

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 29 OCTOBER 2019

Title of report	LOCAL PLAN REVIEW
Key Decision	a) Financial Yes b) Community Yes
Contacts	Councillor Robert Ashman 01530 273762 robert.ashman@nwleicestershire.gov.uk Chris Elston Interim Head of Planning and Infrastructure 01530 454782 chris.elston@nwleicestershire.gov.uk Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk
Purpose of report	To consider the decision of the Local Plan Committee to refer the Local Plan Partial Review back to Cabinet for its further consideration.
Reason for Decision	Cabinet approval of the proposed approach required.
Council Priorities	These are taken from the Council Delivery Plan: Local people live in high quality, affordable homes Support for businesses and helping people into local jobs Developing a clean and green district Our communities are safe, healthy and connected
Implications: Financial/Staff	If Cabinet agree to the recommendations in this report then there no additional financial implications from those considered in the report to the 16 July 2019 meeting of Cabinet.
Link to relevant CAT	None
Risk Management	For the reasons set out in the report agreeing to the amendment proposed by the Local Plan Committee represents a significant risk and so should not be agreed by Cabinet.

Equalities Impact Assessment	An Equalities Impact Assessment of the Local Plan review is included as part of the Sustainability Appraisal.
Human Rights	No discernible impact. Any consultation will be undertaken in accordance with the Council's approved Statement of Community Involvement.
Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Portfolio Holder
Background papers	<p>National Planning Policy Framework which can be found at www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Adopted North West Leicestershire Local Plan Local Plan 2011-2031 - North West Leicestershire District Council</p> <p>Planning and compulsory Purchase Act 2004 www.legislation.gov.uk/ukpga/2004/5/contents</p> <p>Report to Council of 20 March 2018 https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=129&MId=1579&Ver=4</p> <p>Agenda and draft minutes to Local Plan Committee of 2 October 2019 https://minutes-1.nwleics.gov.uk/ieListDocuments.aspx?CId=344&MId=2100&Ver=4</p>
Recommendation	<p>THAT CABINET:</p> <p>(I) CONSIDERS THE AMENDMENTS MADE TO RECOMMENDATIONS 1 AND 4 OF THE REPORT TO THE LOCAL PLANS COMMITTEE OF 2 OCTOBER 2019 AS SET OUT AT APPENDIX B OF THIS REPORT AND</p>

	<p>THE IMPLICATIONS OF ACCEPTING THEM;</p> <p>(II) IN THE EVENT THAT THE LOCAL PLAN COMMITTEE</p> <p>AGREES TO PUBLISH THE PROPOSED CONSULTATION, DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND REGENERATION TO AGREE AMENDMENTS TO THE PARTIAL REVIEW AS A CONSEQUENCE OF CONSIDERING RESPONSES TO THE CONSULTATION</p>
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1.0 BACKGROUND

- 1.1 Members will recall that a report was considered by Cabinet at its meeting of 16 July 2019 in respect of the Local Plan Review. The report noted that the original intention to submit the review within 2 years of commencement was no longer possible due to changes in circumstances since the Local Plan was adopted , including the fact that Leicester City has to yet to declare the extent of any unmet housing need, uncertainty about employment land requirements and the publication of a new National Planning Policy Framework
- 1.2 The report outlined what, in effect, is a two stage approach to the review of the Council's adopted Local Plan; namely a Partial review and a Substantive Review. It was proposed, and agreed by Cabinet, that the Partial Review should only address the need to review and revise Policy S1. This was so as to ensure that the Local Plan was not out-of-date.
- 1.3 Therefore, the only change that is proposed as part of the Partial Review is to change the date by which the (now) substantive review would be submitted.
- 1.4 The review of the local plan has to be submitted by 20 February 2020. This is because Policy S1 requires that the review be submitted within 2 years of the commencement of the review otherwise the plan would be out-of-date. The first consultation on the review commenced on 21 February 2018. Therefore, it will be necessary to submit the review no later than 20 February 2020.
- 1.5 The consequences of failing to meet this deadline are set out in section 2.
- 1.6 The approval of the Chairman of the Council has been given to the exemption to the Council's Scrutiny Procedure rules in relation to the call in of this decision on this item, since any call in would prejudice the ability of the Council to submit the review by 20 February 2020. The chairman has considered the review time table and agrees that the matter before Cabinet is urgent for this reason.

