

APPENDIX B

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – 15 NOVEMBER 2023



Title of Report	DRAFT LOCAL PLAN – POLICIES	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager ian.nelson@nwleicestershire.gov.uk	
Background Papers	Local Plan Committee – 16 March 2023 – Response to consultation	Public Report: Yes
	Local Plan Committee – 8 December 2022 – Gypsy and Traveller Accommodation Assessment	
Financial Implications	The cost of the Local Plan Review is met through existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The Local Plan must be based on robust and up to date evidence.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council’s Priorities are set out at the end of the report.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To set out for members the policies it is proposed by included in the new local plan, with a view to these being consulted upon.	
Recommendations	<p>THAT THE LOCAL PLAN COMMITTEE:</p> <ul style="list-style-type: none"> (i) AGREES THE DRAFT POLICY IN RESPECT OF SELF AND CUSTOM BUILD AS SET OUT AT APPENDIX A FOR THE PURPOSES OF CONSULTATION; (ii) NOTES THE INTENTION TO ASSESS IN MORE DETAIL THE POTENTIAL FOR USING NEGOTIATED STOPPING TO ADDRESS THE TEMPORARY ACCOMMODATION NEEDS OF GYPSIES AND TRAVELLERS 	

1.0 BACKGROUND

- 1.1 The meeting of this committee of 18 October 2023 considered a report in respect of the draft policies which it was proposed be consulted upon. The report noted that there were a small number of policies that remained to be addressed. These related to:
- Policy H2 – Housing Commitments
 - Policy H3 – Housing Allocations

- Policy H7 – Self and Custom Build
- Policy Ec2 – Employment commitments
- Policy Ec3 – New Employment allocations
- Policy En5 – Areas of Separation

1.2 The purpose of this report is to address these gaps. They are addressed in the order in which they appear in the plan.

1.3 In addition, the report also provides an update in respect of the provision of sites for gypsies and travellers.

2.0 HOUSING MATTERS

Policy H2 – Housing Commitments and Policy H3 – Housing Allocations

2.1 These are addressed as part of the proposed housing and employment allocations report considered elsewhere on agenda for this meeting.

Policy H7 – Self and Custom Build

2.2 Self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing, both market and affordable. Its purpose is also to give more people the opportunity to build their own homes.

2.3 The adopted Local Plan does not include a policy on self and custom build. This issue has been the subject of previous consultation and was considered at the 16 March 2023 meeting of this committee. Since then, officers have been in discussion with a representative of the government's Right to Build Task Force regarding how the Council deals with Self and Custom Build issues.

2.4 The Council is under a duty to increase the availability of land for self and custom building and to grant planning permissions for enough suitable plots to meet demand in their area. The level of demand is established by the number of entries added to the Council's register which it is required to maintain. The numbers on the register have been increasing steadily and currently stands at 126.

2.5 The approach agreed at the meeting of this Committee on 16 March 2023 was to require that as part of general market developments of 50 or more dwellings, that some plots be reserved for self and custom build (although the proportion was not specified).

2.6 Nationally, there are a number of examples where Planning Inspectors are referring to the register as justification for granting planning permissions at appeal. It is also an issue that is being debated at Examinations into Local Plans. Put simply, the Council needs to be able to demonstrate that it has an appropriate policy in place to ensure that opportunities are provided for those seeking to undertake a self and custom build.

2.7 The proposed policy attached at Appendix A aims to strike a balance between supporting self and custom build whilst not undermining other aspects of the local plan. The proposed approach essentially has two strands to it:

- A requirement that 5% of plots on sites of 30 or more dwellings be made available for self and custom build. These will be secured via legal agreements but will also allow for the plots to be general market housing if not taken up within a reasonable period of time.
- Allowing self and custom build plots on site adjoining the Limits to Development where there is a demonstrable need and satisfying other criteria.

- 2.8 The latter point does represent a departure from existing policy, but officers are of the view that it is necessary in order to ensure that the Council has an ability to address its legal obligations.
- 2.9 It should be noted that this has consequential impact upon the draft countryside policy (policy S4) agreed by this committee on 18 October 2023. It will be necessary to include an additional exception to the countryside policy. This is allowed for in the recommendation above.

