good morning everybody

morning could i ask those who are taking

part today to turn their cameras on

please but keep their microphones off at

the moment

thank you right i can only see

uh the way that that teams is set up i

can only see a maximum of nine i think

so uh but whenever you speak i think

your your face will

will pop up but please do keep your

cameras on

so good morning everyone um just for

those who weren't here

yesterday my name is louise gibbons and

i'm the inspector appointed to examine

the north west leicestershire

local plan partial review and this is

the second day

of the hearings i'd just like to

introduce

carmel edwards she's the program officer

and is your

main point of contact if you have any

queries

uh about today's event or

other matters that you wish to raise

please do so

through her via via email thank you

i will come quickly on to those who are

taking part

uh we did this yesterday but it's

helpful for me to go through

people again just because we have a

couple of

uh new faces who are attending today

so what i'll do is i'll just ask uh for

confirmation

of your name organization

and how you would like to be addressed

as well

so i'll start with um northwest

leicestershire please

ian nelson planning policy team manager

at northwest leicester

uh mr nelson will suffice

hugh richards planning barrister

advising northwest leicestershire

thank you hi i'm rob thornhill

and i'm joined strategic planning

manager for leicester and leicestershire

okay thank you um for leicester city

council

uh i think you need to your microphone

needs to go on

uh is it mitchell sorry yeah fabian

decosta from leicester city council

planning policy team

okay thank you and uh is it ms sculptor

it is yes from senior planning officer

leicester city council sorry about the

microphone

oh that's fine uh it's hard work getting

used to all of this

we'll get there eventually uh and then

um i'll move on to the home builders

federation

good morning mom sue green from the

homebuilders federation

um ms green miss green okay thank you

uh and for the pegasus group

yeah good morning madam it's uh gary

lee's of pegasus group

acting for um various clients thank you

okay

thank you uh

davidson developments

good morning mum my name is chloe french

and i work

for bidwell acting on behalf of

davidsons for their land interest in

ipstock

okay thank you and you are are you a

mismas or missus

close mine okay thank you

uh and then for gladman please

good morning mom phil bamford from

gloveman developments

thank you and representing dj

and essie smith david pendle marm

um yeah representing dj and sc smith

with interests at castle donington and

i'm from maron's planning

okay thank you um

do i have anybody from roscon

today nope

okay thank you and gazely

good morning ma'am it's matthew fox from

turley um representing

gasly now known as glp um

mr fox or matthew is fine

thank you thank you everybody um and

there

are a number of observers today watching

the proceedings who are not taking part

in the

discussions could you please make sure

that you um

keep your cameras and microphones off

okay thank you so i'll just explain

a little bit about the process i'm not

going to do the full opening but

um generally i will lead the hearing

sessions introduce each topic

and ask specific questions of the

participation

and for this examination i am allowing

participants to be visible at all times

except during breaks when cameras and

microphones should be turned off

the reason why we do that is because if

you don't everybody can hear either what

you're saying or see what you're doing

so it's important that you do

a microphone should only be turned on

when you are speaking please use the

raised hand facility in

teams to indicate your desire to say

something that

did work well yesterday so we'll

continue to use that

today i will end the discussion on any

topic when i have

uh enough information each session

should last no longer than

an hour and a half although we i managed

an hour yesterday before i needed a

short break it's quite hard

concentrating on a screen with a

number of people so we may we may stick

to the hour with

with brakes and as i said do

remember to stay logged on but turn your

camera and microphone off

during the breaks you might have

recognized that the

uh the sessions are actually being

recorded for those of you that were

involved yesterday

uh that recording is already up on the

website and i want to thank the council

for

for getting that up so quickly

um just in terms of documentation it's

not appropriate to show

anything on the screen um all material

produced should be

on the examination website and i think

that includes some information that

was sent to me on monday so that should

be available

new documentation should only be

submitted following

specific agreement from from me to do so

during the hearings and then that will

have to be sent to

carmel uh via email to be put on the

website for everyone to see

just to remind people again we won't be

using the chat function

in teams we don't need to use it any

queries again just

ask carmel so

just briefly in terms of the examination

to be sound

the local plan should be positively

prepared effective

justified and consistent with national

policy

i need to consider whether it is sound

if not why not

and what can be done to make it sound

has anybody got any queries on the

process today

no okay thank you in that case then

we'll turn

quickly to uh to the agenda

so today's um agenda

covers main issue two and that's whether

the proposed changes to policy s1 are

justified

effective and consistent with national

policy

i have split today up into two sessions

and i think i would like to stick with

that even if

it's only a fairly short session this

morning

um so the morning session will deal with

questions

one two five and then this afternoon

we'll deal with

question six uh onwards

so to start with um the first

question related to policy s1

referring to the submission of a

replacement local plan

but with the council having started on a

substantive review of the local plan so

i just wanted to

come to the council to explain i think

the differences between

uh the way it's it's been addressed and

whether um the policy s1 should actually

refer

to the substantive review uh mr nelson

would you be happy to

to cover that first please yes thank you

madam

um yeah this is really it is a

reflection

of uh where we are uh in terms of

the review of the local plan that was

required

by policy s1

and once it became clear to us

that we weren't going to be in a

position

to address what the inspect previous

inspector had

asked us to do in policy s1 which was

basically to

deal with the issues of uh taking unmet

need from elsewhere within the housing

market area

um and say it was apparent we weren't

going to be able to do that because at

that

point in time when we're talking sort of

spring summer of