2.0 WHAT ARE THE CONSEQUENCES OF NOT SUBMITTING BY 20 FEBRUARY 2020?

- 2.1 Policy S1 of the adopted Local Plan requires that the review be submitted within 2 years of the commencement of the review otherwise the plan would be out-of-date. The first consultation on the review commenced on 21 February 2018. Therefore, it will be necessary to submit the review no later than 20 February 2020.

2.2 Should submission by 20 February 2020 be missed for any reason, the effect of this would be to enact that part of the policy S1 which states:

“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.”

2.3 Once out-of-date this will then bring in to play paragraph 11d) of the NPPF which states that:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

2.4 The consequence of not having an up-to-date plan will, therefore, be that the Council is at risk of receiving adhoc planning applications for developments which would be contrary to the Local Plan, but which it would be difficult to resist in the absence of an up-to-date plan and in view of what the NPPF says. Such developments could be for any number of uses, not just housing and employment, although these are the most likely. Members will recall that this was the situation the Council found itself in before the current Local Plan was adopted.

2.5 It is in order to avoid a situation where the Local Plan is considered to be out of date that the Partial Review proposals were put forward. Any further delays put this is jeopardy.

3.0 LOCAL PLAN COMMITTEE – 2 OCTOBER 2019

3.1 In accordance with the Council’s constitution the Partial Review was referred to the Local Plan Committee (LPC). At its meeting on 2 October 2019 a report was considered which outlined the proposed approach to the Local Plan review which was agreed by Cabinet at its meeting on 16 July 2019 and which sought approval of a consultation document. A copy of the recommendations is set out at Appendix A of this report.

3.2 At the meeting of the LPC an amendment to the recommendations was tabled. A copy of the draft minutes of the LPC which includes the wording of the amendment is attached at Appendix B.

3.3 The amendment was agreed by the LPC. Whilst the LPC has the authority under the Council’s constitution to agree to publish documents for consultation, it does not have the authority to make changes to documents. Instead, it is required to instruct Cabinet (as the Executive) to reconsider documents. Therefore, this matter is referred to back to Cabinet for its consideration.

3.4 The council report of 20 March 2018 sets out, in full, the remit of both the executive and LPC in respect of Development Plan Documents. A copy of the Council report is provided via the background papers.

4.0 WHAT DOES THE AMENDMENT SEEK?

Suggested amendment to Recommendation (i)

4.1 The first part of the amendment agreed by the LPC sought to extend the scope of the Partial Review so as to include revisions or deletions to policies Ec2(2) and S3. These two policies are inextricably linked and deal with the issue of employment land and its possible impact upon the countryside. The policies are summarised below.

Policy Ec2(2)

4.2 Policy Ec2 is concerned with New Employment Sites. Part 1 of the policy allocates land at Money Hill Ashby de la Zouch for employment purposes. Part 2 sets out the Council's approach to the consideration of planning applications for employment land and, in particular, it makes clear that where an "*immediate need or demand for employment land*" can be demonstrated then the Council will look favourably on proposals (subject to meeting certain criteria).

4.3 Part 2 of the policy was the result of a modification to the policy following Examination. It was specifically included to address the fact that there was a shortfall of employment land compared to the requirements in the Housing and Economic Development Needs Assessment (HEDNA). For the avoidance of doubt, the HEDNA was only concerned with employment land falling within Use Classes B1, B2 or small B8 (buildings of less than 9,000sq metres).

4.4 Including part 2 of the policy thus avoided the need for specific allocations to be made as part of the Local Plan as that would have delayed its adoption.

