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8th January 2020

Dear Sir / Madam

NORTH WEST LEICESTERSHIRE PARTIAL LOCAL PLAN REVIEW (LPR) PRE-SUBMISSION CONSULTATION

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership which includes multi-national PLC's, regional developers and small local builders. In any one year our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following representations to the North West Leicestershire Partial LPR pre-submission consultation and in due course attend Examination Hearings to discuss matters in greater detail.

The Council is proposing a two stage Review of its Local Plan, which was adopted in November 2017. Stage One Partial Review to amend Policy S1 only and Stage Two Substantive Review to address the longer term development needs of the District. The Partial Review amends Policy S1 as follows :-

"Policy S1 – Future Housing & Economic Development Needs

Over the plan period to 2031 provision will be made to meet the housing and employment land needs of the district as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (January 2017). This means that :

- provision will be made for the development of a minimum of 9,620 dwellings (481 dwellings per annum) which is the Objectively Assessed Need (OAN) and Housing Requirement for the District ; ...

The Council will continue to work collaboratively with the Leicester & Leicestershire (L&L) Housing Market Area (HMA) authorities to establish the scale and distribution of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one



or more authority to accommodate its own needs as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment

This will be done through a Statement of Common Ground (SoCG) dealing with the redistribution of any unmet need from Leicester City and the submission of a replacement Local Plan will take place within 18 months of the date at which the SoCG is agreed by all of the authorities.

~~The District Council will commence a review of this Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) by the end of January 2018 or within 3 months of the adoption of this Local Plan (whichever is the later). The Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date."~~

If North West Leicestershire District Council is to fully meet the legal requirements of the Duty to Co-operate, the Council should engage on a constructive, active and on-going basis with other L&LHMA authorities to maximise the effectiveness of plan making. Both the Partial and Substantive LPRs should be prepared through joint working on cross boundary issues. A key element of Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters when Local Plans are adopted. As set out in the 2019 National Planning Policy Framework (NPPF) (paras 24, 26 & 27), the Council should provide a signed Statement of Common Ground (SoCG) between itself and other L&LHMA authorities. The Partial and Substantive LPRs should be based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred as evidenced by a SoCG (para 35c).

Although there is a history of on-going co-operation between the Council and other L&LHMA authorities, there continues to be no satisfactory outcome from this process to meet housing needs in full across the HMA between 2011 – 2036. This is an unsound basis for plan-making.

The National Planning Practice Guidance (NPPG) sets out that the Council should have SoCGs available on their website by the time of publication of the Draft Partial & Substantive LPRs, in order to provide communities and other stakeholders with a transparent picture of collaboration and once published, the Council will need to ensure that any SoCGs continue to reflect the most up-to-date position of joint working (ID : 61-020-20190315).

The SoCG published to accompany the pre-submission Partial LPR consultation is incomplete, undated and unsigned. The HBF also consider this SoCG is incorrect by virtue of out of date information. The SoCG states :-

“To date only Leicester City has declared that it will not be able to meet all of its housing needs up to 2031 and that the amount of the unmet need has yet to be

quantified and resolved in discussion with the HMA partners” (para 7.1 5th Bullet Point).

In January / February 2020 Leicester City Council will be consulting on its Draft Local Plan including an identified and quantified unmet housing of 7,813 dwellings by 2036 (see Presentation Slides below). The SoCG should be updated to represent this latest information.

Draft Leicester Local Plan (2019 – 2036) for Public Consultation
Overview Select Committee - 28th November 2019

Housing Strategy

- Housing Need -1,712 a year until 2036
- 29,104 dwellings over plan period
- Any unmet need will need to be redistributed to adjacent districts and agreed through a Statement of Common Ground

Housing Strategy

- Housing need 29,104 dwellings
- Anticipated Supply identified in the Plan – 21,291 dwellings
- **Shortfall – 7,813 to be redistributed through agreement with the district councils**

Timetable

- Issues and Options - Public Consultation
- Emerging Options, Sites and Development Management Policies – Public Consultation
- Full Council 16th January 2020
- Public Consultation to commence end of January/Early February 2020
- Submission Local Plan Consultation – Summer 2020
- Public Examination Autumn 2020
- Adoption 2021

The HBF is always concerned that the Council will not deliver in a timely manner on a policy commitment to review its Local Plan as illustrated by the Council’s own failure to comply with Policy S1 of the adopted North West Leicestershire Local Plan.

The proposed amendment to Policy S1 would commit the Council to submit a replacement Local Plan for examination within 18 months of the date at which a SoCG is agreed by all L&LHMA authorities.

There is ambiguity about the meaning of agreed. The 2019 NPPF states that policies should be clearly written and unambiguous (para 16d).

The Council’s commitment is also dependent upon a SoCG for which there is no timetable. The Council’s SoCG states that a SoCG addressing the redistribution of unmet housing needs from Leicester City is not expected to be finalised and signed off by all L&LHMA authorities until 2020. This SOCG will inform the Substantive LPR (para 9.1). It is possible that the SoCG will never be agreed so the trigger for submission of a replacement Local Plan will never be initiated consequently this policy commitment is not positively prepared because it is totally ineffective. This eventuality is a genuine concern because after years of collaborative working between the L&LHMA authorities, there remains no resolution to Leicester City’s unmet housing needs pre 2036. This

lack of resolution is evidenced by the non-statutory Leicester & Leicestershire Strategic Growth Plan (L&LSGP), which sets out a distribution of housing needs post 2036 but assumes that the agreed distribution for the period 2011 – 2036 will be set out in a Memorandum of Understanding (MoU), which will be used as the basis for preparing or reviewing Local Plans with 2036 as an end date.

With such uncertainty about agreeing a SoCG, there should be a backstop date beyond which submission of a replacement Local Plan should not slide. In the absence of an agreed SoCG, there should be a fallback position. It is also noted that the proposed amendment to Policy S1 is not tied back to the timetable for preparation of the Substantive LPR as set out in the Council's latest published Local Development Scheme (LDS), which sets out submission for examination by Autumn 2021.

Furthermore until a replacement Local Plan is adopted, the Council should not be assuming that the difference of 102 dwellings per annum between the adopted housing requirement of 481 dwellings per annum and the Local Housing Need (LHN) of 379 dwellings per annum (based on the Government's standard methodology using 2014-based SNHP, 2019 as the current year and 2018 affordability ratio) is sufficient to meet the District's housing needs and make a significant contribution to unmet needs from elsewhere in the HMA. This headroom is required to ensure the resilience of the adopted North West Leicestershire Local Plan. The most appropriate way of dealing with the matter of unmet housing need from Leicester City is the Substantive LPR, which the Council should undertake as expeditiously as possible.

Conclusions

For the North West Leicestershire Partial LPR to be found sound under the four tests of soundness as defined by the 2019 NPPF (para 35), the Partial LPR must be positively prepared, justified, effective and consistent with national policy. The Partial LPR is considered unsound because it is unjustified, not positively prepared, ineffective and inconsistent with national policy.

It is hoped that these representations are helpful to the Council, if any further information or assistance is needed please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**


Planning Manager – Local Plans