uh last year so 2019 we still did not

have a

a quantified unmet need from leicester

city

um and so we were then faced with a very

challenging situation

of you know what do we do particularly

bearing in mind policy s1

had a very strongly worded uh deeming

provision that we did not submit within

two years and the plan was out of date

and as i said yesterday and we've said

in our statements that's not something

the council could countenance

um so we had to make a choice about what

we

were going to do and the approach we

came up with was that

we would concentrate just on policy s1

but at the same time

work in parallel on a wider review a

substantive review whatever you want to

call it

but we would be working in parallel uh

on that as well

and the reason for using the term

substantive review

in in terms of uh things that we put out

is it was to help really the public more

than anything else

who you know aren't so involved in in

planning as obviously we on a daily

basis just to

understand that actually there are there

are two different reviews taking place

ultimately though the partial review

coupled with the substantive review as

processors will result in

a replacement local plan um and that's

why

in the policy it talks about replacement

local plan that is then absolutely clear

it's going to replace

uh what is the currently adopted local

plan

and that that was the the the logic

behind using those terms

per say substantive review is a process

the outcome is replacement local plan

okay just just a couple of follow-up

questions when you

submit the substantive review will you

call it the substantive review though

um and

in addition to that will you have a new

policy s1 so that the partial review

will then

be um replaced itself

yes yes probably i mean certainly in

terms of

what the plan will be it will be the

replacement local plan

yeah yeah yeah and in terms of policy s1

i would envisage there'd be certainly

something like that it may not be policy

s1 it might be something completely

different but

yes but the the majority of policy s1 i

take it would still

if it was to be a strategic policy would

cover matters like how

the housing and uh employment

requirements is

if that is is that right to suggest that

yeah the the there will need to be some

policy or policy somewhere that set out

what is the quantum of development that

the plan is making provision for

okay thank you a number of uh people did

comment on

uh the wording uh whether it should be a

substantive review or replacement local

plan

did anybody want to add anything to that

i think

ms green you you referred to um

not being clear exactly what was what

was being said

yes thank you mom yes i i said that i

didn't think it was explicitly

clear and but in my reading of it i had

just assumed

that the substantive review was the

replacement local plan

um i suppose as mr mr nelson

says over time it will perhaps become

obvious that it is the replacement plan

and perhaps it could be it could have

been set out perhaps a little clearer

not necessarily in policy but perhaps in

the in the supporting text

yeah um and mr mr fox i think

uh you also referred to it as well

didn't you in terms of

um whether there should be some other

information in relation to the

substantive review

yes mom that's correct we um i think

personally i find it quite confusing

because we've got

a partial review then we've got a

substantive review

and then there's a reference to a

replacement local plan as well i think i

just found it quite

confusing when i first looked at it i

appreciate what mr nelson has just said

about the substantive reviews the

process

and then the um the outcome will be the

replacement local plan

i think it may be quite helpful for that

to be sort of either weaved into the

policy itself

or in the explanatory text and i think

particularly as the

local development scheme is referring to

a substantive

i think it would be a bit neater if that

if that was the case

yeah i mean i i i think i agree with

what mr fox said it's

it's not entirely clear now whether that

needs to be

in the policy itself or in uh some form

of supporting text

um that the i suppose the

the communities may have got used to the

two terms but there's actually a third

term being used in

in this plan which is the replacement

local plan

uh could the council give some thought

to um

some wording i think in this in the

supporting text just to

provide a bit of context uh as to why

there is a difference um and i think

um just confirming the position

eventually that um although this is a

substantive review it will be a full

replacement local plan um i i think that

just needs clarifying

um yes ma'am i'm happy

yes happy to certainly uh give that some

consideration i agree i think

if it is going to go in it needs to be a

supporting tax rate and policy

okay thank you

um did any anybody else want to say

anything in in terms of the just the

terminology that has been used

yeah okay

thank you in that case then we'll move

on to

um questions two and question

three as well because there is a little

bit of a

an overlap between these two

questions so uh the first question two

relates to

um the changing circumstances since the

adoption of the local plan including the

publication of the

2019 planning policy framework

and also my question relating to

the the consistency with the framework

in terms of preparation and review of

local plans

if retained if policy s1 is to be

retained

in its current form mr lee's

brought up the matter of the peel

investment

cases uh yesterday

and i i would just like to come back to

that

um thank you for forgetting those in as

everybody seen

them they're now on the website

okay thank you um i

i think mike we we discussed really

um the matter of the plan being out of

date

uh mr richard would you be willing to

explain

uh from your perspective and go through

the

the the deemed out of date uh position

as far as you see it

yes madam um you will know

that um in the nppf

there are um two provisions

whereby um policies are deemed

to be out of date

the first concerns the lack of a

five-year supply

and the second concerns the application

of the housing delivery test

but otherwise whether or not

policies are out of date

in particular for the purposes of

paragraph 11d

the grant permission unless element of

the

presumption in favor of sustainable

development

whether those most important policies

are

out of date is a matter of planning

judgment

and what the peel investments case does

first of all is to confirm that

secondly pl investments confirms

that remarks of lord carnworth

in the suffolk coastal cheshire east

supreme court litigation

the name you give it depends on who your

client was

um law khanworth said that

or appeared to indicate

that if a plan was passed its sell by

date as he put it or its end date

so um an old plan

um running from 96 to 2015 and there we

are sitting in or here we are sitting in

2020.