4.5 The Inspector considered that the modification was "*appropriate and necessary for soundness*" (paragraph 194 of the Local Plan inspector's Report). As a result the Inspector was able to conclude that "*it is acceptable to regard the provisions of the Plan for employment land as sound in their modified form*" (paragraph 195 of the Local Plan Inspector's Report).

4.6 It is understood that the reason for seeking the amendment was the concern that the Substantive Review will take about 2½ - 3 years to adoption and that this would leave the Council vulnerable to adhoc planning applications for employment use in the countryside and particularly along the A42 corridor, as a result of the support provided by policy Ec2(2).

Policy S3(s)

4.7 Policy S3 sets out the Council's approach to proposed development in the Countryside. Part (s) of the policy allows for "Employment land in accordance with the provisions of Policy Ec2" (subject to meeting certain other criteria). Therefore, S3 is subservient to Ec2.

Suggested amendment to Recommendation (iv)

4.8 The second part of the amendment sought to include reference to the Climate Change Emergency Policy agreed by Council on 25 June 2019.

5.0 SHOULD CABINET AGREE TO THE AMENDMENT?

Recommendation (i)

5.1 Officers have a number of concerns about the proposed amendment in respect of deleting policies Ec2(2) and S3(s). These are:

- Notwithstanding the fact that a number of permissions have been granted for employment land which fall within the definition as used by the HEDNA, there still remains a shortfall. Therefore, deleting this requirement would contradict the views of the Local Plan Inspector who clearly considered the provisions in Policy Ec2(2) were essential. It would also leave the Council with a policy vacuum and so have to rely upon the provisions of the National Planning Policy Framework (NPPF).
- Deleting EC2(2) would lead to objections, particularly from the development industry, on the grounds that there is still a shortfall of employment land and so the Council is not satisfying its obligations to meet the development needs of the district as required by the NPPF. Such objections would be difficult to refute and pose a serious risk to the Partial Review and could result in an Inspector considering that the Partial review was not sound.
- Extending the scope of the Partial Review will generate additional representations either from those who are aggrieved by the change or those who consider that other changes should also be made at this juncture rather than leaving until the Substantive Review. This has implications from a resource point of view. If a substantial number of representations were received it could make it extremely difficult to achieve submission by February 2020 as it will take time for officers to go through and consider the representations and so could result in a delay to submission beyond that allowed for by policy S1, and so would result in the plan being considered to be out-of-date. Additional representations could also result in a longer Examination which would have cost implications. Furthermore, it will also take resources away from the Substantive Review and so potentially delay it.

5.2 It will be noted that the amendment refers to possible revisions to policy Ec2(2) and S3. No revisions were tabled as part of the amendment.

5.3 Officers have considered whether revisions are possible to policy Ec2(2) without changing its principles such that it would be not likely to generate objections. The reference in policy Ec2(2) to immediate need could be replaced with reference to the needs identified in the Local Plan. However, it would still leave reference to meeting a demand and removing this reference as well would change the principles of the policy. Furthermore, in the event of new evidence in respect of need becoming available which was different to that in the local plan, the policy would, in effect, be out-of-date. Finally, as strategic B8 developments are not included as part of the HEDNA requirements there would be a policy vacuum in respect of such developments from the point of view of need which would weaken the Council's ability to resist such proposals.

