respect of the viability of developments, the officers agreed to provide an update to the committee members with the latest figures on affordable housing delivery.

The Head of Planning and Regeneration advised members that the Local Plan viability assessment considered in principle costs and did not consider viability for every individual site allocated in the plan. He added that this was very different to when a planning application was submitted, where a site specific viability assessment was undertaken and any other local policies in place were taken into consideration. Central government policy also dictated that the return for the landowner must be competitive enough in order for the landowner to be a willing seller, and the developer must have a reasonable profit of around 20%. If there were no funds remaining for Section 106 contributions for infrastructure or affordable housing, a viability assessment would demonstrate that.

In response to a question from Councillor J Legrys, the Planning Policy Team Manager advised that the standardisation figure would apply to England.

Councillor M Specht reiterated that he felt that the consultation was premature in the absence of statute.

Councillor J Legrys agreed that the consultation was premature and he made reference to concerns raised by Leicestershire County Council in respect of infrastructure. He hoped that the work in co-operation with other east midlands councils would include Leicestershire County Council as they had a greater need for consideration on this issue in some respects. He commented that the demand for economic growth would be along the A52 and A50 corridors in the northern parishes and could see developers pushing for higher economic growth against the will of communities.

Councillor V Richichi felt that members should be brave enough to do what they felt was right and proper for the district and not just acquiesce to the demands of developers.

The Planning Policy Team Manager clarified that paragraph 5.1 of the report should be seen in the context of site specific viability assessments. He added that viability requirements would still be in place and there was obviously a gap between needs and viability

Councillor T J Pendleton reminded members that control could only be exercised by having a local plan in place and he thanked the Advisory Committee for helping this process. He made reference to the work being done by Leicestershire County Council as a stakeholder in MAG to ensure that infrastructure requirements were understood and co-ordinated.

RESOLVED THAT:

- a) The proposals put forward by government be noted.
- b) The potential impact upon the preparation of Local Plans be noted.
- c) The comments of the Local Plan Advisory Committee be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.50 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, 31 JANUARY 2018

Title of report	REVIEW OF LOCAL PLAN
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To outline for members the proposed approach in respect of the review of the Local Plan.
Council priorities	<p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p>	<p>The Local Plan review will require the gathering of additional evidence which will have financial implications. The exact requirements and costs are not clear at this stage and will need to be kept under review. Appropriate budgetary provision is being sought as part of the budget process for 2018/19.</p> <p>None</p> <p>A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed.</p>
Equalities Impact Screening	An Equalities Impact Assessment of the Local Plan review will be undertaken.

Human Rights	None discernible
Transformational Government	Not applicable
Comments of Head of Paid Service	The Report is Satisfactory
Comments of Deputy Section 151 Officer	The Report is Satisfactory
Comments of Deputy Monitoring Officer	The Report is Satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Adopted North West Leicestershire Local Plan which can be viewed at https://www.nwleics.gov.uk/files/documents/adopted_local_plan_2011_20311/WrittenStatement%20-%20as%20Adopted.pdf</p> <p>Report on the Examination of the North West Leicestershire Local Plan which can be viewed at https://www.nwleics.gov.uk/files/documents/local_plan_inspectors_report_october_20171/INSPECTOR%27S%20REPORT%20FINAL%20OCTOBER%202017.pdf</p> <p>The National Planning Policy Framework which can be viewed at National Planning Policy Framework - Guidance - GOV.UK</p>
Recommendations	<p>THAT THE ADVISORY COMMITTEE:</p> <p>(i) NOTES THE PROPOSALS TO COMMENCE A REVIEW OF THE LOCAL PLAN; AND</p> <p>(ii) NOTES AND COMMENTS ON THE PROPOSED APPROACH TO THE REVIEW AS OUTLINED IN THE REPORT.</p>

1.0 BACKGROUND

1.1 Members will recall that the North West Leicestershire Local Plan was adopted on 21 November 2017. The subsequent 6 week legal challenge period passed without any challenge.

1.2 Policy S1 of the adopted Local Plan states that:

“The District Council will commence a review of this Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) by the end

of January 2018 or within 3 months of the adoption of this Local Plan (whichever is the later). The Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date."

1.3 The period of three months from adoption of the Local Plan expires on 20 February 2018. Therefore, there is a need to formally commence the review of the Local Plan.

2.0 WHY DOES THE LOCAL PLAN NEED TO BE REVIEWED SO SOON AFTER ADOPTION?

2.1 There are two principal reasons as to why this immediate review was required:

- An acknowledged shortfall in the provision of employment up to 2031 compared to the requirements in the Housing and Economic Development Needs Assessment (HEDNA); and
- The possible need to accommodate additional housing arising from unmet needs in Leicester City.

2.2 In respect of the latter issue, Leicester City has yet to identify a precise quantum of its unmet housing and/or employment need. Once it has done so there will be a need for all of the Leicester and Leicestershire authorities to agree a Memorandum of Understanding (or similar) regarding the distribution of new housing (and possibly employment) for the Housing Market Area. This may have implications for the amount of housing (and/or employment) which needs to be provided for in the Local Plan.

3.0 WHAT PERIOD SHOULD THE REVIEW COVER?

3.1 The adopted Local Plan covers the period 2011-2031. We know that there is already a shortfall in employment land provision to 2031 compared to the requirements identified in the HEDNA, whilst sufficient provision has already been made for housing. A review to 2031 could, therefore, be largely limited to addressing the shortfall in employment land.

