

North West
Leicestershire Local
Plan Partial Review
Publication Consultation
November 2019

Prepared by Fisher German LLP on
Behalf of Barwood Homes

BARWOOD
HOMES



Project Title

Land at Main Street and Tonge Lane, Breedon on the Hill

Address:

The Estates Office
Norman Court
Ashby-de-la-Zouch
LE65 2UZ

Document Author	Version	Date	Approved by	Comments
Angela Smedley MRTPI		30/12/19		

01 Introduction

- 1.1 These representations are made on behalf of Barwood Homes in respect of the North West Leicestershire Local Plan Partial Review.
- 1.2 Barwood Homes is promoting land east of Main Street and south of Tonge Lane, Breedon on the Hill for residential development. This site represents a logical extension to the existing built form of Breedon on the Hill and can be delivered quickly following allocation.
- 1.3 A location plan of the site is included at Appendix 1.
- 1.4 We do not agree with the Council's intended approach to commit to only a partial review of the Local Plan, particularly in light of Leicester City publishing its expected unmet needs. Instead we believe the Authority should commence a full review immediately for reasons articulated within these representations.

02 Policy Context

- 2.1 North West Leicestershire District Council adopted its Local Plan in November 2017. Throughout the examination of the Local Plan, it was clear that there was a conflict between the desire to have an up to date Local Plan for the District in place as quickly as possible, and the fact that work was still being undertaken on establishing up to date housing needs, through the Housing and Economic Development Needs Assessment (HEDNA) and that it was known there would be some level of unmet needs within the wider Housing Market Area (HMA), primarily emanating from Leicester City. The Council submitted the Plan in October 2016, while HEDNA was published in January 2017, meaning it was available to parties during the Examination itself (the Inspector held additional Hearing sessions to discuss its implications), but did not directly inform the development of the Plan itself. There was however no formal declaration of quantum of unmet needs during the Examination. This meant there was a risk that the Local Plan could be adopted and then very quickly be out of date.
- 2.2 Ultimately the Local Plan Inspector concluded that the Plan could be found sound, but only on the basis that the Council committed to an early review. This review was to begin within 3 months of the adoption of the Local Plan, or by the end of January 2018, whichever was later. The requirement to review the plan early was so fundamental in the Inspectors decision to declare the Plan sound, that they recommended modifications to the Plan that would mean that it should be considered out of date if the Plan Review was not submitted within two years of commencing. This means that according to Policy S1 of the adopted Local Plan, the Plan should be considered out of date if the Plan review is not submitted by February 2020 (Plan adopted in November meaning 3 months after adoption was February 2018).
- 2.3 Leicester City have now published their expected unmet needs up to 2036, as 7,813 dwellings. There is however, as of yet, no published HMA agreement how such unmet needs can be dispersed to the seven neighbouring HMA authorities (although it is unlikely to be all seven authorities that will contribute to delivering this when one considers Oadby and Wigston is likely to have no capacity to deliver additional housing growth and in reality may actually add additional unmet need). There is also no indication of when an agreed Statement of Common Ground will be published.

03 Policy S1 – Future Housing and Economic Development Needs

- 3.1 The Council are now proposing only a partial review of the Local Plan at this stage, reviewing only Policy S1, with a more substantive full plan review to follow after. The alterations to the policy would see the current deadlines for completion of a review, which are related to the adoption of the Plan, replaced by new deadlines which relate to the publication of an agreed Statement of Common Ground between the HMA authorities. The proposed alterations to Policy S1 also remove any reference to the Local Plan being declared out of date if such timescales are not met.
- 3.2 We **object** to this approach on a number of grounds.
- 3.3 Firstly, we do not consider the partial review suggested by the Authority is of benefit to anyone, except for the Local Authority who are trying to avoid the adopted Local Plan becoming out of date. Undertaking this partial review simply wastes valuable time wherein a substantive review could be taking place. Moreover, we do not believe the review suggested by the Authority qualifies as a review of the Local Plan which would prevent the Local Plan being declared out of date anyway. It is clear from reading the Inspectors Report that the adopted Local Plan was deemed acceptable only in the context of being fully reviewed quickly. Paragraph 168 of the Inspector's report (of the adopted Local Plan) states "*coupled with the commitment by Policy S1, as amended by MM9, to early review of the Plan as a whole*" [our emphasis]. The partial review suggested by the Council does not meet the aims of the review policy inserted deliberately into Policy S1 by the Local Plan inspector. Whilst the Council may consider factors outside of its control are preventative of the substantive review from taking place now, clearly in the context that Leicester City has now published its unmet needs there is now an opportunity to begin work on a full review and stop work on a largely self-serving partial review. Should the Council not adopt this approach, it must be prepared for the risk of costs decisions being levied at the Council if it does not decide applications under the basis that the adopted Local Plan is out of date by virtue of a full review not being submitted in line with the wording of adopted Policy S1.
- 3.4 The Council's recommended wording for a new Policy S1 is also problematic as it ties the Council only to an agreed Statement of Common Ground as the trigger mechanism which would start the 18-month timeline by which the substantive Local Plan Review must be submitted. There is the real possibility that reaching a consensus on how best to meet unmet needs across the remaining HMA authorities with capacity will be a lengthy process. Worryingly for example, Charnwood have