- 5.4 For the above reasons, it is considered that it is not possible to revise policy Ec2(2).
- 5.5 In terms of policy S3(s) the only possible change which could be made would be to delete it in its entirety. However, this would build in a potential conflict within the plan as a proposal could satisfy Ec2(2) and then fall foul of policy S3. As such this would not provide sufficient certainty.
- 5.6 Furthermore, officers are of the view that the concerns outlined above at paragraph 3.1 would equally apply in respect of any revision to the policies.
- 5.7 The concerns about the fact that policy Ec2(2) and S3(s) would not be replaced for 2½ - 3 years are noted. However, the following should be borne in mind:
- If the plan is not submitted by February 2020 and so becomes out-of-date then the result will be the opposite of what the amendment is seeking to achieve (as set out in Section 2). If the plan is out-of-date this will make it difficult to resist the type of development proposals (and others such as housing) that the amendment was trying to stop happening.
 - Once the shortfall in employment land against the HEDNA is satisfied this will add strength to the Council's position should it wish to resist other developments which are considered inappropriate as it can be argued that the "immediate need" aspect of the policy is satisfied (although it has to be acknowledged that the issue of demand would remain debateable).
 - As the Substantive Review progresses greater weight will be able to be attached to it and the evidence behind it and in terms of policy Ec2(2) this would be capable of being a material consideration in considering any planning applications.
- 5.8 For the reasons set out above officers are of the view that the amendment put forward by the LPC in respect of policies Ec2(2) and S3(s) should not be agreed and that the partial review should, instead, be limited to policy S1 only as previously agreed by Cabinet.

Recommendation (iv)

- 5.9 The Council is under various obligations to address climate change related issues. For example, Section 19 of the 2004 Planning and Compulsory Act (as amended by the 2008 Planning Act) includes a legal duty on local planning authorities to ensure that taken as a whole, plan policy contributes to the mitigation of, and adaptation to, climate change. The NPPF advises that "*Plans should take a proactive approach to mitigating and adapting to climate change*".
- 5.10 The Climate Change emergency policy agreed by Council included specific reference to addressing climate change as part of the Local Plan.
- 5.11 Therefore, having regard to the above, the amendment agreed by the LPC does not introduce any new requirement as such. Whilst the amendment is arguably not necessary, equally it does not raise any concerns.

6.0 NEXT STEPS

- 6.1 If Cabinet decides to not accept the amendment put forward by LPC, it is proposed that a further report be taken to the meeting of the LPC scheduled for 13 November 2019. This would be with a view to the LPC agreeing to publish a consultation as per the original

report considered by LPC at its meeting on 2 October 2019. The proposed recommendations are set out at Appendix C of this report.

- 6.2 If LPC agree to this then it is proposed that a consultation commence on 18 November 2019. It is normal practice for consultations to run for 6 weeks. However, this would mean that the consultation would close on 30 December 2019. In view of the fact that this is in the middle of the Christmas holidays it would therefore be prudent to instead have a 7 week consultation period resulting in a consultation end date of 6 January 2020.
- 6.3 Once the consultation is closed officers will need to go through, assess and consider all of the representations, set out the Council's response to the representations, as well as pulling together other documents required by the regulations, including an updated Statement of Consultation.
- 6.4 A consequence of needing to submit by 20 February 2020 is that whilst any consultation could be scheduled so as to miss the Christmas period (i.e. not starting until January 2020) this would mean that this submission date would be missed as a 6 week consultation would, if it started on 2 January 2020, not finish until 14 February 2020. This would be insufficient time to undertake those tasks outlined at above.
- 6.5 The report to the LPC of 2 October 2019 had allowed for the reporting and consideration of the representations by a meeting of LPC in January 2020 (scheduled for 15 January). This would have still enabled the submission of the review by 20 February 2020.
- 6.6 In view of the delay to the consultation as a result of the decision of LPC to refer the matter back to Cabinet, this is no longer an option. The report deadline for the 15 January 2020 LPC is 3 January 2020; at this point the consultation would be still ongoing. It is still the intention to go ahead with this meeting and so a verbal update could be provided to the LPC on the number of responses to the consultation.
- 6.7 It would potentially be possible to add in a further meeting of the LPC in order to enable it to consider the representations. This would need to be no later than 17 February 2020 if the submission date of 20 February is to have any chance of being met. However, this would have a report deadline of 5 February 2020. This would give offices only just over 4 weeks to do those tasks outlined at paragraph 6.3. This timetable is not feasible.
- 6.8 To submit by 20 February 2020 would give offices just over 6 weeks. This is tight but, subject to the number of representations received, is considered to be achievable. However, to do so it will be necessary for Cabinet to agree to delegate authority to the Portfolio Holder and the Strategic Director of Place to submit the review, when all of the representations have been considered. This is included as a recommendation to the LPC (Recommendation (iii) of Appendix C).
- 6.9 Should representations be received which raise significant issues then it is likely that the submission date of 20 February 2020 would be missed.
- 6.10 Once submitted the Planning Inspectorate will appoint an Inspector to undertake an examination. The purpose of the examination is to determine if the Local Plan satisfies the test of 'soundness' i.e. that the plan is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the [National Planning Policy] Framework.

