

NORTH WEST LEICESTERSHIRE LOCAL PLAN

FURTHER HEARING STATEMENT

THE IMPLICATIONS FOR THE LOCAL PLAN EXAMINATION OF THE PUBLICATION OF THE HEDNA

FEBRUARY 2017

ON BEHALF OF:

ROSCONN STRATEGIC LAND (ID: 36)

Pegasus Group

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1. THE HEDNA AND THE IMPLICATIONS FOR THE EXAMINATION OF THE LOCAL PLAN

- 1.1 This further hearing statement is submitted on behalf of our clients, Rosconn Strategic Land, in support of their continued representations to the North West Leicestershire Local Plan. Pegasus Planning Group has been retained by Rosconn to respond specifically on matters of housing need and requirements, alongside other representations submitted on their behalf by Define.
- 1.2 This further statement concerns the recent publication of the Housing and Economic Development Needs Assessment, (HEDNA) prepared by G L Hearn, Justin Gardner Consulting and Oxford Economics on behalf of the Leicester and Leicestershire Authorities.
- 1.3 The HEDNA was published on 27th January 2017, after the initial hearing sessions into the Local Plan, which included a session specifically concerned with consideration of housing need, had closed. The Inspector has subsequently set a timetable which involves representors being afforded a further 2 weeks to review the HEDNA, and its Appendices, and further documents produced by the Council.
- 1.4 It is clear from the National Planning Policy Framework (the Framework), and Government guidance that central to the process of plan making should be the objective assessment of housing need across a housing market area. Local plans should then, in cooperation with neighbouring authorities, meet in full the identified need in their housing market area (HMA). It is clear that the intention of the Leicester and Leicestershire Councils is that the HEDNA is the first mandatory step in this stage.
- 1.5 We therefore believe that it is inappropriate to proceed in the manner envisaged with the examination of the North West Leicestershire (NWL) Local Plan in relation to the treatment of the HEDNA. The HEDNA should be subject to proper examination, including affording those who wish to respond to it an appropriate time period in which to consider the document and its appendices. Subject to the proper examination of this essential evidence, the HEDNA should provide the basis for addressing how housing need is met through the NWL Local Plan as part of the wider HMA. It should not, in our view, be relegated to consideration at a hearing session at the end of an examination in the manner currently envisaged.

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- 1.6 A line needs to be drawn beyond which all local plans in the Leicester and Leicestershire HMA are based on a consistent body of robust evidence as to housing need. Notwithstanding views as to whether the HEDNA represents a reliable basis for the objective assessment of housing need across the HMA, the process leading to its publication is one which has involved the commitment of all councils. This process has the potential, therefore, to provide the shared evidential basis upon which cooperation and decisions as to meeting in full the need identified need can be based. Robust, shared evidence of this nature, and its proper use in the preparation of local plans, is an essential requirement in meeting the duty to cooperate.
- 1.7 In contrast, however, the NWL Local Plan has proceeded in advance of the publication of the HEDNA, despite the work on the document clearly being concurrent with the later stages of plan preparation. NWL has decided instead to base its Local Plan on consideration of the housing need arising its own administrative area only, using evidence commissioned independently. The serious flaw in this approach is now apparent with the publication of the HEDNA, as it not possible to reconcile the work undertaken in the J G Consulting Report of April 2016 with the HEDNA.
- 1.8 In the time available, attention in this response has been focussed on the relationship between jobs growth and housing need in relation to the assumptions and analysis in the J G Consulting Report and the HEDNA. It is apparent from reading the two documents that different assumptions and methodologies have been used to understand this relationship, which, in the context of the NWL Local Plan, is critical to understand and plan properly for.
- 1.9 In terms of jobs growth forecasts, there appears to be a significant discrepancy between the derivation of 'baseline' and 'planned growth' forecasts in the HEDNA (pages 54-59, Tables 17, 18 and 20), and the consideration of forecasts and the role of the East Midlands Gateway (EMG) in the J G Consulting Report (section 4). Furthermore, the resulting conclusions on the change in the resident workforce in each of the documents is also inconsistent.
- 1.10 One of the important components of an analysis of the relationship between jobs and resident workforce, is the assumptions and evidence used in relation to commuting. The two reports appear to use very different methodologies. The J G Consulting Report applies a commuting ratio which remains constant, whilst the

HEDNA models a commuting matrix across the HMA. The HEDNA approach would appear to mean that where jobs growth is greater in particular districts, the model assumes an increase in commuting into that area. This approach is difficult to justify as part of an objective assessment changing as it does the balance between in and out-commuting in a given district. It has been described as a 'policy-on' assumption in the courts, effectively understating objectively assessed need in authorities where inwards commuting is assumed to increase.

