

MINUTES of a meeting of the LOCAL PLAN ADVISORY COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 16 DECEMBER 2015

Present: Councillor J Bridges (Chairman)

Councillors J Cotterill, S McKendrick (Substitute for Councillor J Legrys), V Richichi and M Specht

In Attendance: Councillors J Geary and T J Pendleton

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

13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Legrys and R Johnson.

14. DECLARATION OF INTERESTS

There were no interests declared.

15. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 29 July 2015.

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

RESOLVED THAT:

The minutes of the meeting held on 29 July 2015 be approved and signed by the Chairman as a correct record.

16. COMMITTEE TERMS OF REFERENCE

RESOLVED THAT:

The Terms of Reference be noted.

17. GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT: DRAFT FOR CONSULTATION

The Director of Services presented the report to members. He advised that the approach set out in the Draft Local Plan in respect of making provision for gypsies, travellers and travelling showpeople included a criteria based policy which set out how the Council might deal with proposed new sites within the district. He added that officers felt it would be necessary for the Council to make significant progress on producing a separate document setting out how the needs of the travelling community could specifically be addressed, through the allocation of land for the provision of gypsy and traveller sites (i.e. a Site Allocations Development Plan Document (SADPD)). He referred to the risks outlined in the report and explained that officers felt this approach was necessary because in the absence of a more detailed assessment, there was some evidence that other Local Plans had been delayed. He made reference in particular to the case of Maldon District Council, where the Inspector had found the Council's Gypsy and Traveller policy unsound partly because it did not identify a supply of specific deliverable traveller sites sufficient to provide five years worth of sites, or a supply of specific developable sites or broad locations for growth beyond the five year period. The Local Plan had subsequently been called in by the Secretary of State for a decision, but in the meantime the Director of

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Services advised members that in order to mitigate risk, it was incumbent upon the Council to set out how the needs of the travelling community might specifically be met in the future and to be able to demonstrate progress.

The Director of Services referred to page 16 of the agenda which set out the current evidence in respect of the overall needs of the travelling community. He advised that the current assessment had identified a need for a total of 68 permanent pitches, 28 transit pitches and 9 plots for travelling showpeople for the period up to 2031, which was a significant need and the highest in Leicestershire. He added that the needs assessment was in the process of being refreshed across the housing market area, and was being led by Leicester City Council. He explained that when the needs assessment had been refreshed, the Council would need to take account of that new evidence, and this may suggest that there was more or less need than had been currently identified. He advised that the approach that was being taken was to respond to whatever needs were identified, and therefore it was proposed to prepare a separate SADPD.

The Director of Services referred members to the attached appendix which set out a proposed paper which would form the basis of the consultation which was proposed to commence in the new year. He sought comments on the approach being taken and on the proposed consultation paper. He advised that there would subsequently be a report to Cabinet on 12 January, seeking their authority to commence the consultation and the call for sites, whereby a public approach would be made to all affected and interested parties to indicate to the Council where there may be potential sites to be identified in the SADPD. He added that there may be a number of sites coming forward and these would be assessed, consulted upon, and independently examined, before the Council eventually adopted the final SADPD.

Councillor V Richichi asked how information was gathered in order to assess the level of need. The Planning Policy Team Manager advised that the previous piece of work was undertaken in 2013 by De Montfort University, and had been based on detailed interviews from representatives of the travelling community to understand their future needs, and statistical analysis and projections based on existing provision across the housing market area and in individual districts.

Councillor V Richichi sought clarification on the size and scope of a pitch. The Legal Advisor explained that the guidance contained a definition of what a pitch comprised, and advised each pitch should contain sufficient space for a mobile home and a touring caravan.

Councillor S McKendrick asked if the background information was available in respect of the assessment of need undertaken in 2013. The Planning Policy Team Manager advised that the study itself was on the website. He added that he would check and advise if the background information was available.

Councillor S McKendrick asked whether the sites which had previously had planning permission but not developed would be reviewed or excluded. The Planning Policy Team Manager referred to the list of sites outlined in the report and advised that he was also aware of a couple of sites that had not been completed, but previously had planning permission, which would be reviewed as part of the process.

In response to a question from Councillor M Specht, the Director of Services advised that the Local Plan and the SADPD were separate documents, but once adopted would both form part of the Development Plan. He explained that the SADPD was at an earlier stage than the Local Plan and therefore it was anticipated that the Council would be in a position to adopt the Local Plan before the SADPD. He added however that significant progress should have been made on the SADPD by this point and he did not anticipate that the gap between adoption of the two documents would be very significant.

Councillor M Specht expressed concerns in respect of the situation at Maldon District Council. He emphasised the importance of taking the situation and the policies seriously and felt that the policy needed to be watertight. He made reference to the approach taken by Charnwood Borough Council in terms of allocating sites on the edge of housing developments, and felt that this approach should be considered.

The Planning Policy Team Manager advised that the level of need identified for Charnwood Borough Council was very low in comparison to North West Leicestershire District Council and most of their provision had been made as part of their large housing developments rather than as standalone sites.