lord karnworth appeared to suggest that

such a plan

might be or the policies in such a plan

might be

out of date because the end date of the

plan had been passed

what the court of appeal does in appeal

investments

is to say no if the nppf had

had that intention then it would have

said so

in other words what the court of appeal

has said is

you shouldn't assume

a plan is out of date

unless there is a very clear

intention and the problem with a

deeming provision although the point was

not

expressly addressed in peel investments

the problem with a

a general deeming provision in a plan

is that that is a clear intention

and what the court of appeal said in

peel investments

and indeed lord karma said in suffolk

coastal cheshire east

uh was that some policies in a plan

um obviously persist

beyond a end date of a plan

for example uh

local plans set greenbelt boundaries

if you have a plan that on its face says

in the event of

a particular circumstance

this plan is deemed to be out of date

are you saying that greenbelt boundaries

no longer apply

because they are policies in the plan so

a

general deeming provision is a very bad

idea

in planning terms um for reasons

which we now start

and therefore um that's why

um we agree with people like

gladman's who in their uh um

uh response and uh pegasus in their

response

have said that um such a general deeming

provision is unfortunate now this

afternoon

we're going to get on to discuss what

the consequences ought to be

if the if the trigger um

if the various sub triggers in the that

might appear in policy s1

um are missed such as the agreement of a

statement of common ground or the

submission of a plan

we're going to discuss that this

afternoon but what's clear

is that a general deeming provision that

the whole plan should be out of date

is not sound not justified and not

effective

does that help yeah it does i mean i'm

just looking at the

framework and paragraph 16 which refers

to containing policies that are

clear clearly written and unambiguous so

it's

evident that the decision maker knows

how to react to

development proposals my my reading of

policy s1 as it is drafted is that

someone is is likely to think that the

plan should be deemed out of date and

the tilted balance would apply

uh you know i said i have

have there i mean mr nelson have there

or uh

have there been any appeal decisions

that have grappled with this

or any decisions within uh

not not within northwest leicestershire

no okay no

and though and they wouldn't have been

madame because um the deeming provision

only applied

if the council missed the date for

submitting

um a review and

as you know the council avoided that

situation arising by submitting the

partial review

it didn't the deeming provision didn't

say that the

the the the partial review had to be

found sound

i mean if you for example were to find

um that the partial review was not sound

or that the duty to cooperate had not

been passed or any other legal

requirement

actually the the um the requirement of

policy as one had drafted would still

have been met

because a plan was submitted

okay thank you thank you mr lees

yeah thank you madam um i'm not going to

get into a

legal argument with the barrister um

given i'm a planner

i'm not a lawyer but but

um mr richards is right the appeal case

didn't grapple with the actual issue

that we're talking about here

um and you know from my point of view

it's a situation whereby

what what is being said um is clear

but you know if you look at what the

appeal

um the the appeal court said about peel

at the very end there was that it does

come down to matters of planning

judgment

um so i'm still kind of reading it that

you know whether it says is deemed to be

out of date

there's still going to be a plan in

judgment to be made in terms of whether

that is actually the case and obviously

the reason you would have to look at the

reason

for that statement being in place and

the reason for that

statement being in place in policy s1

was

a foreseen change in circumstance that

was on the horizon

when the policy was written about

accommodating leicester's on that need

potentially

which hasn't happened so

you know from my view an interpretation

of that and applying reason and planning

judgment would be that

the policies uh um had the council not

submitted

a partial review um that the policies

would

would still apply as though you were

still passed past the end date of the

plan

um so that

that's my view on it and and also

what we have here in terms of this

particular partial review

is a mechanism just to try and get over

that it isn't it isn't trying to fulfill

the objective of what

the policy was trying to say and what

the inspector was intending

when when that plan was was adopted

so just cut to the chase the bottom line

for me

really in this whole situation is that

you

get an and and my concern

if i can be clear is that you you will

end up with a

um a new a new plan

and therefore the the obligations of

reviewing a plan

um are potentially fulfilled by this

process

which is very inconsequential in terms

of a review but it's still a review and

you will have

um you know it's just a situation of

whether you're going to get a new

adopted plan now

that will you know potentially give time

further time before the next plan is

reviewed notwithstanding the timetable

i'm just i'm just explaining the reasons

why i'm

deliberating this particular point madam

so yeah

should just sort of explain that i'm not

making arguments for the sake of it

that's um

that's where michaelson is so your main

concern then really lies in whether

um the the council won't now come

forward with a substantive review

and that this would this would remain

the

the position for some time to come is

that your concern

yeah i mean at the moment the council

are pressing ahead with this

uh um with a comprehensive review

which is great news uh their local

development scheme

and the evidence this examination is

setting out

uh um a good timetable for that

um so it's it's all it's all looking

good at the moment and it's all very

rosy um

and and and i'm personally very

comfortable with that it's just that if

this happens and goes through then

new housing numbers come out members get

jittery and obviously that process just

gets um

just gets pushed back potentially yeah i

know i i don't know whether anybody

wants to

to add uh to that but um

i i'm just thinking i'm just wondering

what

if from from what i can tell from most

of the representations there seems to be

general support for the policies in the

plan obviously given

given considerations about paragraph 11d

so and i understand the reasons why

the plan being deemed out of date was

introduced by the inspector but i just

wondered what teeth it has

anyway if if most of you think well the

the policies in the planet are still

relevant to some extent anyway

so i'm just trying to to with with

that particular element um does anybody

want to to say yeah mr richards

thank you madam yes

i understand um where mr lies is coming

from and he's a very reasonable

person in my long experience but the

problem is

is that on the face of the policy

for the public to read for less

scrupulous planning consultants and mr

leeds to read

um is this deeming provision so that's

the first thing

um the second thing is is that mr lee's

is quite right

if there hadn't been that deeming

provision there there would have been no

need for this partial review

and thirdly um if you

are concerned and i would understand the

concern and i confess it's not something

that i've thought about since i

have been advising the council in this

matter if there is a concern

for example that

there is a fear that the council might

say hereafter

well we did the partial review that

counts as

quote a review for the purposes of the

nppf

and what councils um may or may not be

able to do within five years of a review

then you could we could a you could make

it very clear in your report

and b the council could uh include some

additional text to make it clear that

this was not a substantive review

for the relevant paragraphs of the nppf

so that for example it wouldn't reset

the clock

for reviewing a local plan every five

years

if that's the concern

okay thank you um i'll

come to miss green first and then come

back to you mr lees

um yes yes mom i mean

if we come back to to the question it

says

is the approach justified and my answer

to that

had been no um and that was on

the basis that the partial review

to change policy s1 is is not the review

that was

envisaged by the inspector examining the

local plan

and as participants in the previous

examination

back in 2016 this partial review is not

the review that we were led to

expect and

using the council's terminology of the

substantive review

that that was integral to the soundness

of the plan

and without the commitment to doing a

substantive review

um the plan would not have been found

sound

well it wouldn't have been found sound

back in 2016 so it would have either

been found unsigned or withdrawn from

examination

so the council was actually given a

three-year reprieve

in which time to have an adopted plan in

place

but by not undertaking the substantive

review

as set out in policy s1 we go back to

the same position

as in 2016 that the unmet

housing and employment needs in the

wider

leicester and leicestershire housing

market area

undermine the soundness of the plan

and therefore at that point it was

deemed it was it was

it was so it was i believe

put in by the inspector that if the

council had failed to do

that then the plan should

fall and it shouldn't just be rolled

forward now having said all that

um the council by having made a

commitment to the review

um even though that's now not been

undertaken did get itself into a

position

whereby it has an adopted plan

so i suppose that we now found ourselves

in a situation where

the council is is is now arguing that

some of the policies in the plan that

don't relate

to housing and employment

which are still consistent with national

policy

shouldn't be considered unsound and

therefore there are parts of the plan

that shouldn't be deemed out of date

but on the other hand relevant policies

that do relate to housing and employment

in my opinion should still be deemed out

of date

and that the planning judgment of on

those policies

um should be removed because these are

the policies

that wouldn't have been found sound if

we hadn't had the review

clause

okay okay thank you

oh can somebody uh got them oh no that's

fine thank you

um yeah i'd i'll come to others who have

got their

hands up miss green have you finished if

you could could you

put your hand down uh mr richards do you

still want to speak

um oh if so i cut you've still got your

hand up so

i'll come back to you

uh i'll come to mr lee's then and then

mr pendle

thank you adam yeah um what mr richards

um just explained and and offered

um by way of providing some explanation

of the status of this uh the implication

of this partial review

in the plan would be very helpful

i note in the council's position

statement on mata

ii in their answer to question 6b

they say that the council needs to have

the replacement local plan

the substantive review in place by

november 22.