- 6.11 At the point that the review is submitted, the Council loses control of the process which will, instead, be the responsibility of the Planning Inspector. The timing of any Examination will depend upon the availability of the Inspector and his/her consideration of any issues raised in response to the consultation.
- 6.12 During the examination stage it is possible that the Inspector will enquire of officers from time to time whether a change to a policy is something which the Council would support. In order to enable the smooth running of the examination it is recommended that the Director of Place be delegated authority to agree to changes to policies. This is included as a recommendation to the LPC (Recommendation (iv) of Appendix C). Such changes would then be the subject of modifications recommended by the Inspector, which Members would have an opportunity to consider before the plan was adopted by a meeting of the full Council as only Council has the authority to adopt a Local Plan.
- 6.13 The Inspector can only make recommendations in respect of main modifications which are required to ensure that the plan satisfies the test of soundness and such recommendations can only be made where the Council has requested that he/she does so. This is covered by recommendation (v) to the LPC (Appendix C).
- 6.14 In terms of the remaining recommendations to the LPC:
- Recommendation (vi) to is necessary to enable an updated Local Development Scheme to be prepared;
 - Recommendation (vii) is necessary to enable officers to begin to develop options for the plan.

APPENDIX A

Recommendation to Local Plan Committee – 2 October 2019

THAT THE LOCAL PLAN COMMITTEE:

(I) APPROVES THE PUBLICATION LOCAL PLAN PARTIAL REVIEW AS SET OUT AT APPENDIX B OF THIS REPORT;

(II) AGREES TO PUBLISH AND INVITE REPRESENTATIONS UPON THE LOCAL PLAN PARTIAL REVIEW DOCUMENT TOGETHER WITH THE SUSTAINABILITY APPRAISAL REPORT AND HABITAT REGULATION ASSESSMENT FOR A SIX WEEK PERIOD IN ACCORDANCE WITH REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012;

(III) DELEGATES AUTHORITY TO THE DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND REGENERATION TO PUBLISH AN UPDATED LOCAL DEVELOPMENT SCHEME REFLECTING THE NEW TIMESCALES DESCRIBED IN THIS REPORT;

(IV) AGREES THAT THE SUBSTANTIVE REVIEW SHOULD COVER THE PERIOD TO 2039

Draft minutes of Local Plan Committee – 2 October 2019

DRAFT MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 2 OCTOBER 2019

Present: Councillor D Harrison (Deputy Chairman in the Chair)

Councillors D Harrison, D Bigby, R Johnson, J Legrys, V Richichi, A C Saffell and N Smith

Officers: Mr L Sebastian, Mr I Nelson, I Jordan, Mrs R Wallace and Mr C Elston

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam, J Bridges, J Hoult and M B Wyatt.

10 DECLARATION OF INTERESTS

There were no declarations of interest.

11 MINUTES

Consideration was given to the minutes of the meeting held on 26 June 2019.

In reference to the Strategic Growth Plan, Councillor A C Saffell expressed his surprise that it was not a regular item on the agenda and asked the Chairman if it was possible to have a short discussion on the topic. All members agreed for a short discussion at the end of the meeting.

Councillor D Bigby referred to the terms of reference of the committee in that it should meet at least every two months, and pointed out that it had been three months since the last meeting. He expressed the importance of meeting regularly and stated that he would also be happy to meet during the summer break in August. The comments were noted by the Chairman.