already publicly declared that it does not consider that it needs to meet any unmet needs emanating from Leicester City, as it considers this was agreed in the Leicestershire Strategic Growth Plan (SGP). It is not clear whether this is a position it has formally agreed with the HMA since the publication of the Strategic Growth Plan, however if so, this would further increase housing needs across the remainder of the districts within the HMA. Clearly the quantum of unmet need may be higher than anticipated through the SGP. If this position has not been agreed by the remaining HMA authorities, this foreshadows very difficult discussions between the various authorities as to where Leicester City overspill, particularly up to 2036, will be directed. Given that it has taken significant time for the quantum of unmet need to be published and the potential difficulties in agreeing how it will be distributed, it could take significant time for an agreed Statement of Common Ground to be published. During this time housing need will likely be exasperated as authorities will be proceeding with lower housing requirements. Authorities need to be preparing to deal with increasing housing numbers in the short term if they have any chance of being delivered when needed.

3.5 Considering the Strategic Growth Plan, contrary to recent assertions from Charnwood, it suggests that both Charnwood and North West Leicestershire are locations where growth could and should be directed, not least through the Northern Gateway, where significant growth is planned in both districts. This growth is clearly in part to meet the needs of Leicester City so it is not clear why Charnwood consider their housing numbers will not be impacted by Leicester City overspill.

3.6 Firstly, up to 2031/36 where the SGP outlines:

"We have undertaken an analysis of completions, planning permissions and allocations in adopted and emerging Local Plans. We have concluded that sufficient provision has been, or will be, made in adopted or emerging Local Plans to accommodate the OAN for housing, across the HMA as a whole, for the period 2011-31. The unmet need arising in the administrative areas of Leicester City Council will, therefore, be accommodated in the remaining borough and district councils and this will be reflected in Local Plans as they progress, supported by an agreed statement or Statement of Common Ground as appropriate" [our emphasis] (Strategic Growth Plan Appendix A)

3.7 This is clearly a sign that emerging Local Plans will need to deliver unmet needs arising from Leicester City and this will be decided by a Statement of Common Ground, not the SGP. The SGP only shows the OAN for each authority, not how unmet needs will be distributed and not actual housing requirements, which use housing need as only the starting point of calculating housing requirements¹. Housing requirements need to take into account various other factors, including

¹ PPG Housing and Economic Needs Assessment Para: 010

unmet need from a neighbouring authority or the provision of strategic infrastructure¹. Moreover, the OAN derived from the SGP is derived from HEDNA, and not the Standard Methodology meaning it is somewhat problematic in trying to utilise the SGP in any event.

- 3.8 Secondly, up to 2050, the SGP actually allocates significant growth at the International Gateway, which spans across both North West Leicestershire and Charnwood. The SGP predicts as many as 11,000 dwellings could be delivered in this area. Clearly this will serve to deliver some of the unmet needs from the City. It is clear that the SGP envisages substantial growth in both Authorities, beyond simply meeting local needs only.
- 3.9 Moreover, there needs to be an appreciation from HMA partners that the SGP is not a Statement of Common Ground, nor has been formally examined and thus is not a Development Plan document. It is a broad framework which informally outlines how growth may be delivered. Clearly each subsequent Local Plan will still have to be found sound through public examination and be supported by a formal agreed Statement of Common Ground outlining where unmet needs will be delivered. Melton Borough Council are already planning for more than the OAN (so are effectively already assisting in meeting unmet needs from elsewhere and are likely to resist any further numbers, whilst Hinckley and Bosworth are currently unable to demonstrate a five year supply and again, are likely to be resistant to additional growth.
- 3.10 Thirdly, the Council outline that there is currently uncertainty in the way that the standard methodology is going to be calculated in the future. It is true that the Government have indicated they wish to further refine the standard methodology to ensure housing need is calculated nationally delivers above 300,000 units per annum. Given current calculations, utilising even the higher 2014 projections, this only deliver only 266,000 dwellings per annum, clearly there is likely to be some level of alteration to the formulae or projections base date to deliver the required uplift. Regardless there has always been uncertainty in housing requirements, which by their very nature vary regularly and Local Authorities must deal with this during plan making. This is demonstrated no better than in North West Leicestershire wherein the Council committed to advancing a Local Plan despite having agreed to part finance HEDNA, which would derive a new OAN during the preparation of the Plan. Having regard for this, it is not considered this constitutes a valid reason not to pursue a substantive review now.
- 3.11 To mitigate the above, whilst progressing a substantive review in the short term, the Council could show housing need (Local Housing Need) as a range, i.e. the lower end of the range being 379 dwellings (2014 projections) and the upper being 529 (2016 projections). It would seem entirely possible that the actual figure of any revision to the standard methodology may result in a figure for North West Leicestershire which would fall between these two figures and thus a pragmatic

