

COUNCIL
7 DECEMBER 2010
SUPPLEMENTARY AGENDA

Agenda Item 7

(a) Question asked by Mrs. J. Richards and addressed to Mr. S.L. Bray

“The new Government has set out many welcome changes to the planning system along with much more realistic objectives in terms of providing necessary housing whilst taking account of the views and needs of local communities.

Despite this the Borough Council seems determined to proceed with its policy of creating two 'Sustainable' Urban Extensions (SUEs) on Greenfield land on the boundaries of Earl Shilton and Barwell in the face of the widespread concerns of local residents about these plans and their general belief that the Council's consultation process has failed to properly engage with the people of these two communities.

It is hard to disagree with the premise that the Borough Council's proposals envisage a massive expansion of both of these settlements without adequate plans for the necessary infrastructure and service provision improvements and certainly without the unqualified support of local residents.

With all this in mind, would the leader agree that this Authority's needs to look again at its whole approach to the SUEs it is planning for the communities of Earl Shilton and Barwell?”

Response from Mr. S.L. Bray

“Thank you Councillor Richards for your question.

Whilst the new Coalition Government has set out its views on the planning system, I would remind you that the clear advice from CLG and the Conservative Minister for Planning at this stage is that the current LDF process continues. No details have been published of any replacement system, nor has any time frame for this been published.

The Council's adopted Core Strategy sets out clearly how growth will be met up until 2026. The Sustainable Urban Extensions for Earl Shilton and Barwell have not only been subject to extensive consultation as part of the LDF Core Strategy process, but have been subject of rigorous examination by a Government Inspector in 2009 and found sound. I have listed below the extent of consultation undertaken so far.

Core Strategy Phase Date	Consultation Carried Out
November – December 2003	Public Consultation and issues papers drawing out public opinion and establishment of a cross-party Member Working Group.

<p>Summer 2005</p>	<p>'The Shape of Things to Come' – more detailed consultation to identify development opportunities – feasibility and constraints.</p>
<p>July 2006 (3 July – 15 August)</p>	<p>Core Strategy Preferred Options published for public consultation. This provided a preferred option for major growth based on concentrating most development in the main 'Hinckley Urban Area' (including Barwell and Earl Shilton). The document divided the urban core up into a number of sub areas.</p> <p>Exhibitions: Barwell Methodist Church – 1 August 2006, 3-8.30pm Co-op Earl Shilton (trailer) – 8 August 2006, 3.30-9pm Members Workshop – 11 July 2006</p>
<p>September 2007 (24 September – 5 November)</p>	<p>Further development of options and alternatives based on feedback from GOEM.</p> <p>Exhibitions: Earl Shilton Library – 9 October 2007, 5-7pm Co-op Earl Shilton – 13 October 2007, 10am – 1pm Barwell Library – 16 October 2007, 5-7pm</p> <p>Parish Council Meetings (explanation of the proposals and an opportunity to discuss and debate them): Barwell Parish Council – 4 October 2007, 7pm Earl Shilton Parish Council – 16 October 2007, 7.30pm Earl Shilton Parish Council – 30 October 2007, 7.30pm Parish Forum – 6 September 2007</p> <p>Workshops: opportunities to discuss the documents with others:- Core Strategy Workshop – 25 October 2007, 6-8pm (Hinckley United Football Club) Barwell Parish Council Workshop – 29 October 2007, 7pm (Meadow Road Community Centre, Barwell) Councillors Workshop – 1 November 2007, 6-8.30pm (Hinckley United Football Club)</p>

Barwell/Earl Shilton SUE Masterplan Phase Development	Time	Meeting
4 December 2009	2-6pm	Barwell Public Consultation
5 December 2009	10am – 2pm	Barwell Public Consultation
11 December 2009	2-6pm	Earl Shilton Public Consultation
12 December 2009	10am – 2pm	Earl Shilton Public Consultation
25 January 2010	5.30pm	Earl Shilton Town Partnership – Update
17 February 2010	3pm	Earl Shilton Town Council and Methodist Church update
2 March 2010	All Day	Barwell SUE Masterplan Workshop
3 March 2010	All Day	Earl Shilton SUE Masterplan Workshop
8 March 2010	5.30pm	Earl Shilton Town Partnership Update
12 April 2010	5.30pm	Earl Shilton Town Partnership Update
20 April 2010	10.45am	Earl Shilton Town Council and Methodist Church Update
22 April 2010	6pm	Earl Shilton and Barwell Scrutiny
26 April 2010	5.30pm	Earl Shilton Town Partnership Update
24 May 2010	5.30pm	Earl Shilton Town Partnership Update
17 June 2010	10am	Earl Shilton Town Council – Consultation re: Weavers Springs access
28 June 2010	5.30pm	Earl Shilton Town Partnership Update
16 August 2010	5.30pm	Earl Shilton Town Partnership Update