It was moved by Councillor J Legrys, seconded by Councillor R Johnson and

RESOLVED THAT:

The minutes of the meeting held on 26 June 2019 be approved and signed by the Chairman as a correct record.

12 LOCAL PLAN PARTIAL REVIEW

The Planning Policy Team Manager presented the report to Members. He advised that the proposed approach to the review of the local plan was approved by Cabinet in July and was detailed within appendix b of the report. He expressed the importance of continuing the substantive review alongside the partial review.

In response to the request for an update from Councillor Johnson, the Planning Policy Team Manager reported that a potential gypsy and traveller's site had been identified in March 2018 but was not supported. . Work on this would continue through the substantive review and progress reports would be brought to committee in due course.

In response to a question from Councillor V Richichi, the Planning Policy Team Manager confirmed that there was currently a 5-year housing land supply. The assessment had been prepared following discussion with individual developers/landowners. In response to a further query from Councillor V Richichi he advised that it did include some sites which had outline permission, but these were either subject to a reserved matters application of pre-application discussions with a view to a reserved matters application. The sites that were not at either of these two stages were not included in the calculations. Councillor V Richichi asked why it was necessary to assist the City Council with their land supply when we already had more than required. The Planning Policy Team Manager explained that national policies required that the Leicestershire authorities collectively accommodate the area's needs; therefore, we would need to provide assistance. He added that any unmet need from the City redirected to North West Leicestershire may not be high but at this stage, it was impossible to say.

In response to a further question regarding the authority's assistance with the City Council's land supply from Councillor N Smith, the Planning Policy Team Manager explained that the City Council would be required to demonstrate that they could not meet the need; therefore, officers would be examining the evidence carefully moving forward.

In response to a question from Councillor N Smith regarding gypsy and traveller sites, the Planning and Policy Team Manager stated that officers liaised with the County Council officer with responsibility for gypsies and travellers and that he communicated with the gypsy and traveller community

Councillor J Legrys felt that all the different organisations and authorities involved in strategic growth planning throughout the region were having discussions in isolation; therefore, the committee was not seeing the full picture. He also reported that residents were complaining about planning policies being ignored when considering large planning applications and questioned why policies were drawn up in the first place.

The Chairman agreed that it would be good to receive updates of what was happening regionally with strategic growth and asked for a regular item on the agenda. The Planning Policy Team Manager explained that it might not be possible for information at every meeting but agreed to provide regular updates.

Councillor D Bigby asked officers if they were confident that the Planning Inspector would accept the partial review as it seemed very risky. The Planning Policy Team Manager confirmed that it was less risky than not doing it at all. Councillor D Bigby expressed concerns that the proposed timeline for completion meant that policies were being delayed for three years and this could lead to the beautiful corridors of countryside throughout the district being developed as employment land; he therefore moved the following amendment to recommendations one and four of the report:

- i) Approves the publication Local Plan Partial Review as set out at appendix b of this report **but also including revision or deletion of Local Plan Policies Ec2 (2) and S3 (s) in order to avoid a further erosion of countryside.**
- iv) Agrees that the substantive review should cover the period to 2039 **and should take full account of the Council's Climate Emergency Policy.**

The amendment was seconded by Councillor J Legrys. Regarding employment land, he disputed the calculations used, as he believed there was enough granted already, he was finding it difficult to justify decisions to the public. Regarding climate emergency, he felt that a policy was needed so that there was something in writing to refer to when he was on residents' doorsteps. The Planning Policy Team Manager confirmed that the HEDNA identified the employment land requirement.

The Planning Policy Team Manager strongly advised against the amendment of recommendation one, as it would delay the consultation and ultimately, the submission of the review. He added that it would also widen out the review considerably and he had no doubts that there would be significant objections. He advised that this approach would make the review more risky than it already was. As a result it increased the risk of the plan being out-of-date, the very situation that the partial review was designed to avoid. He had no concerns regarding the amendment to recommendation four as the Council was required to address Climate Change as part of the local plan.

Councillor N Smith stated that he could not support the amendment as proposed.

