

MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on WEDNESDAY, 13 NOVEMBER 2024

Present: Councillor J G Simmons (Chair)

Councillors P Lees, M Ball, S Lambeth, J Legrys, R L Morris, P Moulton, C A Sewell, L Windram, M B Wyatt and C Beck (Substitute for Councillor D Bigby)

In attendance: Councillors A Barker, T Gillard and K Merrie

Officers: Mr I Nelson, Mr C Elston, Mr S Ball, Mr T Devonshire, Ms B Leonard and Ms S Lee

19 APOLOGIES FOR ABSENCE

Apologies were received from Councillor D Bigby

20 DECLARATION OF INTERESTS

Councillor JG Simmons declared that she had been lobbied with respect to the West Whitwick site, but came to the meeting with an open mind.

21 PUBLIC QUESTION AND ANSWER SESSION

There were four questions asked which set out below together with the responses. Each member of the public who asked a question was invited by the Chair to ask one supplementary question which is also set out together with the response.

Question from Ms G Baker

‘For clarity, I am referring to the proposal to build 500 properties on the site you have called West Whitwick, within your draft Strategy Plan.

The committee sets out 11 Plan Objectives, No 7 is to mitigate for climate change and vulnerability for flooding. With reference to the Council’s Flood Risk Strategy AP7 point 5.6 states that ‘developers’ should not place residents at increased risk of flooding. The site is on productive farmland, which is susceptible to flooding close to Church Lane, New Swannington and part of the land drains down a steep valley onto Talbot Lane. There are currently a number of areas of wet land in the base of the valley, which attracts wildlife to the area. Following a recent short period of heavy rainfall, the bottom of Talbot Lane was flooded and an increase in water levels is noticeable, even when the landowner has just legitimately maintained their land drainage. It is therefore difficult to envisage how it is possible to build 500 houses on that site, without substantially increasing the risk of flooding in the area.

If you do go ahead and allow houses to be built in a valley where drainage is already a problem and there are limited options for draining that away effectively from the bottom of the valley on Talbot Lane. What can the Council do to ensure that residents don’t suffer the same or worse drainage and infestations problems which happened recently in Donnington le Heath?’

Response from the Chair of the Local Plan Committee

Chair’s initials

‘Consistent with the National Planning Policy Framework, proposed draft Local Plan policy AP7 seeks to direct development to areas at least risk of flooding. The land to the west of Whitwick is located within Flood Zone 1, which is the lowest risk area for flooding. The Strategic Flood Risk Assessment for the Local Plan confirms that the site satisfies the Sequential Test as required by national policy.

The draft policy for the site includes a requirement for the incorporation of Sustainable Urban Drainage Systems (SuDS) as part of any future development of the site. SuDS schemes are designed to mimic natural drainage regimes so as to reduce surface water flooding. This is done by slowing the rate of run-off together with areas for holding water on site and releasing it at a rate equivalent to a greenfield site.

Neither the Environment Agency nor the Lead Local Flood Authority (Leicestershire County Council) have raised an objection.’

For her supplementary question, Ms Baker suggested that there were sites within the Whitwick area which had not been selected and which were less prone to flooding according to the Council’s 2016 strategic flood risk assessment and it was unclear to her, when considered with other problems with the West Whitwick site in her view, why they had not been selected instead. Thus, she asked whether site visits to West Whitwick had been made to assess the flood risk assessment or whether Officers had relied on off-site assessments.

The Planning Policy and Land Charges Team Manager advised that more recent work had been taken to assess flood risk than 2016, that Officers consulted the appropriate experts when considering flood risks at a given site, and that further detailed modelling would be undertaken in any application on the site, which would need to satisfy the Environment Agency and Leicestershire County Council.

Question from Mr C Taylor

‘I refer to the inclusion of West Whitwick Valley being a broad location in the draft local plan. The sites earmarked are beautiful, working, rolling countryside with intrinsic character and are all part of the National Forest and, part of them, Charnwood Forest. It is highly rated in your sensitivity study which also states that this can’t be mitigated for.

Councillor Merrie states in the forward that the local plan (and I quote) “protects and seeks to improve the things that are important to people like the Charnwood and National Forests, parks and green spaces”

Neighbouring Thornborough Road (C48) is a continuation and was refused planning permission for 300 houses in 2016/17 due to 3 reasons namely:

- It was felt the development would not protect and enhance the natural environment
- sustainability
- contrary to historic environment aims.

These issues still exist so what has changed that West Whitwick is a broad location in the current draft local plan?’

