

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 29 APRIL 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, J Geary, D Howe, R Johnson, T Neilson, L Spence, R Woodward and M B Wyatt

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

Councillor J Bridges noted that a number of members of the public were in attendance. He stated however that it would not be practical to invite everyone in attendance to speak at the meeting. He encouraged all interested parties to speak to their Ward Members with any concerns and these could then be fed into the Committee and on to Council. He advised that members of the public would have an opportunity to ask questions at any full Council meeting.

Councillor J Bridges announced that he had invited Councillor M B Wyatt to participate in future meetings of the Local Plan Advisory Committee in a non-voting capacity. He stated that he had used his discretion as Chairman to make this decision in the interests of fairness as this was a cross-party Committee.

Councillor J Legrys stated that the Chairman was entitled to make this decision, however it had not been discussed with the Labour Group at all. He added that if this were truly to be a cross-party Committee, Councillor A C Saffell should also be invited to participate. He wished to formally nominate Councillor A C Saffell.

Councillor D De Lacy stated that it had been difficult to persuade the Labour Group to participate in this process and the decision had been finely balanced. He added that the constitution of the Committee had been negotiated and agreed and it appeared that the Chairman had now unilaterally varied this without any engagement with the Labour Group. He stated that this would be reported back to the Labour Group and there may be consequences.

The Director of Services referred Members to the Terms of Reference of the Committee which had been agreed by full Council, in particular the provision within the Terms of Reference which allowed the Chairman to invite other Members to attend and participate in the meeting in a non-voting capacity at his discretion.

Councillor D De Lacy stated that he had envisaged that Members would be invited to participate at certain points in the process, rather than permanently.

Councillor J Bridges stated that he had made it clear at the previous meeting that this was to be an open, cross-party Committee and he could not see any issue with other Members participating in the same way that Members were being allowed to speak at this meeting. He advised that it would not be practical to accept a nomination for Councillor A C Saffell to sit on the Committee without a request from him to participate.

Councillor J Legrys acknowledged that this was a matter of interpretation and it was unfortunate that this had not been discussed prior to the meeting.

## **8. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

Chairman's initials

## **9. DECLARATION OF INTERESTS**

Councillor S Sheahan sought clarification from the Legal Advisor that if a particular site in the SHLAA was under discussion which a Member had an interest in, at that point it would be appropriate to declare a pecuniary disclosable interest and leave the room.

The Legal Advisor clarified that as the Committee was not a decision-making body, Members should feel able to make any comments they wished to.

Councillor J Legrys declared a non-pecuniary interest as a volunteer at Hermitage FM, should there be any discussion on Coalville Town Centre.

## **10. MINUTES OF PREVIOUS MEETING**

Councillor S Sheahan referred to minute number 4 and his request that the minutes of the Housing Planning and Infrastructure Group be made available to this Committee. He clarified that this should include the minutes of the Members Advisory Group. He also asked if the minutes were likely to be available soon.

Councillor J Bridges advised that they should be available in the coming week.

Councillor D De Lacy referred to the discussion about the limits to development at the previous meeting and asked at what stage the Committee would consider this matter. He also asked if officers were in a position to produce a road map of the tasks that needed to be completed.

The Director of Services advised that he anticipated that a programme would be brought to the next meeting of the Committee.

## **11. COMMITTEE TERMS OF REFERENCE**

The Director of Services referred Members to the Terms of Reference of the Committee which were attached for information.

## **12. STATEMENT OF COMMUNITY INVOLVEMENT**

The Director of Services presented the report to Members, drawing their attention to the purpose of the Statement of Community Involvement (SCI) and that it was considered appropriate to prepare a new SCI as there had been changes in legislation since the current SCI had been adopted in 2006. He sought comments from the Committee on what a revised SCI should include.

Councillor J Legrys welcomed the opportunity to have this issue discussed by the Committee. He commented that he had discussed this issue in a briefing with the Director of Services. He stated that it was essential to revise the consultation process as early as possible, as there were deep concerns about the length of time that the consultation would take. He added that the Labour Group would want to put forward proposals for consultation and he sought clarification on the timescales and how this would be undertaken. He felt that if the Committee was meeting again in 1 month this may be too early, however it was important not to drag the process out. He stated that he wanted to see Councillors much more involved in the consultation, engagement with Town and Parish Councils and involvement in the Neighbourhood Plan process.

Councillor J Bridges stated that risk management was an issue. He added that the consultation process needed to be done effectively, consistently and it was imperative to get the SCI right. He appreciated the concerns expressed by Councillor J Legrys.