Policy H9 – provision for Gypsies and Travellers and Travelling Showpeople

- 2.10 A report was considered at the 8 December 2022 meeting of this Committee which outlined the findings from the latest Gypsy and Traveller Accommodation Assessment (GTAA). In summary, this identified:
- A need for 39 gypsy and traveller pitches between 2022 and 2040 (up to 41 pitches allowing for undetermined households who may meet the definition of gypsy and traveller)
 - A need for 25 travelling showpeople plots between 2022 and 2040 (up to 26 plots for undetermined households who may meet the definition of gypsy and traveller).
- 2.11 As noted in the supporting text to the draft policy agreed on 18 October 2023, the need for gypsy and traveller pitches has now reduced by 12 pitches following a recent appeal decision at Whitegate Stables, Coleorton Lane, Packington.
- 2.12 In terms of the need for transit provision, the GTAA reconfirmed previous findings that there was a need for 36 transit pitches across Leicestershire. The report did not identify which local authority area it should be within, although it did refer to the greatest need being “in the north west of Leicestershire”. However, the duty to provide transit sites is Leicestershire wide.
- 2.13 Providing a transit site somewhere in the district could bring potential benefits as the Council would be able to direct any gypsies or travellers who set up an unauthorised site to the transit site. However, this needs to be balanced against the likely financial implications for the Council, both in terms of set up costs (e.g. providing water, electricity, an area of hardstanding) and ongoing costs (which could include staffing related costs). This at a time of significant public sector financial constraints.
- 2.14 A charge can be levelled against those using a transit site which would help towards ongoing maintenance costs to some degree. A transit site by its nature would only provide a temporary stopping place and it is likely that for large periods of time it would be unused. Therefore, there is no guarantee that any income would offset the ongoing costs.
- 2.15 An alternative approach is to use what is referred to as ‘negotiated stopping’. This involves Local Authority officers making an agreement with Gypsies and Travellers on unauthorised encampments. The agreement allows the travellers to stay either on the land they are camped on or move to a site which is more suitable for all parties. The approach has been pioneered by Leeds City Council, but it is understood that it is also used by other authorities.
- 2.16 Officers have spent a considerable amount of time reviewing land that is in the Council’s ownership to ascertain what land might be suitable for a potential transit site. This work is ongoing. In addition, officers are doing further research on the negotiated stopping approach before coming to a decision as to how the Council should proceed.

3.0 ECONOMIC MATTERS

Policy Ec2 – Employment Commitments and Policy Ec3 – New employment allocations

3.1 These are addressed as part of the proposed housing and employment allocations report considered elsewhere on agenda for this meeting.

4.0 ENVIRONMENT

Policy En5 – Areas of Separation

4.1 This policy deals with the maintaining of separation between Coalville and Whitwick. This matter was not considered as part of the draft policies report at this meeting on 18 October 2023, as a number of potential housing sites are located within the current Area of Separation.

4.2 Section 4 (paragraphs 4.15 to 4.24) of the Housing and Employment allocations report considered elsewhere on this agenda addresses the issue of potential housing provision within the Area of Separation. It is not proposed to allocate any housing sites in the Area of Separation so there is no change to the boundaries of the Area of Separation.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Local people live in high quality, affordable homes - Developing a clean and green district - Our communities are safe, healthy and connected
Policy Considerations:	The National Planning Policy Framework requires that plans meet the development needs of their area.
Safeguarding:	None discernible
Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.
Customer Impact:	No issues identified
Economic and Social Impact:	The decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal.
Environment and Climate Change:	The decision, of itself, will have no specific impact. The new Local Plan as a whole will aim to deliver positive environmental and climate change impacts and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	A number of the policies have been the subject of previous consultation. Where this is the case it is highlighted in the report. All the proposed policies will be subject to consultation. The consultation arrangements will be governed by requirements in the Statement of Community Involvement
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to

	minimise risks, including regular Project Board meetings where risk is reviewed.
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