Councillor V Richichi was not happy that the amendment had been submitted at short notice and therefore he did not have time to look into the full impact it would have.

Councillor R Johnson explained that the amendment was intended to protect the further erosion of the countryside and although it had been submitted at short notice, it was important.

Councillor D Bigby apologised for not giving prior notice of the amendment. As he mentioned earlier in the meeting, he believed that this supported his argument that the committee did not meet regularly enough as decisions were being rushed due to the lack of time. He felt that if the committee had met earlier, then the discussion could have been held sooner and a delay could have been avoided. He added that the original inclusion of policies Ec2 (2) and S3 (s) was due to an identified deficit in employment land, however, figures showed that an additional 10 hectares of employment land was being gained every six months. He was proposing the removal of these policies to give more time for revision.

The Planning Policy Team Manager advised that there was still a shortage of employment land when compared to the requirement in the HEDNA. A discussion was had on the merits of deferring the item to allow further consideration of the impact before making the decision. It was deemed that a deferral would cause too much of a delay for the partial review.

A lengthy discussion was had in relation to the powers of the committee in accordance with the constitution and the procedures to be followed to vote on the proposed amendment. The Legal Advisor confirmed that he had no legal objections to the content of

the amendment; however, the Committee would only be able to refer the amended motion back to Cabinet to reconsider.

The Interim Head of Planning and Infrastructure expressed strong concerns that the amendment could delay the submission for the partial review, which would lead to the local plan becoming out of date and in turn, this would affect planning decisions. He felt that this outcome would have the exact opposite effect of what members were trying to achieve with the proposed amendment.

A number of members were disappointed that the committee had not had a chance to look at this report sooner and felt like they could not contribute to the decision due to restrictive timescales.

The Chairman reminded members that the officer advice was clear and urged for the decision to be considered carefully when put to the vote.

Councillor J Legrys stated that it was not the intention to delay the process as they believed that the committee was a decision making body and any decision made would stand alone without going back to Cabinet for further consideration.

After further discussion around the wording of the proposed amendment, the mover and seconder wished to continue with the amendment as submitted, with the intention that it would need to be sent back to Cabinet for further consideration. The Legal Advisor confirmed that he was satisfied with the approach.

The proposed amendments to recommendations one and four were put to the vote. A recorded vote being requested by Councillor J Legrys, the voting was as follows:

Motion to amend the recommendations as submitted by Councillor D Bigby	
Councillor Dan Harrison	Against
Councillor Dave Bigby	For
Councillor Russell Johnson	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Tony Saffell	For
Councillor Nigel Smith	Against
Carried	

The recommendations as amended were moved by Councillor D Harrison, seconded by Councillor J Legrys and

RESOLVED THAT:

- i) The publication of the Local Plan Partial Review as set out at appendix b of this report be approved but also including revision or deletion of Local Plan Policies Ec2 (2) and S3 (s) in order to avoid a further erosion of countryside.
- ii) It be agreed to publish and invite representations upon the Local Plan Partial Review document together with the sustainability appraisal report and habitat

regulation assessment for a six week period in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

- iii) The authority to publish an updated Local Development Scheme reflecting the new timescales described in the report be delegated to the Strategic Director of Place in consultation with the Portfolio Holder for Planning and Regeneration.
- iv) The substantive review should cover the period to 2039 and should take full account of the Council's Climate Emergency Policy.

13 LOCAL PLAN REVIEW - AREA OF SEPARATION STUDY

The Planning Policy Team Manager presented the report to members, highlighting the study undertaken by The Landscape Partnership, which was attached at appendices B and C. He explained that the study would form part of the Council's evidence base to support the substantive review of the local plan.

Councillor J Legrys fully supported the recommendations but asked how the proposed dualing of Stephenson Way would affect the plan. The Planning Policy Team Manager commented that until details were received it was difficult to say. Councillor J Legrys raised concerns that the Committee were agreeing a plan that could change, and the fact that the new leisure centre was not included. He also expressed his annoyance that the Ordnance Survey maps still included the railway line that was not in use and formed an important part of the nature reserve.