Chairman's initials

The Director of Services advised that it was intended to bring a report to the next meeting of the Committee which would clarify the content of the SCI and report any comments received.

There was a discussion around the timescales for providing comments for the next meeting. The Director of Services advised that in order to produce a meaningful report for the meeting, he would need to receive comments 2 weeks beforehand. He added that a final decision would not be sought at this meeting, however Members would be asked to agree a document which would then be consulted upon.

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

RESOLVED THAT:

- a) The Council prepare a new Statement of Community Involvement;
- b) A further report on the possible content of the new Statement of Community Involvement be brought to a meeting of this Advisory Committee and;
- c) The Advisory Committee comment on any issues and approaches to consultation which they would wish to see reflected in a new Statement of Community Involvement.

### **13. STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

The Director of Services presented the report to Members, drawing their attention to the revised recommendation circulated at the meeting which reflected the fact that the Advisory Committee was not a decision-making body. He advised that the SHLAA was a delegated decision and outlined its role in the preparation of a Local Plan. He referred to correspondence which had been received from representatives of Friends of Snibston relating to 3 sites in the SHLAA. He explained that the SHLAA itself was a technical document and the process was set out in national guidance, which all Local Authorities were required to follow. He emphasised that the SHLAA sets out a list of sites that had the potential to be included in the Local Plan and had the potential to be developed, and at this stage there was no commitment that any of the sites would be developed. He added that as the process was followed, the list of sites would get shorter until the Council decided which of the sites to include in the Local Plan. He emphasised that it was not appropriate at this stage to make decisions about which sites should be included in the Local Plan or the SHLAA as this was a future debate.

Councillor R D Bayliss agreed that it would be most unwise to start eliminating sites at this point.

Councillor S Sheahan stated that the Director of Services had reassured Members about the status of sites in the SHLAA, however he asked how the current position had been arrived at as the previous SHLAA was very detailed. He sought clarification on the reasons why sites had not been included, and what had changed.

The Planning Policy and Business Focus Team Manager gave a presentation to Members outlining the purpose of the SHLAA and the findings of the assessment. In response to Councillor S Sheahan's question he explained that the starting point had been the previous SHLAA in 2011. He added that the same reference numbers had been retained from the previous version where possible for consistency and for ease of reference. He explained that because of this, there were gaps in the numbering due to sites having been developed or no longer being considered suitable for other reasons.

Chairman's initials

The Consultant added that from his broader experience, it would be very unwise to start excluding sites at this stage. He explained that doing so could put the Council at risk considering that the work on the evidence base was yet to be completed and the policies which would set out why sites should be excluded from the SHLAA were not yet in place.

The Legal Advisor endorsed the Consultant's comments and added that a clear understanding of the purpose of the SHLAA was essential at the outset. He added that a proportionate evidence base was required to inform Members in respect of the strategy for determining the sites to be included in the Local Plan. He explained that the SHLAA would form part of the evidence base and the number of sites would naturally reduce as they were assessed. He stated that excluding sites now would deprive Members of the widest possible number of sites to choose from and that would be unwise at this stage.

Councillor C Large stated that she completely agreed with the officers' standpoint. She explained that she was professionally involved with planning and had herself put forward sites for inclusion in the SHLAA that had subsequently been refused planning permission, which demonstrated that inclusion in the SHLAA was not a 'rubber stamp' for development of the site. She asked if the guidance on rural housing was being taken into account and hoped that smaller settlements would not be dismissed. She added that she would much rather see developments spread out and development in rural villages would make them more sustainable.

The Planning Policy and Business Focus Team Manager explained that sites of less than 10 dwellings had previously been excluded from the SHLAA but it had been decided not to employ that threshold in the revised SHLAA. He added that the excluded sites would be reviewed to see which ones may have been excluded on the grounds of sustainability and to see whether this remained a valid reason. He explained that this guidance had very recently been published and as such it may be necessary to report back to the Advisory Committee.

Councillor S Sheahan sought clarification on the role of the Advisory Committee, as Members were being asked to accept the list of sites. He added that Members had not had an opportunity to consider maps and had not been provided with the full detail of which sites had been excluded. He stated that he was disappointed and felt that the SHLAA was just a 'landowner shopping list' that Members were being asked to rubberstamp.

The Director of Services clarified that the role of the Advisory Committee was to advise on the preparation of a new Local Plan. He explained that the foundations were being set for the Advisory Committee to make recommendations to Council. He added that the Advisory Committee were not at the stage of making recommendations to Council, as the groundwork would need to be done first. It was his view that it was imperative for the Advisory Committee to build upon their understanding of the purpose of the SHLAA, the associated processes and the evidence base to ensure that Members were in a better position to make recommendations to Council.