starting point by which to proceed. This however would only be a calculation of local need and would be only the starting point of calculating a housing requirement, with due regard needed for uplifts to account for any Leicester City (and wider HMA) unmet needs, economic development or the delivery of additional affordable housing or infrastructure. Authorities elsewhere have utilised a range when preparing a Local Plan and it has been suggested as an option for North West Leicestershire by officers also. This would enable the Council to commence a full review of the Local Plan now.

- 3.12 Another tool available which could be used in line with the above approach would be to utilise reserve sites, which could be brought forward in the event housing need was established in excess of that covered by allocations. Such an approach also acts as an insurance policy against non-delivery, or slower than expected delivery, on other committed/allocated sites. As discussed at great lengths during the Examination of the current local plan, inbuilt flexibility is preferable to requiring reviews, and had a more flexible approach been taken at that stage, this immediate review may not have been necessary.
- 3.13 Whilst flexibility built into local plans is preferable, Councils are obliged to review their Local Plan regularly, at least every five years, meaning if the Council has concerns it is committing to a housing requirement figure which is too high, and may drop in the future, a review allows an opportunity for course corrections to be made. However, in the interests of housing delivery, which is of a national significance, we consider a positive approach to ensuring housing delivery is required in the short term and thus the Council should not shirk actions which may lead to it delivering dwellings above local need, something long encouraged by the Government to boost significantly the supply of housing.
- 3.14 Finally, a further aspect of the proposed revised Policy S1 we fundamentally disagree with is the removal of the clause which renders the Local Plan out of date if timescales aren't met. This clause was fundamental in the Local Plan being found sound and was not placed there by mistake. If an Inspector was to agree that this partial review does constitute a review as per Policy S1, it is essential that the threat of the Plan being declared out of date is maintained to ensure quick submission of a new up to date local plan. In the event that such a substantive review is not forthcoming quickly, then the Plan would be by definition out of date and the tilted balance at paragraph 11 of the Framework would be in play. There is no reason articulated within the consultation document which explains why this has been removed and we believe it should remain.
- 3.15 A secondary point of note is that the Statement of Common Ground (SoCG) published in support of the consultation is unsigned and actually says relatively little. The SoCG outlines that the

Authorities within the HMA are committed to joint working on long term strategic planning for housing and economic growth and the associated strategic infrastructure required to support growth across the Leicester and Leicestershire Housing Market Area, including meeting the areas housing and economic needs within its boundaries as well as a redistribution of unmet housing needs from Leicester City (or any other authority declaring and quantifying an unmet need). The SoCG does not actually do any of these things, however. The SoCG is merely a token document and a full SoCG should be prepared as a matter of urgency. We consider that the Council's decision to advance the Local Plan as they have set out does not comply with the Duty to Cooperate. We also consider that the approach taken by the Council is unsound, as it neither positively prepared, justified, consistent with national policy or effective.

- 3.16 Having regard for the above, we consider the Council should cease preparation of the partial review and commit to commence a full review, in the spirit of adopted Policy S1.
- 3.17 In the event the Council wish to proceed with the partial review, it is considered that the proposed amendments to Policy S1 should incorporate a 'real' deadline, i.e. to be submitted within 3 years of the commencement of the Review (February 2021) or the Plan will be deemed out of date.

APPENDIX 1 - Land at Main Street and Tonge Lane, Breedon on the Hill



Land at Main Street/Tonge Lane, Breedon on the Hill has previously been previously submitted to the SHELAA and, as such, is contained within the 2018 SHELAA (ref Br5 and Br6). The SHELAA assessment concluded that:

- Suitability: Although the site adjoins the Limits to Development of Breedon on the Hill it is outside the defined settlement boundary and as such the site is considered potentially suitable. A change in the limits to development would be required for the site to be considered suitable.
- Availability: The site is currently being marketed to find a development partner. The Landowner is however fully supportive of the site's development and as such the site is considered to be available.
- Achievability: There are no known viability or achievability issues. Access to the site could be achieved via a number of access points on Main Street/Tonge Lane, dependent on the quantum of development. The site is considered to be potentially achievable.

Whilst the SHELAA suggests a timeframe of years 11-20 for development, it is considered that the site/s would form a sustainable extension to the settlement and could be delivered within a five-year period. The site is considered to be deliverable and would assist the Council in meeting its housing requirement. It is also worthy of note that the Barwood Homes are now promoting the site and have confirmed that it is suitable, available and achievable. Barwood Homes confirm the site is deliverable in the short term.