so you know the the uh

the intention appears there um that that

is the case

and the timetable for it is there which

is the case so if that is

if that is um explained um and clarified

um within the plan itself um then

from my point of view that would that

would satisfy my

particular concerns with the

implications of this partial review i

understand

the concern to have an up-to-date plan

um

and and uh you know those unscrupulous

planning consultants out there who will

lodge appeals um saying it's um it's out

of date

um i understand that um and

and the reason for to try and cover off

that um

that position through this um through

this process for me it's about getting

the new

substantive review undertaken promptly

that's

um that's what i would like to see so

that would satisfy my concerns thank you

hey thank you uh mr pendle

so thank you mom um just obviously

listening to

what ms green and mr lisa have just said

and

um certainly got you know sympathy with

the points that were just made

um i suppose trying to separate out in

my own mind

issues of the implications of the policy

and what that might mean for decision

taking

and certainly you know comments about

five year land supply and housing

delivery tests being

the triggers for when a a plan a policy

and a plan might be out of date

and separating that from um how how we

prepare plans

uh and of course mrs green's just

mentioned

the circumstances that led to policy s1

in its current form

um and the web of of you know writing

strategies and whether or not it's

possible to

sort of hermetically seal um wording in

a policy like policy s1

from the circumstances and therefore the

remainder of the plan

you know certainly this start as part of

mr nelson's delivery

he quite rightly said that the plan that

would result from this partial review

will be a replacement local plan it will

exist

you know cover to cover um obviously

you'll know better than i power 31 mppf

talks about preparation and review of

all policies

should be underpinned by relevant and

up-to-date evidence

and you've asked in your question

whether or not it's justified and

that that leads us neatly into tests of

soundness so so in my mind

i just have a sort of question i suppose

floating around

how we hermetically seal s1

from other issues that are taking place

for the purpose of of trying to decide

whether or not

a plan is sound given the circumstances

that led to s1

um as you know very well laid out by

inspector sims in in his report

and then second of all there's this

question which may lead us on to this

afternoon and

deeming provisions but what happens

when a plan you know is found or

certainly the most

important policies for an application

should i say are found to be

out of date for the purpose of decision

taking under power 11d

so in my own mind i'm not sure quite how

much that advances is but i'm just

trying to separate out the two things

because we

we're probably it feels to me as though

we're sort of lumping everything in

and of course there aren't any hard

lines drawn around

the mppf in in that sense and but just

trying to separate out decision taking

from

a plan that may or may not be sound yeah

thank you i mean that that's

uh i suppose that i have questions in my

mind as well i mean that

from what i can tell from the appeal

judgment as well that there's

there's no provision in the framework in

terms of plans being out

found uh at plans being out of date

uh it solely relates to to policies so

it's

if if that's the case then what is what

is the effect

of of the wording of policy s1

you know and as a decision taker i i

might read it as

as everything being out of date in the

plan but i

i i don't know what that what purpose

that

achieves um and whether

you know under the current circumstances

it would be

effective or justified so um

yeah i mean obviously there's a question

that's why i'm asking uh these kind of

questions

uh mr richard or mr nelson who wants to

go

first for the council

yes i'll just go first if i may madam

dealing first with um ms greene's

point um and it's really linked back to

paragraph 15 of our

opening statement yesterday

where we're very clear that the proposed

changes

that we're making or suggesting should

be made to policy s1 will

not mean that in considering planning

applications

a decision taker will inevitably

conclude that

the most important policies be they

housing or employment land policies

are up to date if you remove the deeming

provision

the decision taker still has to decide

what the most important policies are and

whether they're up to date

and if you take a housing application it

might be

that a decision taker would decide that

there were that there was unmet need

still to be met and that therefore

policies that

restricted where housing might be built

we're not

up to date that will be open to the

decision

on the other hand if next week

full planning permission is granted for

7 000

houses either in leicester or elsewhere

in the hma

so that it would appear as a matter of

planning judgment there was no longer

any unmet need

then a different set of planning

judgments

might arise

if next week the government changes its

standard method

so that there are there is no longer

an unmet need in leicester then yet a

further set of planning judgments might

arise

so i i agree with mr pendle when he says

we've got to

make sure that we don't try and exercise

decision taking judgments now or try and

anticipate all of the decision-taking

judgments that them

that might come up in the next three

years until the substantive review is in

place

we don't try and do that now

and the mistake if it was a mistake

um that we were all guilty of um

in the last uh local plan examination

was perhaps

not thinking through the consequences of

having a general deeming

provision um

paragraph 14 of the

then framework was similarly worded but

not precisely the same words

but we're now all much uh more

comfortable with exercising planning

judgments as decision takers as to

whether or not things are

or are not up to date we don't require

to be spoon-fed and given a

um an exhaustive list of whether of when

something might be considered to be out

of date or not

um and therefore in the context of the

current

framework and the state of the current

knowledge about

unmet need within the hma

and in the circumstances of the

government

to use a technical planning term

tinkering

with the method of assessing need we

think a general

deeming provision is a bad idea

and that what ought to be enshrined in

the plan

is a commitment to the exercise of

planning judgment

thank you okay thank you mr nelson

yeah i just wanted to pick up on it on a

couple of points uh

from i think that's what mr green said

uh totally agree

uh that you know what the partial review

is not what was

uh intended by policy s1 certainly

wasn't what the council intended to be

doing

but as we've set out in our various

statements and particularly the topic

paper

we are where we are largely from matters

beyond the council's control

uh not least of which is the fact that

we've only very recently

had a quantum of on clarification on the

quantum

mechanic from leicester city um let's

say

it's not where the council wanted to be

i'm sure it's not where everybody else

wanted to be but

uh it is what it is but

as we've said the council was faced with

almost a cliff edge

uh situation where it didn't submit then

as written policy s1 is very crystal

clear

um i also uh then just wanted to

to pick up i think was on the point that

um i can't lose dave pendle or mr lee's

uh but yeah again great agree with what

they were saying there

as well thank you

okay thank you i did did just want to

come back on um

the suggested wording mr mr richards

referred to his

uh potential for for something to to be

added in as a

as a modification relating to the status

of this substantive review i think as

well as explaining the difference i

think that would be

uh helpful um and

of course we'll come on to the triggers

so it may well be that there's some

wording in the policy but certainly an

explanation

uh of the process uh mr nelson it might

just help briefly if you could

just outline where whereabouts you are

in in relation to the substantive review

at the moment

uh that's okay so where we are in the

substantive review at the moment is

obviously now that we've got

um almost two things have happened

in the last few months firstly obviously

the city have been able to

give us that quantum on that need which

is helpful and as we heard yesterday

good progress is being made on the

sustainability appraisal of options

as to how that uh unmet need both for

housing and employment will be

redistributed

uh the employment need was only uh

declared i think in

if i'm corrected in march time

um again as we set out in in

in the topic paper one of the

uncertainties was not just about

unmet need from leicester and how much

if any of that would come to northwest

leicestershire

but was also uncertainty around the uh

the uh

housing requirements are derived from

the standard method

and again as we've set out quite a lot

of detail in the topic paper but

essentially northwest leicester is one

of those authorities that

using the 2014 household projections

uh the requirement is significantly less

than that in the adopted plan

and this is part of the problem we were

facing it wasn't that we had one issue

we actually had two we had had three

uh in terms of the uncertainty now

obviously we've had the 2018 household

projections uh they came out in july um

so that that's that's a very helpful uh

and then recently we've obviously had

then the government's consultation which

is still ongoing in terms of changes

to the standard method uh the household

projections

are are very very important obviously in