Councillor D Bigby referred to the three proposed areas of separation as indicated in the Ashby Neighbourhood Plan, which was rejected by the Planning Inspector because it was not supported by sufficient evidence and was outside the plan area. Therefore, he suggested that other areas of separation be considered, particularly those proposed in Ashby. The Planning Policy Team Manager explained how areas of separation were considered and reminded members that the area between Coalville and Whitwick was unique as it was within an otherwise built up area.

Councillor R Johnson raised concerns about his village of Hugglescote losing its identity and asked if there were plans to look at possible areas of separation in the near future. The Planning Policy Team Manager responded that officers would look at an area if a suggestion was put forward.

Councillor D Bigby appreciated the comments from the Planning Policy Team Manager but asked if officers could look into Policy S3 to see if it was possible to make any changes to protect these areas between towns and villages. The Planning Policy Team Manager advised that the policy already did this.

It was moved by Councillor J Legrys, seconded by Councillor V Richichi and

RESOLVED THAT:

- a) The outcome of the area of separation study be noted.

- b) It be noted that the area of separation study form part of the Council's evidence base to support the Local Plan Substantive Review.
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As agreed earlier in the meeting, an informal discussion was had regarding the Strategic Growth Plan. Councillor A C Saffell expressed concerns about the sites identified for housing in and around Castle Donington as they were very close to the racetrack and the airport. He also had concerns that the houses being built in the area were too expensive for the people that were working in the area. As a result of these concerns he raised a suggestion for a new town to be created, on a site just outside of Castle Donington which could be made up of more affordable houses created by a company such as Rent Plus. He believed this would be a suitable solution for the growing workforce in the area and asked for an item on a future agenda for a full discussion.

Councillor J Legrys agreed with the proposal for a future item, as he would be happy to debate the principle but stated that it was also important to have discussions with neighbouring authorities. The Chair asked officers to investigate the options available and report to a future meeting.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.20 pm

Proposed recommendations to Local Plan Committee of 13 November 2019

THAT THE LOCAL PLAN COMMITTEE:

- (I) APPROVES THE PUBLICATION LOCAL PLAN PARTIAL REVIEW AS SET OUT AT APPENDIX B OF THIS REPORT;
- (II) AGREES TO PUBLISH AND INVITE REPRESENTATIONS UPON THE LOCAL PLAN PARTIAL REVIEW DOCUMENT TOGETHER WITH THE SUSTAINABILITY APPRAISAL REPORT AND HABITAT REGULATION ASSESSMENT FOR IN ACCORDANCE WITH REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012;
- (III) DELEGATE AUTHORITY TO THE DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND REGENERATION TO SUBMIT THE LOCAL PLAN PARTIAL REVIEW TO THE SECRETARY OF STATE FOLLOWING RECEIPT AND CONSIDERATION OF REPRESENTATIONS INCLUDING THE IDENTIFICATION OF POSSIBLE MODIFICATIONS TO THE INSPECTOR ;
- (IV) DELEGATES AUTHORITY TO THE DIRECTOR OF PLACE TO AGREE POSSIBLE MODIFICATIONS WHERE REQUESTED BY THE PLANNING INSPECTOR DURING THE EXAMINATION;
- (V) REQUESTS THAT THE APPOINTED INSPECTOR TO RECOMMEND MODIFICATIONS TO THE SUBMITTED LOCAL PLAN PARTIAL REVIEW TO THE COUNCIL IN THE EVENT THAT THE INSPECTOR CONSIDERS THAT SUCH MODIFICATIONS WOULD MAKE THE PLAN SOUND;
- (VI) DELEGATES AUTHORITY TO THE DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND REGENERATION TO AGREE AND PUBLISH A NEW LOCAL DEVELOPMENT SCHEME;
- (VII) AGREE THAT THE SUBSTANTIVE REVIEW SHOULD COVER THE PERIOD TO 2039