2 September 2010	10am	Earl Shilton and Barwell Forward
17 September 2010	5.30pm	Earl Shilton Town Partnership Update
8 October 2010	2-6pm	Barwell Public Consultation
9 October 2010	10am – 2pm	Barwell Public Consultation
15 October 2010	2-6pm	Earl Shilton Public Consultation
16 October 2010	10am – 2pm	Earl Shilton Public Consultation
21 October 2010	10am	Meeting with Barwell Parish Council re Cemetery extension requirement

As you will see, the Council has continued its engagement with residents and stakeholders on the development of the SUE Masterplan. In fact, the Council was recently congratulated by the Earl Shilton Town Council for the level of engagement we have afforded the communities on the proposals. As you will be aware, there was a further recent consultation on revised Masterplans over two weekends in October in Earl Shilton and Barwell and the level of public involvement was good. There is further consultation planned early in the New Year on the Area Action Plan for the SUEs with a final stage programmed for Summer 2011, prior to the submission of the document to the Secretary of State. Beyond this, there will be much more detailed consultation on future planning applications for the SUEs. I am also pleased to report that the Developer Consortiums for both Barwell and Earl Shilton have agreed to set up local stakeholder forums to meet with local residents, businesses and politicians. This should commence early in the New Year.

I share your desire to ensure adequate plans are made for necessary infrastructure and service provision. I can confirm that progress is being made with the support of Prospect Leicestershire to draw up an infrastructure plan that will identify the community facilities and infrastructure required with the development. This will form part of the AAPs which will be considered by Council and subject to consultation early in the New Year.

On the basis of my comments above, I consider this Authority is taking the right approach to its planning for the development of the SUEs and regeneration of Earl Shilton and Barwell.”

(b) Question asked by Mr. W.J. Crooks and addressed to Mr. S.L. Bray

“In a recent leaders speech, Councillor Bray announced that the Council would be taking a more rigorous approach to tackling Planning Enforcement.

As Councillor Bray is the Executive Member for Planning, would he kindly advise me what steps/action has been taken so far?"

Response from Mr. S.L. Bray

"May I thank Cllr Crooks for this opportunity to update Members of the work being undertaken to tackling planning enforcement within the Development Services Department.

Monies have been made available from the Housing and Planning Delivery Grant to support the enforcement process. This money has allowed for the appointment of a consultant to address the backlog of enforcement complaints and provide support to the trainee enforcement officer. This has resulted in the backlog being reduced from 255 cases in August to its current level of 130 open cases as of last week.

The consultant is also looking at long-term enforcement cases to seek a resolution and also to look at cases that were closed but have been re-opened following concerns from some Members.

She is also helping to draft an enforcement protocol on which we are seeking to consult with the community early next year before taking it to Planning Committee. This protocol will look at how the section responds to enforcement complaints as well as setting out the process for resolving/closing cases and reporting progress to Members.

Councillor Crooks will be aware that the manager of the enforcement section took early retirement on the grounds of ill health in the middle of this year. A decision was taken to remove the post of enforcement manager and have two enforcement officers reporting directly to the Development Management Manager. These jobs have had to be drawn up and evaluated. This has resulted in an existing post being re-graded and the other post being advertised last week with a view to interviewing in late December and having a person in post in January/early February 2011.

It will be the first time for some time that there have been 2 full time enforcement officers working purely on a caseload and it is envisaged that this will allow for a more pro-active enforcement team closely linked to development control officers.

Members will be aware that officers recently successfully undertook direct action at The Klondyke and are also pursuing other breaches of control through the courts.

I should remind Members that a breach of planning control is not in itself an offence. There is always an option for the Authority to consider retrospective applications which have to be assessed on their own merit. I should also state that enforcement action should only be taken when it is expedient in the public interest to do so and planning permission would not ordinarily be granted. Having said that the Authority will continue to investigate all breaches of planning control with vigour and take the appropriate action where necessary. I look forward to a fully staffed and resourced enforcement section and the revised practices that will be

brought forward in the early part of next year following the measures being put in place.“

(c) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

“Bearing in mind that it was no secret the Hinckley & Bosworth Local Plan was to be replaced after 2006 with a Local Development Framework to cover a 20 year period 2006 – 2026, can the Leader please enlighten the Council why no provision was made by the Council to clearly identify a continuous 5 year housing land supply from 2006.