- 1.11 The approach in the J G Consulting Report of using a fixed commuting ratio is, presumably, intended to avoid the error of introducing a 'policy-on' assumption which redistributes housing need under the guise of an objective assessment, which it seems could be the result of the approach adopted in the HEDNA.
- 1.12 The HEDNA also adopts an approach of excluding from the assessment of the implications of jobs growth on housing need, the recorded jobs growth over the period 2011-2015. There does not appear to be a credible explanation for this. Using recorded jobs growth data over the period 2011-2015 is supported as a way of making more robust the assessment of arising housing need over the plan period 2011-2031. But to ignore this job growth, in NWL 3,700 jobs, and the implications it has for the objective assessment of housing need seems to be to adopt a 'policy-on' approach, and wrong. This is illustrated by the reference in paragraph 5.15 to the significant increase in commuting into NWL that has occurred over this period. To decide not to account for these additional workers as part of the objective assessment of housing need in NWL would appear to be an erroneous approach.
- 1.13 The points raised above, and those that may be raised by others, cannot be ignored in understanding the extent to which the HEDNA forms a tested and robust basis for determining objectively assessed housing need in the Leicester and Leicestershire HMA. This is a necessary prerequisite before the NWL Local Plan can progress. We respectfully suggest that the Inspector must engage fully with an assessment of the HEDNA as part of the examination of the Local Plan. It provides the HMA-wide assessment of housing need required by the Framework, and the Local Plan cannot progress to adoption without this crucial evidence having been thoroughly examined.
- 1.14 In respect of the robustness of the figure identified as the OAN for NWL in the HEDNA, our client, Rosconn Strategic Land, is aware of work being undertaken on

behalf of Gladman by Barton Willmore. Rosconn Strategic Land therefore wishes to align itself with this work and its conclusions regarding the the OAN for housing in NWL.

- 1.15 Unfortunately, the Council's response to the HEDNA and its implications for the Local Plan examination are inadequate and border on the glib. To simply identify and comment on the figures for the OAN produced by the HEDNA and the J G Consulting Report without any contextual analysis as to why assumptions and methodologies are different and whether this impacts on the robustness of either report, is an inappropriate response.
- 1.16 The publication of the HEDNA also throws into sharp relief the failings of NWL to grapple correctly with the duty to cooperate in the preparation of the Local Plan. As the HEDNA states in paragraph 12.44; "*In the event that one or more local authorities in the HMA are unable to meet their housing needs in full, the contribution that other authorities in the HMA might make to the unmet need would need to be clearly agreed through the Duty to Cooperate*".
- 1.17 The response of the councils to this clear requirement in law and policy, in the form of the *Joint Statement of Co-operation Relating to Objectively Assessed Need for Housing, January 2017*, does not provide any meaningful evidence as to the Duty being discharged in NWL. In fact, the January 2017 Statement makes clear, on the basis of the HEDNA, that unmet need arises in both Leicester City and Oadby and Wigston. There is no credible reason why the NWL Local Plan should not make provision to meet a share of this unmet need, and the examination should be delayed to allow this to happen.
- 1.18 Mr Paul Tucker QC has previously attended the hearings stage of the Local Plan examination on behalf of Rosconn Strategic Land, and contributed his view on the duty to cooperate and the importance of the HEDNA to the examination process. He made clear his significant concerns about the relationship between the Local Plan examination in NWL and the publication of the HEDNA, both in terms of the OAN for NWL and the critically important issue of un-met need arising in the HMA. Mr Tucker QC will be attending the resumed hearing session, currently scheduled for 21st March next.