



Gladman House, Alexandria Way
Congleton Business Park
Congleton, Cheshire
CW12 1LB

T: 01260 288800
F: 01260 288801

www.gladman.co.uk

Planning Policy Team
North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
LE67 3FJ

By email only to planning.policy@nwleicestershire.gov.uk

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Dear Sir/Madam

North West Leicestershire Local Plan Partial Review

This letter provides the representations of Gladman made in response to the current consultation on the Partial Review of the adopted North West Leicestershire Local Plan (“the Local Plan”). The scope of the review is limited and relates only to Policy S1 with amendments sought to the wording of the adopted policy and relevant supporting text. Alongside this, North West Leicestershire Council (“the Council”) has expressed its commitment to progressing a wider substantive review of the Local Plan in relation to strategic planning matters which is scheduled to be complete by 2022.

Policy S1 of the adopted Local Plan defines the overall spatial strategy for the plan period. It confirms both the housing and employment land requirements over the period 2011 to 2031. Policy S1 also commits the Council to an early review of the Local Plan to be submitted to the Secretary of State for examination by February 2020. This requirement was inserted into the Local Plan by the examining Inspector to ensure the soundness of the Local Plan in meeting and responding to housing and employment needs at the point where the precise level of unmet housing needs arising from Leicester and Oadby and Wigston are known¹. The review mechanism provided through Policy S1 as adopted provides an effective response to this unmet need and, most significantly, sets out that if this timescale is not achieved then the Local Plan would be rendered out-of-date. Evidently the Council has failed to meet this target and as such is now seeking to amend this policy in order to prevent the wider Local Plan becoming out-of-date.

Whilst it is disappointing that the review timescales as set out in Policy S1 have not been achieved by the Council, it is acknowledged by Gladman that the reasons for this delay are primarily due to issues beyond the Council’s control. This includes recent changes to national

¹ See Paragraphs 133 to 137 of the North West Leicestershire Local Plan Inspector’s Report (October 2017).

planning policy, uncertainty on future housing needs assessments, and falling timescales in the production of the Leicester City Local Plan. As such, given these changing circumstances since the Local Plan was examined Gladman consider that the Council's review of Policy S1 is justified.

A wider and more substantive Local Plan however remains a necessity. This review is needed in response not only to the now declared unmet housing needs of Leicester, but also to ensure that the Local Plan in North West Leicestershire adequately reflects and supports the delivery of the Leicestershire Strategic Growth Plan adopted since the Local Plan was prepared and examined, which establishes the District as fulfilling a key role within the longer term growth strategy for the economy and housing². Collectively these issues lead Gladman to conclude that the wider Local Plan is not up-to-date. It is therefore imperative that there is a sufficient level of commitment provided by the Council to ensure that this wider review is progressed in a timely and efficient manner.

Turning to the revised wording of Policy S1 itself, the amended text confirms the role of a Statement of Common Ground (SoCG) to be prepared jointly by the Leicestershire authorities which will confirm how the unmet needs of Leicester are to be redistributed, with the submission of the substantive review confirmed to take place within 18 months of this SoCG. The approach of the amendment starts to bring the Local Plan into alignment with the review policies of other Leicestershire authorities in relation to Leicester's unmet housing needs. This includes local plans which have since been adopted in Harborough (through Policy IMR1), Melton (through Policy SS6) and Oadby and Wigston (through Policy 47). Gladman is supportive of the 18-month timescale adopted by the Council for submission of the substantive Local Plan review in response to the conclusion of the SoCG. This is necessary to secure the expedience of the review process in addressing unmet housing needs.

A key problem of the revised approach for Policy S1 as drafted however is its sole reliance on the SoCG as the measure for the completion of the Plan Review. This weakness is provided by the fact that at the time of writing there are no known or confirmed timescales as to when the SoCG is to be concluded or guarantee that the SoCG will be adopted by all Leicestershire authorities in the first place. The Policy, as revised, therefore provides the very real scenario that the unmet housing needs of Leicester will not be addressed should the SoCG not come forward. The Council's proposals for Policy S1 are not therefore effective as drafted.