This is a particularly important question in that recent events have proved that having left this vacuum, strategic and valuable Green Wedges, Green Belt and other important Green Spaces throughout the Borough have been left to the mercy of the ambition of resurgent developers who are now successfully applying for planning permissions that would not normally be granted had this vacuum not existed.

The irony is that in all probability the majority of these speculative applications when granted will be “mothballed” until a stronger housing market re-emerges after a nominal “start” has been made on the sites.”

Response from Mr. S.L. Bray

“Thank you for your question on this matter Councillor Batty. The national requirement for the provision of a five year housing supply has been in existence for a number of years and is a requirement of Planning Policy Statement 3 ‘Housing’. The adopted Hinckley & Bosworth Local Plan identified housing and employment allocations to help deliver this Councils’ target set by the former County Structure Plan. To meet a five year supply relies on housing allocations coming forward and planning permissions being granted. The Regional Spatial Strategy has set targets to 2026. The Council is in a position through its adopted Core Strategy to demonstrate how these can be met to assist in delivering a five year supply. The fact that we have been able to advance the Core Strategy positions the Council effectively to meet this requirement, as we are now able to bring forward major new allocations in the form of the SUE’s that can facilitate planning applications for new housing and related facilities. The key issue is timing. There is an argument that if we had not commenced this work on the LDF and advanced to the current position, our position on five year supply could get worse.

A green belt designation does not bestow the administrative boundary of the Hinckley and Bosworth or even the County. There is not a policy vacuum; there are still national planning policy statements, saved Local Plan policies, and Adopted Core Strategy and Supplementary Planning Documents. The Judicial Review at the High Court in which CALA Homes challenged Eric Pickles decision to revoke Regional Spatial Strategies was found that the Government acted unlawfully and therefore illegal. As a result, the Regional Plan remains a material consideration.”

(d) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

“Notwithstanding the laudable motion to be proposed by Cllr Bray at the December 2010 Borough Council meeting, would the Leader agree that the current 5 year housing land supply figure needs to be robustly challenged with Central Government as this figure was based on an existing formula and normal housing market supply and demand projections at a time when the housing market has been anything but normal.

Bearing in mind the Global Financial Crisis and the resultant once in a lifetime deep recession which led to a collapse in the housing market, it is clear that the methodology used (based largely on projected demand) to arrive at the 5 year housing land figure would have been fundamentally flawed.

This assumption is supported by the housing market downturn, with new build starts at an all time low during the height of the recession. Developers with severe cash flow pressures were unable or unwilling to bring new sites forward for planning and many existing sites were “mothballed”.

Consequently, during the last 18 months, an average downturn in the sale and completion of new build in excess of 40%. These crucial factors have directly contributed to the shortfall in the current “false” 5 year housing land figure.

Therefore, does the Leader agree that Local Authorities and communities in their area should not be harshly penalised for circumstances entirely beyond their control and that developers should not be encouraged to embark on a frenzy of Green Space land grabbing by unreflective and unhelpful Government planning policies and guidelines.

Whilst this is unlikely that the Coalition Government will agree, as they should to a moratorium on the 5 year housing land supply, does the Leader agree that in any event this Council should make robust representation to Government that in light of the direct affect of the recession and the housing market downturn on the 5 year housing land supply figure, to reduce this figure by a minimum of 20% for the period 2009 – 2012 inclusive?”

Response from Mr. S.L. Bray

“Thank you for your question. I consider the motion I have put before Council sends a clear message to the Coalition Government to remove the requirement for a five year land supply until such time legislation is enacted and implemented to bring about changes in the national planning system.

Whilst I note your scepticism over the likelihood of the Government agreeing this request, I do not consider we should weaken our resolve and suggest reduction in targets at this stage.

I did write to Eric Pickles, Secretary of State for Communities and Local Government in July this year. The response from the Minister of Housing on behalf of the Secretary of State advised that to reduce our housing targets would need to be based on robust evidence of housing need and population projections. Under the current national system it is unfortunate that economic conditions do not have any bearing on the way housing targets are calculated.”

Position Statement of the Leader of the Council
Council – 7 December 2010

Madam Mayor, Fellow Councillors, Officers, Members of the Public and the Media.

It is traditional at this pre-Christmas meeting of the Council for the agenda to be relatively short; both so that Members and their partners can attend your Christmas celebration, Madam Mayor, and because the main issues for debate and decision await us in the New Year – service priorities and the budget.