The Legal Advisor felt that it was right to say that the inspector had had a number of concerns in respect of how Maldon District Council had sought to address gypsy and traveller issues, and considered that their criteria based policy may not bring forward any sites as the criteria was so restrictive, and he had also expressed some concern about the commitment of the Council to bring forward sites. He reemphasised the importance, therefore, of the Council demonstrating a clear intention to bring forward sites, and he believed that an inspector would be comfortable with that, even if the SADPD was adopted after the Local Plan.

Councillor M Specht stated that he did not want the officer time and cost involved to be wasted and he sought confirmation that an inspector would not look to dismiss the Local Plan because of the fact that the SADPD would be adopted afterwards.

The Legal Advisor stated that this was not completely risk free, however he was satisfied that what was being proposed represented the least risk. He added that ideally, site allocations would be included as a policy in the Local Plan, however he explained that there were also risks associated with this approach. He referred to the situation with Hinckley and Bosworth Borough Council, where the whole local plan had been delayed due to the number of objections to the site allocations proposed for traveller sites. He highlighted that there were some advantages to having a separate allocations document.

The Chairman referred to a particular case that was lost at appeal and stated that it was critically important to bring the two documents as closely in line as possible. He added that the more weight that could be given to the document would demonstrate the Council's intent.

The Director of Services referred to the earlier comments in respect of taking the same approach as Charnwood Borough Council. He stated that clearly their level of need was significantly lower. He added that the majority of the housing need in this district had been met with existing planning permissions, and as such the opportunity to include gypsy and traveller sites within new housing developments had already passed.

Planning Policy Team Manager added that this had been explored as part of the previous Core Strategy, and the overwhelming response from developers and the representatives of the gypsy and traveller community was that they would not support this.

In response to a question from Councillor M Specht, the Planning Policy Team Manager clarified that the figures outlined at paragraph 3.3 of the report took account of existing provision and planning permissions. He added that in his view, the fact that a number of sites with planning permission had not come to fruition did raise doubt in respect of the assessed need and demonstrated that the review was needed.

The Chairman felt that there were sites in the district that could be expanded in conjunction with Leicestershire County Council and he felt that some responsibility for the management of the sites should be brought under the control of the Council.

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Councillor S McKendrick acknowledged that this was an emotive subject and cultural differences had to be sensitively considered. She felt that having a site with a warden could mean that the community had more reassurance and the risk of conflict could be minimised.

The Chairman stated that he would like to include a statement in the recommendation to say that these avenues would be explored. He urged members to bring forward any recommendations. He emphasised the need to be mindful of the provisions contained within the legislation.

In response to a question from Councillor S McKendrick, the Planning Policy Team Manager advised that the guidance that would be provided as part of the consultation and the call for sites set out the requirements, but was fairly general in nature. He added that officers would consider whether this needed to be highlighted more in the consultation.

In response to a question from Councillor V Richichi, the Director of Services explained that the call for sites would be completely open as all options needed to be considered, and clearly the Council had a duty to consider the most sustainable options for this section of the community.

The Legal Advisor added that as sustainable development included a social dimension, the issues raised would need to be addressed in the planning process, in an open way.

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

RESOLVED THAT:

- a) The proposals to commence preparation of a Gypsy and Travellers Site Allocations Development Plan Document be noted;
- b) The proposal to issue a consultation paper and call for sites in January 2016 be noted;

and it was

RECOMMENDED THAT:

- c) The Council support working with other public bodies and private operators to bring forward sites, including the management of sites.

18. LOCAL PLAN - RISK MANAGEMENT

The Director of Services presented the report to members, providing an update on the risk assessment of the Local Plan project. He made reference to the most recent risk register which was appended to the report and which was reviewed by the project board each month. He highlighted the key risks which may or may not have an eventual impact upon the Local Plan.

The Director of Services referred to the agreement made by the Leicestershire authorities earlier this year in respect of the combined authority proposal. He advised that part of the proposal included an agreement to work on a strategic growth plan which would look at the development strategy for Leicester and Leicestershire, going beyond our plan period. He explained that this may have an impact on our Local Plan preparation and advised that new Strategic Housing Market Assessment (SHMA) was being commissioned to support the growth plan. He explained that when we the figures in the revised SHMA were eventually available, this may have an impact upon the plan period, and some of this was out of the Council's control. He highlighted to members that these risks were constantly

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being taken account of. He added that no changes were proposed to the Local Plan or to the approach at this point, however changes may need to be made at some point in the future.

In response to a question from Councillor M Specht, the Planning Policy Team Manager advised that the need for affordable housing had been identified, however starter homes were a separate matter.

Councillor V Richichi sought clarification on the self-build legislation and whether this would make an application for a self-build proposal more difficult to refuse. The Chairman explained that the same development criteria would still apply.

The Director of Services pointed out that well over 90% of all planning applications in the district were approved, as a very small number were refused.

It was moved by Councillor M Specht, seconded by Councillor V Richichi and

RESOLVED THAT:

The update in respect of how changes to national policies might impact upon the Local Plan be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.23 pm