3.2 However, a roll forward to 2036 would ensure a longer period of time between adoption and the end of the plan period and so should minimise the likely need for a further review before the (now) statutory requirement that plans be reviewed within 5 years of adoption. This would represent a more efficient use of resources and so provide certainty and stability for a longer period

3.3 Therefore, it is considered that the Local Plan review should go up to 2036.

4.0 WHAT SHOULD THE REVIEW COVER?

4.1 Whilst there is a clear need to do an 'immediate' review to address those matters identified through the Local Plan Examination, this does not mean that all policies in the Local Plan need to be reviewed. It should be regarded as a 'partial' review rather than a full review.

4.2 Apart from those issues highlighted in paragraph 2.1 above, the Local Plan Inspector identified two other potential areas to be considered as part of a review; the boundaries to the Area of Separation and the possible need for Local Green Space.

4.3 In terms of future development needs and assuming an end date of 2036, the HEDNA's overall requirement for housing would be 11,200 dwellings and that for employment (excluding strategic B8 uses) would be 81 hectares. The table summarises the position as at 31 March 2017.

	Requirement (a)	Completions 2011-2017 (b)	Planning permissions (c)	Allocations (d)	Residual (a-b-c-d)
Housing (dwellings)	11,200	3,073	9,670	1,540	+ 3,083
Employment (hectares)	81	4.81	28.74	16	31.5

4.4 In terms of housing there is, based on the above figures, an oversupply. However, as noted above in paragraph 2.2 the issue of the distribution of housing across the Housing Market Area to take account of any unmet needs elsewhere has yet to be agreed by the local authorities. In addition, the current consultation on the Strategic Growth Plan may also have implications for the final housing requirement. In addition to addressing the possible need for additional development, the review will also need to consider other housing issues such as affordable housing and types and mix of dwellings to reflect a different plan period.

4.5 In terms of future shopping needs these will need to be reviewed in the light of an increase in population and households from that allowed for in the adopted Local Plan.

4.6 Similarly, increased development will have an impact upon infrastructure and so this needs to be understood and accommodated.

4.7 In terms of the issue of a review of the Area of Separation, this was an issue considered at Examination of the Local Plan and in his report the Inspector commented (paragraph 82 of his report) that:

“On balance, I consider there to be overriding merit in the judgement of the Council that the AoSs [Areas of Separation], as designated, are justified for the life of this plan ...”

But that (paragraph 83):

“... there is scope for reconsideration of the detailed boundaries and land uses of the AoSs, in the event that it becomes necessary, at any time in the future, for the plan to be reviewed in the light of increased development needs.”

4.8 By virtue of the fact that (a) the Inspector made it clear that his comments regarding the appropriateness of the boundaries to the Area of Separation only applied during the life of the [adopted] plan (i.e. to 2031) and (b) that the development needs up to 2036 will be greater than those allowed for in the adopted Local Plan, it is considered that the boundaries to Areas of Separation need to be reviewed.

- 4.9 In terms of the issue of the identification of Local Green Space (LGS), as referred to in the National Planning Policy Framework, the Inspector noted that (paragraph 202) “It might be for a future review of the Plan, and not for this Report, to conduct a review of the potential of LGSs, where evidence of special local value might justify designation”.
- 4.10 Other than those issues outlined above the review may also be a need to include new policies in respect of the following:
- Self and custom build;
 - Public health implications of developments, including Health Impact Assessments;
 - Space standards; and
 - Creating local employment opportunities.
- 4.11 Consideration may also need to be given to the potential role of Neighbourhood Plans in setting out a planning framework for the district and the possible approach to the issue of having a Community Infrastructure Levy (CIL).
- 4.12 It is important to note that in addition to the outcome of the Strategic Growth Plan, the review will also need to take in to account the outcome of the government’s review of the National Planning Policy Framework (NPPF).
- 4.13 Therefore, the precise contents of the Local Plan will only be finalised after the consultation and in view of the above bullet points.

5.0 NEXT STEPS

- 5.1 Regulation 18 the Local Plan Regulations referred to in Policy S1 above requires that a local planning authority:
- Notifies specified bodies and persons that it intends to prepare a local plan; and
 - Invite such bodies and persons to make representations about what the local plan ought to contain.
- 5.2 It is proposed, therefore, to undertake a consultation, based on the content of this report, which invites comments on what matters the review should consider.
- 5.3 When adopting the Local Plan Council also resolved that “*Officers be authorised to commence work on a review of the Local Plan within 3 months of the adoption of the Local Plan*”. Therefore, there is no necessity to seek any further authorisations.
- 5.4 It is proposed that consultation be undertaken for a period of 6 weeks commencing on 19 February 2018 closing on 2 April 2018.

6.0 TIMETABLE FOR THE REVIEW

- 6.1 The following timetable for the review is proposed:

Stage	When
Consultation on what matters the review should consider (Reg 18)	February/March 2018
Consultation on emerging options (Reg 18)	Autumn 2018
Consultation on pre-submission plan (Reg 19)	Autumn 2019
Submission for Examination (Reg 22)	Autumn 2019
Examination	Winter 2019
Adoption	Autumn 2020

6.2 It will be necessary to issue a new Local Development Scheme to reflect the above programme.