To address this, the proposed text for the Policy should be revised to provide additional safeguards to ensure that the unmet housing needs of Leicester can be effectively dealt with in the event that a SoCG is not forthcoming. In the case of the adopted Harborough Local Plan, this is addressed by aligning the review of their local plan to the timescales of the emerging Leicester City Local Plan. Part 2b of Policy IMR1 confirms that *"in the absence of an adopted MOU or SoCG, 12 months from the date of publication of a Local Plan for Leicester City (defined as publication of an invitation to make representations in accordance with Regulation 19 of the Town and County (Local Planning) (England) Regulations 2012) that includes satisfactory evidence of an unmet local housing need"* (the full policy is provided as Appendix 1 to this representation). A similar approach is applied through adopted plans at Melton and Oadby and Wigston.

² As reflected by the establishment of the International Gateway

Gladman consider that the Council's proposals for Policy S1 should be revised to reflect the approach adopted through the Harborough Local Plan. This provides for a more effective way of ensuring that cross boundary unmet needs are addressed through the wider substantive review of the Local Plan in North West Leicestershire, but also ensures that the Council's review policy is fully aligned with neighbouring authorities in dealing with this matter. Similarly, Gladman would apply the 18-month timescale to the submission of the Substantive Local Plan Review following the publication of the Leicester City Local Plan.

To ensure that the timescales set out in Policy S1 as revised are upheld, Gladman consider that wording advising that the Local Plan will become out-of-date should be retained. This approach will hold the Council accountable should the production of the wider substantive review not be forthcoming even where a SoCG is agreed or where Leicester City Council publish their Regulation 19 Local Plan and is effective in dealing with the issue of unmet housing need. Gladman therefore object to the Council's proposal to remove this wording from Policy S1.

Gladman however acknowledge that current wording is out of scale with the requirement for a plan review, and it is likely that many policies within the Local Plan as currently adopted would be consistent with national planning policy even should cited timescales not be achieved. In response, Gladman consider that the current wording of Policy S1 should be revised to set out *"In the event that the reviewed plan is not submitted within the timescales set out above, then relevant policies of the Local Plan will be deemed to be out-of-date"*. It is noted by Gladman that Policy 47 of the adopted Oadby and Wigston Local Plan adopts a similar approach in relation to the unmet housing needs of Leicester (See Appendix 2).

To summarise, the comments made through this representation confirm the following:

- The Council's justification for the review of Policy S1 is accepted;
- This acceptance does not however overcome the need for a wider more substantive review of the wider Local Plan to be progressed;
- The link made within the policy for a plan review and to the county wide SoCG is supported;
- The timescales for the submission of the wider substantive review of the Local Plan in response to the agreed SoCG is also supported;
- The mechanism for the review of the Local Plan however cannot be tied only to progression made in relation to the SoCG, given uncertainty over whether this will be completed and over what timescale this will be achieved;
- A further mechanism for the Local Plan review should therefore be inserted into the policy relating to progress made in relation to the Leicester Local Plan – Gladman consider that the approach adopted within the Harborough Local Plan provides a suitable basis for this additional mechanism;
- This mechanism should similarly be tied to a fixed timescale of 18 months as applied within proposed amendments in response to the SoCG; and
- The deletion of the implication of an out-of-date Local Plan should outlined timescales not be achieved from Policy S1 is not supported. Gladman consider this should be retained but revised to relate only to relevant policies of the current Local Plan.

As such, reflecting on the above, Gladman object to the proposed revisions to Policy S1 of the Local Plan.

Gladman hope that the Council has found the comments provided within this representation constructive and are fully considered before the partial review is submitted for examination in public.

Based on the current form of proposals, Gladman request the opportunity to participate at the relevant hearing session of the examination in public when organised.

Yours Sincerely



Senior Policy Planner

Gladman

Enc: Appendix 1: Harborough Local Plan IMR1 policy text and supporting text
Appendix 2: Oadby and Wigston Local Plan Policy 47

Appendix 1:

Policy IMR1 – Harborough Local Plan policy text and supporting text extract.

IMR1 Monitoring and review of the Local Plan

1. The Council will monitor, through the preparation of its Annual Monitoring Report, the delivery and effectiveness of policies of this Local Plan against specific performance indicators and targets set out in Appendix K: Monitoring Framework.
2. A full or partial update of the Local Plan will be commenced (defined as the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 6 months of the following:
 - a. the adoption by the Council of a Memorandum of Understanding (MOU) or Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan; or
 - b. in the absence of an adopted MOU or SoCG, 12 months from the date of publication of a Local Plan for Leicester City (defined as publication of an invitation to make representations in accordance with Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012) that includes satisfactory evidence of an unmet local housing need; or
 - c. conclusion of a review in response to specific trigger points as set out in the monitoring framework, including identification of significant and persistent shortfalls in the delivery or supply of housing against the housing requirement.
3. Any full or partial update of the Local Plan triggered by 2. above will be submitted for examination within 30 months from the date it commenced.

