



LOCAL PLAN PARTIAL REVIEW

Publication Consultation - Response Form

Details of what we are consulting on, and why, can be found on the Council website at www.nwleics.gov.uk/localplanmysay. You can also participate in the consultation online.

Please complete both Part A and Part B. For questions where there are multiple choice answers, please indicate your choice by placing a 'X' in the appropriate box(es).

PART A – Personal Details

If you are responding on behalf of yourself, or your own organisation, please fill in all the 'Personal Details' fields. If an agent is appointed to act on your behalf, please complete only the Title, Name and Organisation boxes in the Personal Details column, but complete all the 'Agent's Details' fields.

| | Personal Details | Agent's Details (if applicable) |
|----------------------------------|----------------------------|--|
| Title | | Mr |
| First Name | | Robert |
| Last Name | | Barnes |
| Job Title (where relevant) | | Director |
| Organisation (where relevant) | St Modwen Developments Ltd | Planning Prospects Ltd |
| Address Line 1 | Contact details as agent | Unit 4 Mill Pool |
| Address Line 2 | | Nash Lane |
| Address Line 3 | | Belbroughton |
| Address Line 4 | | Worcestershire |
| Postcode | | DY9 9AF |
| Telephone | | ██████████ |
| Email address | | ██ |

PART B – Your Representation

1. To which part of the consultation does this representation relate?

Please note – comments should be restricted to the matters listed only

| | |
|---|--|
| X | Partial Review (Policy S1 and supporting text) |
| | Sustainability Appraisal |
| | Habitats Regulations Assessment |

2. Do you consider the Local Plan Partial Review is:

| | | | | |
|--------------------------------------|--|-----|---|----|
| Legally compliant | | Yes | | No |
| Sound | | Yes | X | No |
| Complies with the Duty to co-operate | | Yes | | No |

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

Introduction

St Modwen Developments Ltd (SMD) have land and development interests in North West Leicestershire (NWL). In particular, they have current proposals for large scale employment development with the Council for determination which is explicitly not provided for within the local plan or plan review.

SMD's position in relation to the Partial Review at this stage is not one of formal objection in a strict sense, and they understand the reasons why the Council have decided to take this route, i.e. a Partial Review in the immediate term dealing solely with Policy S1, and a longer term Substantive Review. However, they have significant concerns with the approach taken to the Partial Review and what it is seeking to achieve, including that:

- i. It takes the Plan review process in a materially different direction to that anticipated when the existing Local Plan was adopted, and indeed when the previous (Issues and Emerging Options) consultation stages of the review were carried out.
- ii. It does not grapple with the issues that adopted Policy S1 was intended to address including, inter alia, securing the provision of the required amount of the right type of employment land; rather, it defers this for another day.
- iii. It is the anti-thesis of what was anticipated by the Inspector who reported upon the current adopted Local Plan who determined that the Plan was **only** sound on the basis of

the review which is now being side-stepped by the partial review.

In this context, and again acknowledging the intention of the Council to identify a pragmatic solution to advancing the review of the Local Plan, SMD are concerned in terms of whether the Partial Review as now proposed will be regarded as “Positively Prepared”, i.e. “providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs” (NPPF para. 35a)), and hence “Sound”. The Council and all parties who use and rely on the Local Plan have a shared interest in ensuring it is found “Sound” through Examination. This representation is made to raise this as a potential concern, such that consideration can be given to it by the Council ahead of the Examination, and it can be properly debated through that forum as necessary.

Discussion

The intention of Policy S1 as framed in the adopted Local Plan is clear. Its purpose is to ensure that the Plan meets the future housing and economic development needs of NWL and does so as soon as possible. It includes a commitment to the commencement of a “Plan Review”, and for that Plan Review to be submitted for examination within a specific timeframe (in effect by 21 February 2020). The “soundness” of the adopted Local Plan rested in part on ensuring that there would be a commitment to an early review of the type embodied in Policy S1.

The Plan Review was of course not mandated to be an abstract exercise but rather one intended to address the serious shortcomings in the extent to which the adopted Local Plan was able to meet the development needs of NWL.

The Local Plan relied for its development requirements on a Housing and Economic Development Needs Assessment (HEDNA) that was completed late in the plan preparation process (Local Plan para. 5.4). This included a requirement for employment land for employment uses of less than 9,000 sq m, but the need for more strategic B8 uses (over 9,000 sq m) was not accounted for (Local Plan para. 5.5). The Local Plan identified a mismatch between the type and quantum of land identified as being required in the HEDNA and the actual provision and allocation; it also identified the potential requirement to help meet some of the development needs of neighbouring Local Authorities (para. 5.8 and 8.26, both of which cross refer to Policy S1).