Chair’s initials

Response

'Whilst the site at Thornborough Road was refused planning permission in 2017, at that time the Council's current Local Plan was in its final stages of moving to adoption. That plan identified sufficient land elsewhere up to 2031 such that the site was not needed. The new Local Plan is looking ahead to at least 2040. The Council is under an obligation to identify sufficient land to meet the housing needs of the district. Furthermore, the requirement for new housing has increased significantly in recent years.

The Landscape Sensitivity Study is part of the evidence base that has informed recommendations, but it is not the sole determinant. In landscape terms the site is judged to be both more and less sensitive than some other sites. The study also identifies potential mitigation measures which can be incorporated into the design of sites.

Other policies in the plan seek to ensure that future development takes account of both the Charnwood Forest and the National Forest in any design; they do not seek to restrict the principle of development.'

The supplementary question noted that the vast majority of the 500 proposed houses would be built on the steep side of a valley with a stream running through it which was prone to flooding. They therefore questioned whether the allocation was appropriately evidence based.

The Planning Policy and Land Charges referred to the previous answer given to Ms Baker's supplementary question and reiterated that further studies would be carried out ahead of any future development at the site.

Question from Mr P Philips

'In view of the statutory requirement that any significant new development must demonstrate biodiversity net gain, the Council's own Environmental Policy committing it to protect and enhance the environment and biodiversity in all of its activities and its statement that the construction development of farmland will be avoided wherever possible, how can the inclusion of West Whitwick Valley as a site to be considered for large scale development be reconciled with these requirements on its members and officers?'

Response from the Chair of the Local Plan Committee

'The Local Plan has to seek to reconcile the need for new development with the need to protect and, where possible, enhance the environment. To meet future development needs it is inevitable that this will require the development of agricultural land.

A key role of the Local Plan is to identify areas which in principle are considered suitable for development.

The exact details of how the requirements to achieve biodiversity net gain will be met is one for the site promoter or potential developer to consider, but there is no evidence at this time to suggest that such a net gain cannot be achieved.'

Chair's initials

The supplementary question asked why development on agricultural land was considered inevitable in light of extensive brownfield land available within the district and nationally, and demographic shifts such as falling birth rates.

The Planning Policy and Land Charges Team manager advised that there was very little brownfield land left to be developed in North West Leicestershire. Housing requirements were based on the Government's standard method and whilst he expressed some reservations about this method, this was the method that Officers were mandated to work with.

Question from Mr J Perry

'Following previous objections made re: the inclusion of West Whitwick Valley in the Local Plan, I have been researching the policy documents for the production of the Local Plan & note that the promoters for the land development have advised NWLDC in detail as to the formulation/structure of that plan. They also suggested various amendments to the plan which were subsequently adopted. I also note that the same promoters are also advising the various landowners for plots C47 and C77 as to how best to get their land included in the Local Plan.

Does this demonstrate sufficient independence, given the significance of these decisions? There appears to be a risk that there could be undue influence to include particular plots of land in the overall plan. '

Response from the Chair of the Local Plan Committee

'The role of Council officers is to advise members based on their professional knowledge and judgement. In terms of preparing a Local Plan this has to be based on good information. This requires liaising with a broad range of different people and organisations, both from within the public sector and the private sector. The latter includes landowners and others promoting sites for development.

It is the case that the site promoter has set out a number of comments on the draft Local Plan policies as they are entitled to do and as have others, whether they are supporting or opposing various aspects of the plan. The responses to all of these comments will be brought before future meetings of this Committee in due course.'

The supplementary question asked whether the Local Plan Committee were relying on information from developers or were they carrying out site visits.

The Planning Policy and Land Charges Team Manager advised that Officers carried out site visits and liaised with a wide number of experts and stakeholders. The role of Officers was to synthesize these pieces of information and present their considered, professional judgements to the Committee.

The Chair thanked the members of the public for their questions. She then invited Councillor T Gillard to speak before the Committee.

Councillor Gillard addressed the Committee. He noted the West Whitwick site was a broad location in the draft Local Plan, noted the site was on rich agricultural land, was unsustainable, and would have significant, detrimental impacts on the already congested

Chair's initials

road network locally. He thus wondered why the site had been included and asked the Committee to remove it from the proposed plan.

22 MINUTES

Consideration was given to the minutes of the meeting held on 26 September 2024.

It was moved by Councillor J Legrys, seconded by Councillor P Lees and

RESOLVED THAT:

The minutes of the meeting held on 26 September 2024 be approved and signed by the Chair as a correct record.

23 LOCAL PLAN – PLAN PERIOD, HOUSING AND EMPLOYMENT REQUIREMENTS

The Chair noted two errors contained within the report, which had been corrected in the additional papers which she referred to.

The Planning Policy and Land Charges Team Manager presented the first part of the report.