Councillor S Sheahan referred to the original recommendation which asked Members to approve the SHLAA for publication and highlighted that Members were now being asked only to note the report. He felt that this was not an issue if a further report was to be brought back to the Advisory Committee with the full detail prior to publication.

The Director of Services clarified that the SHLAA would be published following this meeting, however there would be an opportunity to refer back to the published SHLAA and scrutinise individual sites.

Councillor S Sheahan sought clarification on which body was responsible for making decisions on the SHLAA. The Director of Services advised that this decision was delegated to officers as it had been previously.

Councillor M B Wyatt stated that he had also put forward sites for inclusion in the SHLAA and referred to in particular to the site off Waterworks Road that did not appear in this list and the site owned by Leicestershire County Council. He asked if the Council had identified the sites owned by the Council that could potentially be developed.

The Planning Policy and Business Focus Team Manager advised that he was aware of the site referred to by Councillor M B Wyatt, however he was unsure of its status and whether it had been notified to him.

Councillor M B Wyatt clarified that this issue had been discussed at Cabinet and the local community had been consulted. He added that if the land owned by Leicestershire County Council was sold, the site would become landlocked and the opportunity would be lost. He referred to the smaller sites in Greenhill owned by the Housing department and asked if these had been considered.

The Director of Services advised that any sites with the potential to be developed would have been put forward, however this would be checked and reported back to Councillor M B Wyatt.

Councillor J Bridges stated that departments needed to work together and expressed the importance of checking all sites.

Councillor J Legrys felt it could be argued that the SHLAA had already been published by including it in the agenda documents for this meeting. He accepted the legality of the action being taken and the requirement to publish the SHLAA, however he expressed deep concern and felt that trust needed to be built up. He added that Members were not aware of the sites that had already been rejected from this process and he shared the concerns raised by Councillor C Large in respect of the smaller sites being omitted from the document. He expressed the importance of Members being in receipt of the full information available. He expressed concerns regarding building trust with the public and referred to the fact that the details of the SHMA had not yet been published. He felt that it was necessary to clearly explain the process to the members of the public who were present. He referred to the fact that more land had been identified than was required to accommodate the number of houses to be built and added that he would welcome a clear understanding of all the sites put forward before any decisions were made. He also requested clarity on who had been active in making applications to put sites forward. He added that Members would want to see the applications made by landowners and the justification for its inclusion in the SHLAA. He felt this information was necessary if rural areas were to be developed.

Councillor J Bridges stated that this information would be made available if it was reasonable to do so. He emphasised that the Advisory Committee needed to take care not to get tied down in the detail as it was critical to deliver on the Local Plan.

Councillor R D Bayliss referred to the comments made earlier regarding small parcels of land. He reported that the Housing department were currently undertaking a piece of work in respect of affordable housing provision and were reviewing all parcels of land as part of this.

Councillor D De Lacy stated that if the SHLAA had been compiled and insufficient land had been identified to meet the housing requirement, then presumably there would have been a duty to co-operate with neighbouring local authorities. He added that he had listened to the warnings about reducing the number of available sites, however this had

already been done as a third of sites had already been removed. He stated that he did not wish to note the report as Members were being told to accept the list. He added that he did not understand why these sites had been excluded but the green wedge was still included. He stated that if Members did not have a full understanding of the process and method there would always be mistrust. He added that he considered that the green wedge was not achievable and under this criteria it should have been excluded from the SHLAA. He stated that the Labour Group members did not wish to see the SHLAA published.

The Consultant stated that the green wedge was a good example. He clarified that Members should not be excluding sites on a policy basis at this stage as it was not yet known what the policies were. He added that the Local Plan may well include a policy on the green wedge, but until that was known, it could not be excluded on that basis. He referred to the appeal in respect of the green wedge which had succeeded even without a housing land supply. He added that the green wedge may well survive, however he advised that it could not be excluded at this stage.

Councillor D De Lacy sought clarification that all the other sites had not been excluded on a policy basis and felt that this needed to be demonstrated.

Councillor C Large referred to the list of excluded sites available on the Council's website. She felt that publishing the SHLAA would put the Council back in control as everything was being approved at the Planning Committee at present.

Councillor S Sheahan stated that the list of excluded sites on the website related to the previously adopted SHLAA.

