

# All Elected Members Briefing - Minutes

## Oadby and Wigston Borough Council

### Wednesday 8<sup>th</sup> March 2017

#### Councillors Present:

Councillor J W Boyce (Chair)  
All Elected Members (Invited)

#### Officers Present:

Adrian Thorpe (Planning, Development and Regeneration Manager)  
Anne Court (Director of Services)  
Ed Morgan (Planning Policy Officer)  
Emma Brackenbury (Planning Policy Officer)  
Jamie Carr (Planning Policy Team Leader)  
Richard Redford (Development Management Team Leader)

#### Guest Speaker:

Timothy Leader (Barrister in Planning Law, Local Government Law and Property Law)

**Meeting Start / End Time:** 18:30 / 20:50

#### 1. Introduction

1.1 Councillor Boyce introduced the meeting by explaining that there would be three presentations delivered on inter-related documents that are of great importance for the future of the Borough of Oadby and Wigston.

#### 2. The Housing White Paper: Implications for Local Planning Authorities

2.1 Timothy Leader delivered a presentation on the newly published Housing White Paper: Fixing Our Broken Housing Market (February, 2017) to Members and invited them to raise any questions as he did so, in order to ensure that everyone remained clear throughout the briefing.

2.2 Timothy Leader highlighted many of the key themes that the Housing White Paper covers, but with the caveat that each theme is not statutory at this stage and that the Housing White Paper is a radical starting point from which the Government will begin to form a view and decide which themes to carry forward into statutory law, and others, which they will not.

2.3 The Housing White Paper is very clear in that it is promoting a Plan-led system for local Planning authorities and therefore, the key objectives for every Council should be to ensure that they:

- Have an up-to-date and adopted Local Plan in place (adopted post 27<sup>th</sup> March 2012);
- Keep the Plan up to date and review it every 5 years;
- Can demonstrate that they have a 5 year housing land supply;
- Are seen to meet the duty to co-operate by working on a joint Statement to Co-operate / Statements of Common Ground with all neighbouring partners; and,

- Have an ‘appropriate’ strategy for the Plan (as opposed to the best strategy).
- 2.4 The Housing White Paper has also made it very clear that local authorities should no longer rely on one or two large sites to deliver its housing need. There will now be a need to diversify the housing market by looking to allocate a range of sites of varying size and in different locations. Likewise, developers are to be encouraged or penalised if they are not seen to be proactively seeking to bring sites forward once they are granted planning permission and if needs be, local authorities will be given greater levels of power to intervene through a range of measures including compulsory purchase order (CPO). Planning permissions will also be reduced from three years to two years, in another bid to encourage developers to get things moving.
- 2.5 With regards to Full Objective Assessed Need (FOAN), the Housing White Paper incorporates a formula that may be used to reduce the lengthy discussions / negotiations over determining a Local Authority’s FOAN in the future. If this is brought into statutory law, it will be done so to reduce the burden upon local authorities and it will also reduce the time it takes to get a Plan through an Examination in Public.
- 2.6 Local authorities will need to ensure that they apply reasonable densities to new allocations and where Brownfield land is available, it must be demonstrated why they are not being brought forward for new residential development. If they are safeguarded for employment uses, the Housing White Paper accepts this, although unless they are in use for that purpose or if they are being safeguarded for ‘strategic’ employment uses, then there will be far less protection afforded to their retention and local authorities can no longer rely on historic Local Plan policies.
- 2.7 The Housing White Paper also identifies Brownfield land in the countryside as another possible source of land that can be regenerated for residential growth. If this is brought through into policy, this could place significant risk on existing uses such as airfields, military bases, sewage sites etc. However, the Housing White Paper does seem to afford a greater level of protection to species, land and biodiversity where it is deemed important.
- 2.8 Councillors sought clarification on a range of issues throughout the presentation and Timothy Leader was able to give his interpretation of the Housing White Paper and the implications that it might have upon local authorities. Some of the questions raised by Members and answers by Timothy Leader included:
- Does the Housing White Paper offer any guidance on whether local authorities should be looking to plan for 15 or 20 years in their Local Plans?
    - Timothy Leader suggested that the White Paper fully encourages to plan for as long a period as possible, and then if the evidence base to support that is not yet available, commit to an early review of the Plan in order for it to be found sound at the Examination in Public.
  - Will the Housing White Paper provide greater clarity on how local authorities can collectively seek to deliver the perceived levels of affordable housing need as identified in the newly published Housing and Economic Development Needs Assessment (HEDNA)?
    - Timothy Leader suggested that there is already very good guidance on this, but in a nutshell, local authorities are being encouraged to be realistic and to really consider viability of sites before coming to a view on the level of affordable housing that is deliverable on sites.

- 2.9 Timothy Leader concluded his presentation by summarising the key themes of the Housing White Paper and then relating it to the job in hand for the Council's Planning Policy and Regeneration Team as they seek to take forward the FOAN as prescribed in the newly published HEDNA and then look to prepare and adopt a new Local Plan in 2018.
- 2.10 Timothy Leader then concluded his presentation by reiterating three key messages:
- Get an up-to-date adopted Local Plan in place;
  - Get your 5 Year Housing Land Supply in place; and,
  - If you don't do those two things, developers will submit planning applications in less sustainable locations and of far larger scale than the Council desires; you will refuse them; but, developers will appeal your decision and an Inspector will have no choice but to grant planning permission.