Immediately, then, the need for a Review is apparent from the Local Plan. There is a disconnect between the HEDNA and the response in the Local Plan to the requirements it identifies, and the requirement for more strategic B8 uses is not attended to.

The Publication Consultation Document for the Partial Review then picks up some of these themes. For example, it refers to the strategic B8 uses being assessed outside the HEDNA, it questions the reliability of the HEDNA as a piece of evidence, and points to the mismatch between the identified requirement (use class B1a/b) and what the market wants to deliver (use class B8). In this context the Publication Consultation Document confirms that additional work has been commissioned to review the HEDNA, and will be commissioned with neighbouring authorities to produce updated evidence on strategic B8 activity.

As such, the adopted Local Plan does not address the development needs of NWL across the

whole Plan period. The remedy for this was a Review to a timetable leading to a fixed point of submission for examination by 21 February 2020. The exercise now being progressed should meet that deadline but does not contend with the central issue driving the need for the Review. The changes proposed in the Partial Review would simply seek to avoid the jeopardy inherent in failing to meet the deadline. This raises questions in terms of the extent to which the Partial Review would arrive at a Plan which can be regarded as “Positively Prepared”.

The effect of the above is that the Plan was out of date at the point of adoption – since it relied upon an outdated evidence base. However Policy S1 enabled the Council to secure ‘breathing space’ to enable the Plan to be reviewed and therefore based upon up to date evidence to avoid the Plan being concluded to be immediately out of date. The partial review does not grapple with this substantive out of datedness and is no more than a device to avoid an obvious consequence. It is strongly at odds with the recommendation of the previous Inspector.

(Continue on a separate sheet /expand box if necessary)

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

As discussed above, SMD’s position is not one of formal objection per se. Rather, it seeks to take this opportunity to raise with the Council an issue which it is respectfully suggested should be considered carefully by them in advance of the examination of the Partial Review, so that a robust position can be put to the Inspector. The obvious course of action should be to pause the partial review and advance the substantive review in the manner anticipated by the Local Plan inspector; it is perhaps regrettable that this course of action was not pursued with more expedition.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to speak at the examination?

| | |
|---|---|
| No I do not wish to speak at the Examination | |
| Yes I would like to speak at the Examination | X |

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

| |
|---|
| 6. If you wish to speak at the examination, please outline why you consider this to be necessary |
| The Council’s approach to the review of their Local Plan has a bearing on current development proposals being advanced by St Modwen within the District and the policy context relevant to the determination of those proposals. In the context of the comments set out above, St Modwen will wish to participate in discussions which will ultimately establish the revised status of the “partially reviewed” existing Local Plan, and the pathway through to a further, more substantively reviewed, Plan. |
| (Continue on a separate sheet /expand box if necessary) |

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

| | | | |
|---|---|-----|----|
| 7. Do you wish to be notified of subsequent stages of the Local Plan? | | | |
| Submission | X | Yes | No |
| Publication of Inspector’s Report | X | Yes | No |
| Adoption of the Local Plan Partial Review | X | Yes | No |

Declaration

I understand that all representations submitted will be considered in line with this consultation, and that my comments will be made publically available and may be identifiable to my name / organisation.

I understand that an unredacted copy of all representations will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination.

I acknowledge that I have read and accept the information and terms specified under the Data Protection and Freedom of Information Statement.

Signed: Robert Barnes

Date: 06 12 2019

DATA PROTECTION AND FREEDOM OF INFORMATION STATEMENT

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act. It will be used only for the preparation of local development documents as required by the Planning and Compulsory Purchase Act 2004, save for requests of such information required by way of enactment. Your name, organisation and representations will be made publically available when displaying and reporting the outcome of this statutory consultation stage, and cannot be treated as confidential. Other details, including your address and signature, will not be publically available.

A non-redacted copy of all representations will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination.

You should not include any personal information in your comments that you would not wish to be made publically available.

Your details will remain on our database and may be used to inform you of future planning policy matters and procedures. If at any point in time you wish to be removed from the database, or to have your details changed, please contact the Planning Policy team on 01530 454 676 or planning.policy@nwleicestershire.gov.uk.

Please send completed forms to planning.policy@nwleicestershire.gov.uk or Planning Policy Team, NWLDC, Council Offices, Whitwick Road, Coalville LE67 3FJ

The deadline for responses is the end of Wednesday 8 January 2020