

NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION

IM PROPERTIES plc: representor no.27

POSITION STATEMENT for MATTER 1

Introduction

IM Properties plc (IMP) is a Midlands based property company but with national & international reach, substantial resources and an impressive track record of delivery, especially in relation to commercial led development. Further information can be found at www.improperties.co.uk

In Spring 2016 IMP acquired land in North West Leicestershire at Junction 11 of the M42 motorway. It previously had no land or property interests in the area and so did not participate in the process of Local Plan preparation until the Publication stage in July 2016.

IMP's representations on the Publication Plan stated that "Policies S1, Ec1 and/or Ec2 need to be modified ... and IMP would wish to work positively and as far as is possible & appropriate in collaboration with the Council to agree the detailed wording of such modifications".

IMP has liaised with the Council in this regard and much common ground has been found. However it has not been possible to agree the wording of what IMP consider to be essential additions to submitted policies if the Plan is to be sound, especially given significant shortcomings in the evidence base and substantial inadequacies in the provision of land for employment development.

Matter 1 Legal compliance and Future Plan Review

1a. Is the Plan legally compliant with respect to:

...

vi. national policy (*subject also to consideration under the further matters below*)?

...

National Planning Policy Framework (NPPF) para 21 requires that "Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

In IMP's view, Policy S1 as modified by M4 (which IMP understands reflects the terms agreed by Officers of the local planning authorities in the Leicester & Leicestershire HMA) does not allow a rapid response to changes in economic circumstances.

Examination doc EX/04 sets out the triggers for reviewing the Plan

- joint agreement between HMA local planning authorities that there is an unmet need for employment (or housing) development: then
- joint & formal agreement on the distribution of unmet needs: then
- acknowledgement by individual local planning authorities that the distribution of unmet need requires in its area a review of the Local Plan: then
- within a further twelve months, the commencement of a Local Plan Review with no indicative timescale for preparation & adoption.

By any standard, this is not a rapid process and certainly not one that could respond in a timely way to the operation of the market for land for employment development.

Further, Policy S1 as submitted makes no reference to research or evidence other than the still to be completed HEDNA: or, as required by NPPF para 158, to market signals: or to current and future policy development such as the North West Leicestershire Growth Plan or the Leicester and Leicestershire LEP Strategic Economic Plan.

Therefore Policy S1 as submitted is both incomplete and, more importantly in respect of Matter 1a, not compliant with national planning policy.

However it is IMP's view that Policy S1 as submitted could be taken forward unchanged and in full but with the addition of "Should this work or other evidence or policy development at the local, sub-regional, regional or national level, or an updated assessment of land supply and its deliverability, or market signals or opportunities indicate a more immediate need or demand for additional employment land in North West Leicestershire, the Council commits to making additional land releases via the grant of ad hoc planning permissions"

IMP's Position Statement on Matter 6 points to significant shortcomings in the evidence base and substantial inadequacies in the provision of land for employment development. Therefore a commitment to the grant of ad hoc planning permissions is vital if a timely response is to be made to already known, emerging and currently unforeseen needs or demands.

This approach represents a pragmatic approach to the range of challenges facing North West Leicestershire and is consistent with Government policy & advice in circumstances where an up to date Local Plan is required to address opportunities & constraints and to promote & facilitate growth.

Further discussion of this proposition is set out under Matter 1c below.

1b. Is the Plan and its preparation compliant with the statutory Duty to Cooperate (DTC) with prescribed bodies regarding cross-boundary strategic matters, including housing requirements in particular?

(subject also to consideration under further matters below)
[LP/14, EX/02, HO/4, CR/01, CR/04, CR/08]

IMP's Position Statement on Matter 6 points to strong functional relationships between the West Midland and East Midlands economies and especially North West Leicestershire which straddles the M42, a vitally important cross-country route between the conurbations of Derby, Nottingham, Coventry & Birmingham and which is well located relative to major employers such as JLR, Rolls Royce, JCB & Toyota and to intermodal railway freight interchanges at Hams Hall and Birch Coppice.

However IMP can find little or no reference in Examination doc LP/14 to joint working with most of the relevant local planning authorities in these areas, notably Birmingham, Coventry, East Staffordshire and Tamworth, in the preparation of the submitted Plan.

This represents a major shortcoming which in IMP's view renders the submitted Plan and its preparation not compliant with the statutory Duty to Cooperate.

1c. Does Policy S1 of the Plan, with the MM proposed by the Council, make appropriate, justified and effective provision in current circumstances for early review of the Plan to take into account the conclusions, yet to be published, of the joint Housing and Employment Needs Assessment (HEDNA) and or other research?

(subject also to consideration under further matters below)
[LP/14, LP20, BP01, EX05-8]

As stated under Matter 1a above, National Planning Policy Framework (NPPF) para 21 requires that "Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

In IMP's view, Policy S1 as modified by M4 (which IMP understands reflects the terms agreed by Officers of the local planning authorities in the Leicester & Leicestershire HMA) does not allow a rapid response to changes in economic circumstances.

Examination doc EX/04 sets out the triggers for reviewing the Plan

- joint agreement between HMA local planning authorities that there is an unmet need for employment (or housing) development: then
- joint & formal agreement on the distribution of unmet needs: then
- acknowledgement by individual local planning authorities that the distribution of unmet need requires in its area a review of the Local Plan: then
- within a further twelve months, the commencement of a Local Plan Review with no indicative timescale for preparation & adoption.

By any standard, this is not a rapid process and certainly not one that could respond in a timely way to the operation of the market for land.

Further, Policy S1 as submitted makes no reference to research or evidence other than the still to be completed HEDNA: or, as required by NPPF para 158, to market signals: or to current and future policy development such as the North West Leicestershire Growth Plan or the Leicester and Leicestershire LEP Strategic Economic Plan.

Therefore Policy S1 as submitted is both incomplete and not compliant with national planning policy.

However it is IMP's view that Policy S1 as submitted could be taken forward unchanged and in full but with the addition of "Should this work or other evidence or policy development at the local, sub-regional, regional or national level, or an updated assessment of land supply and its deliverability, or market signals or opportunities indicate a more immediate need or demand for additional employment land in North West Leicestershire, the Council commits to making additional land releases via the grant of ad hoc planning permissions"

IMP's Position Statement on Matter 6 points to significant shortcomings in the evidence base and substantial inadequacies in the provision of land for employment development. Therefore a commitment to the grant of ad hoc planning permissions is vital if a timely response is to be made to already known, emerging and currently unforeseen needs or demands.

This approach represents a pragmatic approach to the range of challenges facing North West Leicestershire and is consistent with Government policy & advice in circumstances where an up to date Local Plan is required to address opportunities & constraints and to promote & facilitate growth.

In IMP's view, such additional wording does not detract from Policy S1 as submitted or its mechanisms for triggering a review of the Local Plan; rather, it complements it in a way that reflects the requirements of the National Planning Policy Framework (NPPF) para 21 that "Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances". It also reflects the past & current practice of local planning authorities like North West Leicestershire which have a culture & track record of facilitating & taking opportunities for economic growth in a positive, pragmatic and proper manner. Therefore there is little that is new or controversial in the proposed additional wording; it simply states current policy & practice and an intention to adopt the same approach in the future when dealing with unforeseen needs, demands or opportunities.

Without such additional wording and given the significant shortcomings in the evidence base and substantial inadequacies in the provision of land for employment development as set out in IMP's Position Statement on Matter 6, it is IMP's view that the Plan would be unsound.

PRW Strategic Advice for IM Properties plc

06. 12.2016