terms of the standard method

and i think i'm writing saying that

using the

what is still the current standard

method that gave us a requirement of 910

per annum so a significant increase

but also cause under the standard method

as it currently stands there there is a

there is a cap

and the cap would come into play and

again i think if i remember this

correctly

the cap would apply at 670 dwellings or

thereabout

every year so that that gives us a bit

more certainty

then the government come along with

changes to the standard method

and they are significant not least to

which is obviously

doing away with the cap and under

the currently proposed method our

requirement goes up to 1153

so nearly a three-fold increase from the

adopted local plan

that is certainly higher than we had

anticipated

um certainly higher than we'd

anticipated

and conscious of

needing to ensure that uh in meeting any

need that

you know that we are capable of doing

that uh we have commenced work to

undertake a detailed uh housing capacity

sort of type

of study and we've also only this week

no last week

issued a a further call for sites

because we want to make sure that we

have covered off all eventualities

in terms of the potential for future

housing provision

if we end up in a situation where the

uh proposed standard method and the

government's approach is is the need

that we have to provide for so

about 1153 that is a significant

increase

so where that leads us all is we've

we've probably moved one step forward

and one step back i think to some degree

um we in looking at the local

development scheme we had intended

doing some consultation over the summer

months partly because of the impact of

kobe but also because of the

still ongoing certainty we haven't

progressed to that um

we will need to review the local

development scheme again i mean

something you're always keeping under

review anyway

if you're changing circumstances um

so you know the way i see it is it's a

jigsaw

uh you've got different pieces welcome

together create a picture

actually sometimes you can get a clearer

idea of what that picture is going to be

and if you haven't got all

the jigsaw pieces and certainly getting

the household projections

um the 2018 projections is a big step

forward and helpful

we just need clarity now from government

what it is going to do on the standard

method

is it going to go with its proposals or

is it going to do something else and

at the end of the day none of us know

i'm sure we've all seen the planning

press and the various

murmurings from the the back benches in

particular so

who knows but for now what we're

planning on the basis of

is um that sort of 900-ish figure

is a starting point but always in the

back of mind will be the higher figure

okay does it does that um does it all

this

uh uncertainty uh put in jeopardy the

the november 22 2020 2022 day that mr

lee's referred to

it's it's going to be challenging

there's no doubt about that um

particularly if we do end up with that

higher figure of 1153 or thereabouts

not least because we'll need additional

evidence we have already commissioned

some evidence looking at a number of uh

potential strategic

sites uh of sort of two and a half three

thousand

uh in part of the dis um and that's

looking

at a fairly high level at the potential

infrastructure uh implications

that work has been done

okay so work is progressing

okay thank you um mr decosta

first and i'll come to you miss french

sorry mrs french uh

thank you ma'am yeah it was just some

clarity really we've made

uh representation about the draft policy

referring to the head

uh um mr nelson quite rightly says that

uh using the standard methodology the

statement of common ground refers or

uses a standard methodology

uh in terms of the figures housing

figures um i just wondered if that's

uh it needs to be updated the policy or

remove that that reference to hedley

removed

uh to be consistent with what we're

discussing as part of the statement of

common ground

um as per our suggestion

okay thank you mr nelson could you

comment on that um

that potentially could open a whole can

of worms um

i mean i need to have a look again

exactly what the wording is

uh but the simple fact of the matter is

the adopted local plan was based on the

hedner

um and again this is part of the dilemma

that the the council was faced with

if we are going to start including

reference to the standard method

then the the outcome um

of that certainly in terms of at the

time we were submitting was that we had

a requirement which was much less than

that in the adopted local plan

obviously things have moved on again

with the publication of the 2018

household projections

um so it just has that potential to say

open a whole can of worms

and widen out the the review um

and get very very messy and that happens

that diverts us away then from the

substantive review

okay so you're suggesting that is

probably not appropriate for

for for the partial review it's

something that you would tackle

through the through the substantive

review

mrs acosta absolutely absolutely what

sorry yeah

yeah i just wondered if that could be

made clear somewhere because i think it

otherwise it does appear confusing if we

are still referring to in effect

old evidence whereas our discussions are

based on the standard methodology

so possibly again it's possibly a change

to the text

yeah just to make it clear i think yeah

okay we'll have a look at that yeah

thank you so so just to come back to

potential changes to the

text then we've got so far uh wording to

explain

uh the differences between the

substantive review replacement local

plan clarifying that position

um looking at um

discuss some discussion about the

timetable but obviously that's

a little bit more uncertain than the

november 22

2022 day by the sounds of it and

just a reference to

how housing figures might be determined

uh mrs french

hi thank you um it might be covering all

graham but

it strikes me that the reason for the

inspector

um putting in policy s1

was because the housing figures were

unknown and it

also strikes me that we are in exactly

the same position

um it it's you know there's there's sort

of a higher level of uncertainty because

we've got the

standard methodology and we know what

the leicester figures might be but again

that

that might change completely and it

and it's comment really more than

anything else that it doesn't feel like

there's any progress

at the moment in terms of what is being

achieved and addressing those

initial concerns for why policy s1 was

put in in the first place

okay yeah thank you uh mr lees

thank you adam um just i have a lot of

sympathy with mr nelson

um i want to envy his position in terms

of trying to uh

get these plans sorted out with the

issues that um

that you've got to grapple with and you

know i do agree with what he says we are

where we are how quickly

from where we are now can we get a plan

adopted that's going to be meaningful

and really deal with the housing needs

that we know that are out there that's

the

that's the important point here and i

just want to pick up on

the issue of the wording because we are

um

inserting wording to a plan that was

based

what really developed you know a few

years ago now

and as mr decosta said dealt with a

different

set of housing needs so we do need to be

careful the other

the other element we need to be careful

about of course is um

obviously you know what's happening with

this white paper and um

with the uh the change of standard

method and the

uh you know the the the transition

arrangements

for plan making that are proposed in the

white paper

um you know we've got you know from

when it when it is crystallized 30

months

um to get a new plan in place

or 42 months um if you have

a plan adopted within the previous three

years

um so you know clearly we want to make

sure that

northwest leicestershire will be working

to the 30-month

time frame um regardless of

what's said here i guess and you know

events may overtake us

and you know whatever we say now

in terms of timing we just need to make

sure you know there's not

a conflict with what the white paper

might be saying

um so i just think we just need to be

careful about that that we don't because

of what happened last time

with the uh the way policy s1 was worded

is where we are now which isn't helpful

at all

you know we don't want another

complicated situation

uh um down the line really yeah

mr nelson did you want to respond to

that

uh your microphone's off

sorry about that uh yeah uh not so much

what mr lee said although

thank you uh gary for the uh the

sympathy

i don't envy me either um no it's just

to pick on the point that uh mr french

was taking it

making in terms of you know lack of

progress

i totally understand where she's coming

from uh it's as frustrating to us as it

is to everybody else

but it is circumstances beyond our

control

um if we go back to the examination

discussions in

march 2017 i think it was there was a

reasonable expectation

that the leicester city having declared

an unmet need would be in a position to

be able to quantify that

fairly shortly for whatever reasons

that wasn't possible that's not within

our control

equally not within our control is the

uh shall we say to use mr richard's uh

technical term of

tinkering not so much with necessary

with uh policies but with uh

changes to the household projections and

how they seem to be extremely uh

volatile at the moment uh meant that

northwest leicestershire

was in a position where it ended up

under the standard method with a

significantly reduced housing

requirement

now i have no doubt whatsoever that had

the council decided as it could have

that the the review would basically take

the standard method of 379.

