

**NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION**

**MATTER 1 – Legal Compliance and Future Plan Review**

**Inspector's Key Issues and Questions in bold text.**

The following Hearing Statement is made for and on behalf of the Home Builders Federation (HBF) in regard to the North West Leicestershire Local Plan. This Statement responds to selected questions set out in the Inspectors Matters & Issues document. The following answers should be read in conjunction with our representations to the Local Plan pre submission consultation ended on 15<sup>th</sup> August 2016.

**1b. Is the Plan and its preparation compliant with the statutory Duty to Co-operate (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/04, HO/4, CR/01, CR/04, CR/08]**

The HBF consider that the Council has co-operated on an on-going basis with neighbouring authorities in particular those authorities within the Leicester & Leicestershire HMA. Therefore there has been compliance with the legal requirements of the Duty to Co-operate but satisfactory outcomes from that process in particular an up to date calculation of OAHN for the HMA and meeting any arising unmet needs for the period post 2028 are not yet concluded or resolved throwing into doubt the soundness of the basis on which the North West Leicestershire Plan was prepared and submitted for examination. It is unfortunate that the Leicester & Leicestershire HMA authorities seem unable to co-ordinate the production of supporting evidence and Local Plan preparation in a timely manner. The up to date Housing & Employment Needs Assessment (HEDNA) remains unpublished even though it is believed that this work has been completed. This position is reminiscent of the previous North West Leicestershire Local Plan Examination Pre-Hearing Meeting (resulting in the Local Plan withdrawal from Examination in 2013) and the Charnwood Core Strategy Examination (suspended in 2014 to await publication of the previous SHMA).

The NPPF is explicit that the Local Plan should be based on adequate, up to date and relevant evidence (para 158) in terms of housing this is a SHMA (para 159). The Local Plan should be based on a strategy which seeks to meet OAHN (para 182) based on evidence (para 47) with emphasis on joint working on cross boundary issues and when housing needs cannot be wholly met within individual Local Planning Authority (LPA) areas (para 178 – 181). The 2014 SHMA is out of date and the more recent OAHN is not based on the HMA as a whole which means that there is no clear evidence on an up to date OAHN, where housing needs will be met, if unmet needs arise or the role of individual LPAs in meeting any unmet needs. As the North West Leicestershire Local Plan is based on these uncertainties it must be unsound because it cannot be positively prepared, justified, effective or consistent with

national policy. Whilst there are benefits for development management purposes of having an adopted Plan these benefits should not outweigh the requirements for a sound Plan based on up to date evidence.

As a commissioning authority of the new HENDA the Council must know the OAHN figures set out in the yet to be published report and whether or not the figure for North West Leicestershire is above or below its own calculations and therefore justifies the proposed housing requirement of 520 dwellings per annum. The Council must also know the likelihood and extent of any unmet housing needs arising in the HMA which would necessitate a revision of the existing Memorandum of Understanding. Therefore the very least the Council should do is provide further clarifying information possibly an interim statement about the HENDA in order to allay other parties concerns about the uncertainties of the current position. Alternatively it is suggested that the Examination is suspended until such time as the HENDA is published and any revised Memorandum of Understanding between the Leicester & Leicestershire HMA authorities is signed.

**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,LP/20,BP/01,EX/05-08]**

At the time of the pre submission consultation the HBF was concerned that the review mechanism contained in Policy S1 was poorly worded, cumbersome and without any commitment to a timescale for review. The proposed wording in MM1 is an improvement. However whilst there is now an indication of a potential commencement of a review or partial review within 12 months there is no certainty about the date such commencement would be triggered or the date of completion of the review. There is always a concern that the Council will not deliver in a timely manner on its commitment to an early review as set out in Policy S1.

MM1 has also introduced a reference to the joint Leicester & Leicestershire Strategic Growth Plan to be prepared by the HMA authorities and the Local Enterprise Partnership (LEP). It is understood that this is a non-statutory Plan which would not itself be independently examined. It is proposed that this Plan will set out in broad terms the amount and location of housing, economic and infrastructure growth until 2050 based on an agreed spatial distribution, a housing land strategy to boost the speed of housing delivery and a refresh of the Strategic Economic Plan (SEP) incorporating the Midlands Engine for Growth proposals. However in a recent consultation (ended 16 September 2016) it was referred to as a strategic framework to be taken into account by Local Plans so it is not totally clear if individual LPAs are bound to comply with its proposals for the amount and location of housing, economic and infrastructure growth. The Council should provide further evidence to support its proposals as set out in MM1.

**Susan E Green MRTPI Planning Manager – Local Plans**