The Planning Policy and Business Focus Team Manager confirmed that this was the case. He advised that when the SHLAA was published, a list of the excluded sites and the reasons for exclusion would be included.

Councillor R Woodward was invited to speak to this item. He stated that he had listened to the reasons why officers did not want to take the green wedge out of the SHLAA, however residents and Members had fought long and hard to protect it. He added that the green wedge was unique and it had to come out of the list, as developers had free rein to submit applications while the Core Strategy was withdrawn. He referred to the previous Judicial Review and stated that it would murder Whitwick if the green wedge was included in the SHLAA after everything that had been done to protect the green wedge. He added that developers could not be stopped and urged Members to remove the site from the SHLAA now.

The Director of Services advised that taking a site out of the SHLAA at this point would not guarantee that Members would never have to consider it for development; it would simply exclude the site from considerations in respect of the Local Plan. He added that this would make a very premature decision about the policy constraints. He reiterated that including the green wedge in the SHLAA did not indicate any commitment to develop the site and would make no difference to its status. He emphasised that whether or not the site was included in the SHLAA would be irrelevant when planning applications were considered but it would be very relevant in terms of making robust decisions about the Local Plan. He reiterated that not following the correct process would lead to a risk of the Local Plan being challenged.

Councillor R Woodward asked what guarantee Members would have that the green wedge would not be developed if it remained in the SHLAA.

Councillor J Bridges stated that there was no guarantee, however the risk to the soundness of the Local Plan was guaranteed. He referred to the implications of this in

that there would be no control and the green wedge would certainly be lost. He stated that all Members felt the same about the green wedge and would defend it as rigorously as possible, however the position was weak at present.

Councillor R Johnson was invited to speak to this item. He referred to 3 specific sites which he had requested be removed from the SHLAA, namely C8 which was part of Snibston Discovery Museum, C56 which was currently subject to consultation, the results of which were not yet known, and C52 which was a landfill site and therefore unfit for development.

Councillor J Bridges clarified that landfill sites could potentially be developed. He took on board the comments made.

Councillor J Legrys spoke on behalf of Ravenstone residents in respect of site C30 which was in Ravenstone parish but had been included with the Coalville urban area within Snibston ward. He felt that the list needed to be much clearer in respect of whether it was based on wards or parishes. He also made reference to the issues around defining the limits to development and expressed concern that the villages of Hugglescote, Ravenstone, Ibstock and Heather would eventually join up. He added that residents wanted to retain a genuine village identity and with the planning permissions already granted, the villages were already at their limit.

Councillor J Bridges stated that this would be much clearer on the maps and he would be experiencing the same issue in his ward across the County boundary.

Councillor J Legrys sought clarification once more on whether the list was ward or parish based as the green wedge was located within 3 separate parishes.

The Planning Policy and Business Focus Team Manager clarified that the list was settlement based and was therefore not constrained by administrative boundaries. He advised that he would look into the issues with the Ravenstone site referred to by Councillor Legrys.

Councillor V Richichi asked how pending and future applications that were not currently listed in the SHLAA, and that the Council was not aware of, would affect the document.

Councillor J Bridges advised that all pending and future development sites that the Council was aware of were included in the document. Any future applications that the Council was not currently aware of would be considered on their own merits and would ultimately affect the SHLAA.

Councillor J Legrys referred to the document issued by the LLEP in which the Secretary of State referred to a number of sites in Leicestershire. He expressed deep concerns that the application by the LLEP had pre-empted the actions of the Council in developing the Local Plan.

The Director of Services advised that the Council had already applied a policy in the Ashby – Coalville corridor of increased contributions to infrastructure and the application was simply another contribution that the LLEP was seeking towards the costs of delivering growth that was currently planned for. He emphasised that the future Local Plan was still a decision of the Council and the LLEP was not pre-empting and development that had not already been planned for.

Councillor S Sheahan stated that the Woodville Woodlands site was administratively located in Albert Village and requested that these be grouped together. He took the opportunity to refer to the works that needed to be completed on the roundabout. He stated that he would have to vote against the recommendation due to the quality of the

report and the manner in which it had been presented. He requested that his objections be noted.

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

RESOLVED THAT:

The Strategic Housing Land Availability Assessment and its future role in preparing the new Local Plan be noted.

**14. DATE OF NEXT MEETING AND FUTURE WORK PROGRAMME ITEMS**

It was agreed that the next meeting of the Local Plan Advisory Committee take place on 3 June 2014 at 6.30pm.

Councillor T Neilson entered the meeting at 7.15pm during the debate on item 6 – Strategic Housing Land Availability Assessment.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.07 pm