if we had pushed that forward and gone

to examination

most people who were present today and

probably others would have been saying

no that's totally unreasonable it's not

positive planning

i and i have complete sympathy with that

position

um you only have to look across we're

not in the same situation

as say our neighbours charmwood where

their housing requirement has remained

consistent for a number of years

um whereas ours is up and down um

it doesn't help anybody and i i i

appreciate the the

frustration out there and i share that

believe me

as to the council the council the

council has had experience of not having

an up-to-date plan in

place it does not want to be back there

okay so so the moment there's still

commitment

to to continue working on the

substantive review it's just that

some some things are uh

up in the air um

not least because of the the white paper

is that is that right so you still

you're still working on the review oh

absolutely um i think the white paper is

an issue in its own right

it's actually more the the consultation

on changes to the planning system

that were issued at about the same time

as the uh

planning white paper and the changes in

particular to the standard method

um i say i think in terms of the white

paper that that's a whole new ballgame

uh which we are giving some thoughts to

about if that's where we get if that's

where

the government decide they want the

planning system to go how can we try and

future-proof the substantive review

but no work is definitely continuing on

that

okay so and you said you might need to

review the local development scheme is

that

something that's coming up shortly or is

it something that might be a little bit

down the line

uh it's something i certainly need to be

giving some thought to

um once we've certainly got this

examination out the way

uh and also sort of dealing with the

these current government consultations

so it will be sooner rather than later

but we do need to be

um trying to get that back sort of on

track as it were

okay thank you um i i think we've

we've covered um the majority of things

that

i wanted to cover for questions um

two and three did anybody else who

hasn't uh contributed so far i want to

say anything

uh there were a number of parties here

that did comment on

on the questions i just wondered whether

they wanted to add anything

no okay

uh in that case then um we'll move on to

question four and this is uh really

relates to lester having

provided what was an initial indication

of unmet need at that stage

we have discussed this to some extent

already

yesterday but for those that weren't

involved

it would just be helpful if leicester

could just explain

uh their position again um and uh just

set out some of the background

uh to the the the publication of the

consultation that uh came out was it

this week

started yeah it was on monday ma'am yeah

yeah

just by way of background we were we

were due to consult on our

uh regulation 18 draft plan back in

march just before

the lockdown so hence the delay

so we um as you quite rightly pointed

out we've commenced consultation on

monday monday the 14th

uh regulation 18. it's exactly the same

plans that we were intending to go out

with

back in march since march

we have completed some other evidence um

which we'll also put which is also on

the website

um for comments this does not inform

this draft plan and we'll inform the

next stages along with any comments we

receive in our

on our draft plan in terms so

in terms of the in terms of the figures

that they're very much the same

um we have a you know we have a housing

um need of 17 12 7 1712 a year

which amounts to 21 21 29 104 over the

planned period

um we are allocating five strategic

sites and approximately 85 other sites

for housing

um but uh you know we have a shortfall

of 700

777 7742

um houses which we're discussing through

the statement of common ground

with other authorities we've also got a

um sort of need of employment land of 23

hectares as well so that's where we are

at the moment

um in terms of our timetable that has

obviously slipped as a result of this

um so we're looking at uh sort of

august next year in terms of our

publication

um if you just bear with me i'll just

grab that sort of timetable

to clarify um

the other thing i would i would sort of

mention at this stage as well is that we

have provided a

trajectory uh in the back of the plan um

and using our supply and and sort of

need

uh the actual media doesn't kick in

until 29 30 which is

which is i think it's um quite quite key

really

these discussions so um

that that's that's something that as i

said is the back of our plan as well

so the consultation will last for 12

weeks will end in december

okay thank you and just coming back to

you say that the

um the unmet knee doesn't really kick in

until

2029 30 was that right

yeah that's right so the first the first

five years actually we're providing more

um than our supply and then 29.30 that's

when

uh the real metanee kicks in we got

around 835 um

you know minus 835 so that's when your

met need we're kicking up to then

um we're okay really and

as mr nelson explained uh in relation to

northwest leicestershire's figures

do these have the potential to change

through um

either projections or

the standard method any changes in that

respect

yeah i think i think i think you know i

think it's safe to say that these

numbers will change for us

um not only through the consultation but

you know we've got to bear in mind to

the white paper as well

so there may be changes along the line

and and one thing i think we do need to

bear in mind that is that any statement

of common ground needs to be flexible

enough to adapt to those changes

and that's quite important um you know

take into account the comments on our

reg 18 some sites might be taken out

some sites might be put back in

so you know we've done a lot of evidence

work to support the plan at this stage

we've done a lot of capacity work as

well

both in the city centre and on our

strategic and smaller sites

i think it's also worth mentioning at

this stage is that we've had a

sort of an independent past review of

our capacity

which we agreed uh with the districts um

into you know just just to satisfy the

duty to cooperate in terms of city's

capacity because obvious you know it's

obviously

has implications for other authorities

and that's been completed and shared

with the authorities

uh sorry just to to come back to you

then i think mr nelson also mentioned

so the that was the planning advisory

service

in england assessment okay so what was

the objective

that then was that just uh well if you

could explain that

yeah i think i think given that the you