Members discussed extending the plan period and the implications of doing so. They were broadly supportive, as doing so would give the Council additional flexibility and latitude, though it was noted that it would increase the number of sites which would need to be allocated for housing and employment.

The Planning Policy and Land Charges Team Manager presented the second part of the report.

An extensive debate was had about increasing the required annual number of dwellings. One group of Members suggested that they were opposed to the increase as the current figure of 686 had been derived from known requirements and there was no uncertainty around that figure at this moment. Alternatively, some Members felt that proactively increasing the requirement in expectation of possible future increases in the housing requirement would be prudent, as these prospective changes would already be accommodated in the plan, which was subject to significant time pressures.

The Planning Policy and Land Charges Team Manager advised why the proactive approach was preferable, set out the reasons for expecting a higher minimum requirement in the future and the timeline for expecting the new Statement of Common Ground with other local authorities in Leicestershire, and said that there was no reason to expect or plan for a higher figure than 727. He also clarified that the 727 figure would require the allocation of additional sites in the draft plan, and if this meant significant moderation to the draft plan was required, consideration would be given to undertaking further public consultations, though he was wary of the time pressures. The issue of consultation would be decided at the Local Plan Committee meeting on 16 December 2024.

The Legal Advisor said that this was an evolving process, and Members must keep an open mind and be led by the evidence presented to them.

The Principal Planning Policy Officer presented the final parts of the report.

Members suggested that the proposed increases seemed very large, but Officers emphasised that the proposed figures were solely for transport modelling purposes. They were trying to plan for contingencies against a tight deadline and the imperative was to keep the process moving forwards.

In response to a Member, the Head of Planning and Infrastructure advised on the Development Consent Order relating to the proposed Freeport. Development Consent Orders were a different regime to Planning Applications, the Council would be simply a consultee and the decision would be made by the Secretary of State. Potential improvements to Junction 24 of the M1 were also known to Officers, although as they were only in a very early stage, the relevant information had not been shared with Members. It was agreed that Officers would share the information with Members and impacted parish councils.

The Planning Policy and Land Charges Team Manager added that the Freeport would be a significant contributor to the economy of the District and thus also the housing need and consideration of this must be integrated into the Local Plan.

The Chair advised that Members would be considering each individual recommendation within the report separately.

The Officers recommendation (i) was moved by Councillor R Morris and seconded by Councillor M Ball.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The plan period for the new Local Plan be extended to 2042.

The Officers recommendation (ii) was moved by Councillor P Lees and seconded by Councillor R Morris.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

This motion was lost.

The Officers recommendation (iii) was moved by Councillor J Legrys and seconded by Councillor P Lees.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

Provision be made for a minimum of 45.8HA of land for industrial/non-strategic warehousing.

The Officers recommendation (iv) was moved by Councillor P Lees and seconded by Councillor J Legrys.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

A working figure of 200-250 HA of land for strategic warehousing be used for the purpose of transport modelling work, in the absence at this time of more up to date requirements.

Motion to approve officer recommendation (i) (Motion)	
Councillor Jenny Simmons	For
Councillor Paul Lees	For
Councillor Mike Ball	For
Councillor Simon Lambeth	For
Councillor John Legrys	For
Councillor Ray Morris	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Lee Windram	For
Councillor Michael Wyatt	For
Councillor Catherine Beck	For
Carried	
Motion to approve officer recommendation (ii) (Motion)	
Councillor Jenny Simmons	For
Councillor Paul Lees	For
Councillor Mike Ball	For
Councillor Simon Lambeth	Against
Councillor John Legrys	Against
Councillor Ray Morris	For
Councillor Peter Mout	Against
Councillor Carol Sewell	Against
Councillor Lee Windram	Against
Councillor Michael Wyatt	Against
Councillor Catherine Beck	Against
Rejected	
Motion to approve officer recommendation (iii) (Motion)	
Councillor Jenny Simmons	For
Councillor Paul Lees	For
Councillor Mike Ball	For
Councillor Simon Lambeth	For
Councillor John Legrys	For
Councillor Ray Morris	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Lee Windram	For
Councillor Michael Wyatt	For
Councillor Catherine Beck	For
Carried	
Motion to approve officer recommendation (iv) (Motion)	
Councillor Jenny Simmons	For
Councillor Paul Lees	For
Councillor Mike Ball	For
Councillor Simon Lambeth	For
Councillor John Legrys	For
Councillor Ray Morris	For
Councillor Peter Mout	For
Councillor Carol Sewell	For
Councillor Lee Windram	For

Councillor Michael Wyatt	For
Councillor Catherine Beck	For
Carried	

The meeting commenced at 6.03 pm

The Chairman closed the meeting at 7.39 pm