Tonight is no different in that decisions on service priorities and finances will not be made until early in 2011; more of which in a moment. However, 2010, perhaps more than most previous years, has been a year of great change and challenge, with the promise of much more to come in 2011 and beyond. The relatively lengthy agenda tonight is testament to the fact that this Council has addressed a great many issues in the year – and continues to do so.

Tonight we will consider the tremendous work and achievements of our Youth Council, new governance arrangements proposed by the last government, Treasury Management (effectively achieved on our behalf and for the community by our Managers and Finance staff), reallocations of capital budgets (reflecting our very flexible approach to meeting the challenges of a changing economy), revisions to our licensing policy, the Area Action Plan for Earl Shilton and Barwell (the foundation for the much-needed and long-awaited regeneration of both towns), measures to improve the service quality and efficiency of our street scene services and measures to improve the efficiency of our housing repairs service. A varied and challenging set of topics; but reflective of the work we continue to carry out for our local community.

On top of this, we will be debating Motions equally fundamental and far-reaching for the future of communities in Hinckley and Bosworth: the development of Social Housing and challenging the Governments adherence to the need for a five year land supply, which has seriously hampered this Council in seeking to defend perfectly legitimate Planning decisions at Appeal. I hope that both Motions can be supported by the whole Council when we come to them later this evening.

On the financial front, as I have said, this has been a difficult year as we have sought to stem the tide of bad news and retrenchment on the national economy, as we look forward (if that is the right term) to the stringencies we face after the Comprehensive Spending Review (announced in October) and the imminent announcement of the Finance Settlement for 2011/12. The fact that the Settlement was due to have been announced already is a strong hint as to the complexity of the decisions which need to be made at all levels in the public sector. However, I can tell you that senior officers have worked with the Administration not just over the last few months but over the last two years to prepare for the consequences we foresaw some time ago. The task of making savings, yet retaining strong and effective front line services was a significant challenge, but one that I am confident this Council will more than meet. The proposals which will be put to Members early in the New Year will address all the challenges we have been set, not just for 2011/12, but for a number of years beyond

that, as we have sought (as always) to take a long term view of what is needed to support our communities for some time to come.

In making what may seem bold statements for the future, perhaps I can take the opportunity to remind us all what has been achieved just over the last few months, as well as what is coming to fruition over the next few weeks. I know that some of these are being debated by Scrutiny Commission later this week, but want to remind all Councillors of what is being achieved by this Council, despite these challenging times.

We have completed the redevelopment of the Atkins Building on time and within budget; and this is now beginning to thrive as a business and as a driver for economic regeneration and renaissance of Hinckley. Alongside this (literally) our partnership with North Warwickshire and Hinckley College is close to bearing the fruit of a new landmark building which, when it opens in the autumn of 2011, will house over 2,000 students who will develop much needed skills for the future as well as support the immediate regeneration of out town and surrounding area. We are at last beginning to see the Hinckley Cultural Quarter emerge.

The “Excellent” BREEAM rated Greenfields industrial development (again on time and under budget) recently opened its doors, as did the Hinckley Club for Young People, realising the dreams of the Hinckley Boys’ Club, with the financial and staff support from this Council. Within the next week I hope that another major piece of the regeneration jigsaw nears its final position when the Planning Committee on 14 December considers the application from the Tin Hat Partnership for the long-awaited development of the Bus Station site.

Even more recently, we have been able to provide free car parking on Saturdays in the centre of the town for Christmas shoppers, following on from yet another successful switch-on of the Christmas Lights in the town on 19 November and the Christmas market. Our award-winning market continues to thrive and the “empty unit” rate in the town is at its lowest in the two years since the count started and, at 12.3%, lower than the national average of 14.1%. In the last few days, our Street Scene employees have gritted footpaths in Hinckley town and other areas and managed to complete the collection of the majority of the refuse, despite very difficult access in more remote areas. We should be grateful for their persistence and commitment.

Madam Mayor, as I have said on many occasions before, for our Council to have achieved all these developments, whilst maintaining levels of service performance in the top 25% in the country, securing enviable value for money and efficiency ratings from external bodies, identifying further significant levels of savings and efficiencies to protect our front line services and achieving high levels of public satisfaction are the hallmarks of an “Excellent” Council; one which I am proud to lead.

Madam Mayor. I do hope that the Christmas spirit does prevail during the rest of the meeting and wish to be the first to wish you, fellow Members and the Officers and happy Christmas and a successful New Year.