know the government strengthened the due

to cooperate test

um to help with our process it was

considered useful to work with the

districts to commission an independent

review of the city evidence based

before we went out to consultation so

the

the key aim of that was to review the

city's housing capacity

um and and sort of look at sort of what

work we've done to inform that capacity

so we commissioned um intelligent plans

and examinations

past commissioned that and we welcome

that sense checks i think we wanted to

be absolutely clear about how we've got

to where we are

and if there were any issues with the

way we've done things then you know we

we could address those

i think in terms of the outcomes one of

the key things we need to do is

is update our sheila and that's what

we're doing at the moment as a result of

that bit of work

okay so that's your housing and

employment

that's right uh land allocations work

yeah that's right yeah okay okay thank

you

uh miss gupta i did see you with your

hand up earlier

did you want to say say anything yes

thank you ma'am um

mr costa has covered uh that green that

particular

issues thank you okay thank you uh mr

richards

um you asked madam a question about

whether or not the numbers in the reg

18 leicester city council draft plan

were vulnerable to

changes in circumstances and and the

answer is yes

and we've done um a rough and ready

mathematical calculation at the moment

the reg 18 draft

is predicated on a need of 1712

dwellings a year

um but the standard method consultation

draft

2020 suggests if you believe the

plethora of consultants who've

produced work on it suggest that that

might drop to 1119

that would um if if that happened

that would mean that leicester would be

looking for 8

900 roughly fewer houses

than is currently in the reg 18 draft

and that would be sufficient to wipe out

the unmet need

so the answer to your questions is yes

the reg 18 draft

of the leicester city plan is vulnerable

to changes in the standard method

and government policy and

that may come out at the reg 19 stage

who knows

okay thank you uh i'll take mr nelson

then

miss gupta and then mr pendle so mr

nelson did you want to add to that

it was actually just picking up on what

mr

decosta was saying in terms of the

planning advisory service um

the advice just from a a district

perspective if you like

uh part of the reason for for seeking

that piece of work and working jointly

with the city is that

the districts and boroughs needed the

reassurance

that the approach taken by the city was

comprehensive

because obviously if they're being then

asked to take some unmet need

from a purely political point of view

never mind any sort of

planning merits or otherwise they're

going to need to be that assurance that

the city

has done a thorough job and that was the

real reason from our perspective

that's why it was important to

commission that piece of work

okay and has that satisfied that uh

need for reassurance then yeah

okay thank you uh miss gupta

thank you mom um just in addition to

what mr richards has

said um that yes then our plan at rec 18

is vulnerable

he's pointed out rightly the current

proposal so

if the current proposals do come in our

need will yes drop

but i'd just like to add um the in

between change

if nothing happens with current

proposals if standard methodology

remains

as it is then what we've proposed in the

draft plan

will change anyway because according to

the standard methodology

we've got to use uh the latest um we've

got to calculate the housing aid in the

base here so

our our housing needs today has already

identified a very slight increase

in our um housing need which is

different from

what's there in the draft plan it's

twenty nine thousand one hundred and

four what what

if if we st if we stick to the standard

methodology compliance

it becomes twenty nine thousand four

hundred and seventy eight

and that's basically using the latest

affordability data ratio and

and changing the base year so yes um

he's quite right uh

it it is vulnerable to change and if we

forget about the

new proposals uh in which it does get

reduced without that there is

slight increase as well so just to make

you aware thank you

okay thank you uh mr pendle

thank you mom um just the the point

about

um whether or not leicester city's

position may change

as their plan makes its way through the

the statutory plan making process

um of course you're you're not examining

that plan um neither are we um

power 11 b footnote 5 of course

directs us towards statements of common

ground and this this point may have been

covered yesterday so forgive me if i'm

going over all ground

um power 27 of course talks about

ace aim to common ground or a number of

statements of common ground

on monday of course leicester city

published the joint position statements

are relating to leicester's housing and

employment land needs and that signals

the unmet need

and then signals the potential for a

state of common ground that would then

in fact deal with that and no doubt will

will

either come on to have a conversation

about whether that's mechanisms process

or

or policy um but the point being

under power 11b footnote 5 we have a

statement of common ground in the form

of the joint position statement which

signals on that need

so from the point of view of the exam

question here um which includes is this

plan positively prepared and does it

take into account unmet need from

neighboring authorities

you're directed to to look at that joint

position statement and form a view

and then inform you on whether or not

this plan does or does not do what it

should be doing

which sort of brings me i suppose back

without wishing to sound like a broken

record to

how do you hermetically seal a policy a

trigger policy like this

from the remainder of the plan that it

was generated from

okay thank you uh

miss french sorry mrs french i keep

saying that's what misses

uh thank you inspector and i was just

going to follow on

actually from mr pendle that about um

you know

looking back at question four and is

the leicester city numbers helpful yes

most definitely

we now at least know a ballpark and

okay the standard methodology is going

to come in it'll be there or there

abouts from what i've seen

in leicester um city but the other

authorities within

leicester and leicestershire are likely

to go up

but looking at the joint position

statement

um i note in paragraph

3.1 they're suggesting that

they sort of put the unmet need into

context which i think is quite helpful

and they suggest that their need is

around nine percent

which is great they then go on in

paragraph 3.6

um to say that this reduces to around

four percent assuming