### **3. Housing and Economic Development Needs Assessment (HEDNA)**

- 3.1 Adrian Thorpe delivered a presentation on the newly published Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (January, 2017) to Members and invited them to raise any questions as he did so, in order to ensure that everyone remained clear throughout the briefing.
- 3.2 The HEDNA identifies headline figures for each Local Authority in Leicester and Leicestershire and in particular, sets out the Housing and Employment land need for each. In Oadby and Wigston, the housing need identified has been set out as 155 additional dwellings per annum and the employment land need has been set out as 7 hectares of additional employment land for the period 2011 to 2036.
- 3.3 Therefore, as highlighted by Timothy Leader, the importance of the Joint Statement of Co-operation will become a very important document because as within Oadby and Wigston, every Local Authority has been set a much higher target than it has previously been working towards.
- 3.4 Councillor Broadley asked if the HEDNA takes account of evidence base and in particular, if it considered issues such as transport infrastructure and the levels of congestion that are apparent throughout the Borough of Oadby and Wigston. Adrian Thorpe confirmed that the HEDNA only considers housing and employment need over the period 2011 to 2036 and that it will be the role of the Local Planning Authority to consider this need as they prepare their new Local Plan and its supporting evidence base to then determine if the infrastructure and other factors considered as part of their evidence base can indeed tolerate this uplift in growth over the Plan period. If the Council discovers that it may struggle to meet its housing and Employment FOAN, then it will need to declare this to the partner authorities in Leicester and Leicestershire and then seek to agree a way forward through the Statement of Co-operation under the Duty to Co-operate.
- 3.5 Councillor Bentley asked whether other local authorities have a duty to take on any unmet need of other local authorities that cannot meet their own need, and if they don't have a duty, what happens if they don't agree to take it on? Councillor Boyce explained that it is a Duty to Co-operate for all local authorities and therefore, all partners have a duty to discuss and agree to the Joint Statement of Co-operation. Further to that, Adrian Thorpe explained that it is in all of the Councils best interest to reach agreement on any issues surrounding unmet need because without that agreement, no one can get an adopted Plan in place,

meaning that they will not have an up to date 5 year housing land supply and therefore, as Tim Leader explained, that will leave every authority in Leicester and Leicestershire susceptible to unwanted development in their districts.

#### **4. The Emerging New Local Plan**

- 4.1 Jamie Carr delivered a presentation on the Borough Council's emerging New Local Plan to Members and invited them to raise any questions as he did so, in order to ensure that everyone remained clear throughout the briefing.
- 4.2 Jamie Carr ran through a range of potential strategies that the Council must consider in order to demonstrate how it is to take into account the FOAN as established in the HEDNA for housing and employment growth need between 2011 and 2036. It was explained to Members that the Council's Planning Policy and Regeneration team is now busily preparing a Pre-Submission draft of the new Local Plan that will have to identify potential locations for the additional growth to be allocated on. To do this, the Council is preparing the required evidence base on areas including infrastructure, retail, affordable housing and open space. When the evidence base is available, the Council will be in a better position to then establish whether or not it will be able to meet the need identified in the HEDNA.
- 4.3 Jamie Carr took Members through each of the sites that were submitted to the Council as part of the recent Call for Sites (2016) exercise (as well as those identified within the Council's SHLAA), and then using a traffic light system of green (deliverable), amber (less deliverable) and red (unsustainable), he went on to identify which of the sites are currently deemed to be most suitable (prior to all of the supporting evidence base being available).
- 4.4 Jamie Carr also explained to Members that by planning for growth between 2011 and 2036, it is clear that there is going to be a shortfall in land supply to accommodate at least 1,000 homes of the FOAN target. Therefore, he explained that the Council must look at strategies to bring that unmet need figure down and that two possible strategies would be to increase housing densities or to consider releasing the red (unsustainable) sites for new growth.
- 4.5 In relation to the possible sites for new growth that Jamie Carr presented, there were no objections raised and Members were aware that the Council must work proactively to meet its FOAN as per the HEDNA in order to fulfil its role as part of the Duty to Co-operate with other local authorities in Leicester and Leicestershire if it is to be able to get the emerging New Local Plan adopted and to have a 5 year housing land supply in place.
- 4.6 Councillor Bentley questioned why there is a figure identified in the HEDNA for housing and employment land growth, but then why the Council will then potentially need to declare that it does not have the land capacity or supporting infrastructure to meet that need.
- 4.7 Adrian Thorpe explained to Members that the Leicester and Leicestershire HEDNA has identified an overall housing and employment needs for the whole area and that each Local Authority has then been allocated its need based upon a range of factors, but none that take account of local evidence base. Therefore, it will be the role of each Local Authority to then consider the FOAN identified and to develop the evidence base to determine whether or not it can meet that need. If it can't, the unmet need for one authority will then be taken on by another authority that does have the capacity to take on the additional growth.

- 4.8 Councillor Broadley reiterated her concerns about the levels of congestion in the Borough and therefore, explained that it is imperative that the Council considers this as part of the transport evidence base that is being worked on. Jamie Carr responded by agreeing that Officers will be working with Leicestershire County Council and its partners to establish the best strategy for determining how and where it can meet the FOAN identified in the HEDNA. Should an unmet need be identified, the Council will then need to declare this to all of the Leicester and Leicestershire authorities and seek to enter proactively into the Joint Statement of Co-operation.
- 4.9 Councillor Kaufman asked if the Planning department had the resources to cope with this level of work going forward? Councillor Boyce confirmed that it does.
- 4.10 Councillor Loydall asked how the Council's Planning Policy and Regeneration team keep track of all of the various Plans, Strategies and pieces of evidence base that need to be produced, updated and reviewed? Councillor Boyce explained that the Council has a statutory responsibility to keep a Local Development Scheme (LDS) and this document sets out all of the Council's statutory requirements and when they are aiming to deliver them.

**EOM: 20:50**