everybody does what they're going to do

and or what they say they're going to do

um for in their local plans um which

i think that is really helpful and

concern i know that sort of

only came out on monday but i think that

that does also provide

greater clarity to the numbers i would

question um open wisdom perhaps whether

they would be able to provide more

and also and charm would borrow in their

regular team plan have said that they

are unable to provide any additional

housing so

i think we're starting you know as mr

nelson said

we're starting to piece together that

jigsaw and see

where things are going to fall albeit

we just don't know at the moment

thank you yeah thank you i i i think um

it would be helpful to come on to the

joint position statement in a bit more

detail this afternoon so i would like to

discuss that and

it's implication i realized that the the

question that i asked

uh on question four actually overlaps

now that now that there's been the

publication of that joint position

statement

um mr lees

yeah thank you madam i think just in

answer to the question

yes it's helpful um in in in terms of

informing

changes to policy s1 i know from what mr

thornhill said

yesterday that progress is now being

made

on um agreeing if you like

redistribution

as a result of what's published i hear

the past commission work in terms of

testing that for the comfort of the

districts but of course

i don't want to be a pessimist but

obviously that plan has got to be

examined and

the inspector inspectors examining that

plan have got to be satisfied on its

deliverability

so um i think there are still some

question marks

over the over that number um that will

need to go

through the examination process

um before that is uh necessarily

uh precisely defined and i think but i

think from my point of view it's worth

you know we need to crack on we've got a

number now at long last

uh we've been waiting for this number

for a few years um

and so so so does think

it does need to uh um to move forward

productively now but um yeah we have the

standard methodology uncertainty and we

have the uncertainty of the um

uh leicester city's examination as well

so but

um it does need that flexibility uh

within it

to uh to to change quickly and i think

that's the

the issue there that we'll come on to uh

this afternoon no doubt

yeah yeah i i that that's my intention

uh

mr nelson and then mr decosta

yeah it's just to pick up on the point

that mr lee's

uh just been making and just to say uh

that in terms of the sustainability

appraisal work that is taking place

um it isn't just looking at that figure

of 7742

it is looking at scenarios both above

and below that

so that uh and you know to be honest

with the reason for that

is so that uh if circumstances do change

uh we as authorities don't have to get

back into doing another statement of

common ground

because that will take time uh and will

no doubt be

uh painful as well so um we are trying

to cover that off through the

sustainability appraisal work

okay thank you uh mr decosta

yeah very much the same as mr nelson but

just just to

i mentioned yesterday that the city have

produced

you know a lot of evidence after

discussions with the districts about the

capacity

we've got past to review that these are

all online now

in particular our evidence in relation

to capacity within the city center

um and but oh but you know just to bear

in mind what mr nelson said about

flexibility as well

uh these numbers are going to change we

think so the statement of common ground

does need to have that flexibility to

adapt to those changes

thank you okay thank you thank you

okay uh we'll we will move on to uh the

discussion of

the statement of common ground the wider

statement of common ground also this

trigger statement of common ground that

i mentioned yesterday and

also um the joint position statement so

i think all of those we'll

we'll discuss in detail this afternoon

it is my intention to to just hold off

and have that session this afternoon

in that case any anybody want to make

any further points

on question four i suspect we will come

back to it again this afternoon

okay and then uh question five was

really about whether

the i think the general thrust of my

question

was whether any other changes need to be

made

to other policies within the local plan

in terms of consequential changes

mr nelson you've referred to two

potential changes but you're suggesting

those are just

minor modifications is that correct

that's that that that is correct um it

was just when we

when we had the opportunity i supposed

to just look in a bit more detail that

we did say there was a potential for a

a conflict so yeah we've identified

those two minor

modifications obviously this morning

we've been talking

about some other possible changes uh to

the text

and uh what's been talking i've been

having a look at the local plan and

thinking about where that might go and

it

it may well be something that goes

fairly early on the plan to explain

to uh somebody coming fresh to this that

was the original local plan then was the

partial review

and and what would there happen there

after that might be the easiest place to

try and put something in but obviously

we'll give more thought to that

uh yes please if you could yeah uh

anybody else wanted to comment on that a

couple of um

uh participants here did comment on

uh other changes potentially miss green

i

i think you're actually

um saying that other policies didn't

need changing anyway but you also

referred to the strategic growth plan

i just wonder whether we might be best

off covering that this afternoon

as well

yes ma'am i think i think that will come

into the discussion about

um when we talk about the triggers

statement of common ground i think that

um some of the other

local plans um in their trigger

mechanisms refer to the strategic growth

plan

but i think we'll probably cover that

this afternoon okay thank you

does anybody else want to raise any

points

yeah any other matters they wish to

raise on anything that's been discussed

this morning

no okay um i i

i will stick to the timetable today so

we're programmed for this afternoon i

really realize it's

it's a very long lunch but i'm sure

people won't won't mind that

sometimes prefer it when we have a nice

long lunch but uh we will return

at two o'clock and we'll resume the

discussion on

the statement of common ground and the

triggers and

other matters relating to question six

uh onwards uh anybody

have any objections to that no

okay all right thank you well i shall i

shall leave uh i shall hang up

um and i shall see you all again at two

o'clock this afternoon

uh thank you for everybody taking part

this morning thank you

thank you