12.1 IMR1 Explanation

12.1.1 It is important that this Local Plan is capable of being implemented and that the delivery and effectiveness of its policies against objectives and timescales are monitored. It is also important that the Local Plan continues to be relevant in terms of the social, economic, and environmental conditions and in respect to changing national and regional planning policies.

12.1.2 The supporting information under each policy sets out how it will be delivered. Most policies will be delivered through the development management process, and the Council will ensure that it continues to offer a high quality and efficient service to all applicants, whether they be householders or major developers, to assist in the timely delivery of sustainable development. Where required supplementary planning documents, development briefs or master plans may be prepared, potentially in partnership between the Council and a developer in order to support the development of specific sites or to provide clarity on the implementation and delivery of policies.

12.1.3 The preparation of the Local Plan has been informed by the Local Plan Viability Assessment, 2017 which has considered whether the requirements of each policy including Policy IN1 *Infrastructure provision* would impact on the overall viability of the plan, in order to ensure that policies do not impose unreasonable burdens on development.

12.1.4 Following adoption, monitoring the achievement of plan objectives, using targets and indicators, enables supporting action to be taken, or the need for partial or full Plan review to be identified and progressed if policies are failing or circumstances have changed. Monitoring of the Local Plan will be reported through the annual Authority Monitoring Report (AMR). The AMR is a key element of the Local Plan and will measure the success of policies against a series of national and local indicators. It will identify:

- how well policies are achieving their objectives,
- whether sustainable development is being delivered,
- whether the assumptions and objectives which informed policies are still relevant, and
- whether the targets in the Local Plan are being met.

12.1.5 The Council will keep under regular review the evidence base of the Local Plan, including key documents such as the Leicester and Leicestershire Housing and Economic Development Need Assessment (HEDNA), 2017 as well as the wider national, regional and local social, economic and environmental context. Significant changes to the context of the Plan revealed through updates to key evidence will inform the need to undertake a formal review.

12.1.6 A performance monitoring framework is set out in Appendix K *Monitoring framework* (Table D.32) which identifies the key indicators that will be used to monitor the delivery of the Local Plan Objectives that are set out in Chapter 2 (section 2.3). The framework measures the performance of related key policies and indicators that cover matters critical to the overall performance of the Plan and the delivery of sustainable development. Although all the policies in the Plan will be subject to periodic monitoring as referred to in the supporting information table for each policy, the key performance measures in the framework will be monitored each year and the results published in the AMR.

12.1.7 The Council recognises that to be effective the Local Plan needs to be kept up to date. Policies in the Local Plan, including the spatial strategy, will be reviewed to assess whether they need updating at least five years from adoption and, where necessary, they will be updated. This review process will take account of any significant changes to national policy and changing circumstances affecting the District. In addition an early Local Plan update (full or partial) will be initiated in the following circumstances:

a. Adoption of Memorandum of Understanding or Statement of Common Ground

Once there is clarity around the scale of any unmet housing need from Leicester City, the seven Leicestershire local authorities will be in a position to agree how it will be

apportioned through the adoption of a Memorandum of Understanding (MOU) or a Statement of Common Ground (SoCG). Should this agreed distribution result in a significantly greater amount of housing or employment development for the District than set out in this Local Plan, this trigger commits the Council to the commencement of a full or partial update of the Local Plan within six months.

b. Publication of Local Plan for Leicester City evidencing unmet housing need

Where no MOU or SoCG has been adopted, this trigger commits the Council to a full or partial review of this Local Plan within 12 months of the date of publication of Leicester City's Local Plan Regulation 19 consultation, providing that it is accompanied by robust evidence of unmet housing need. This is a fall back position to ensure that work on a full or partial update is commenced as soon as Leicester City has quantified any unmet need through its publication Local Plan, in the event that the Leicestershire local authorities have no agreed apportionment of such unmet need at that time.

c. Monitoring identifies that specific trigger points have been met

Specific trigger points, which could initiate a partial or full review of the Local Plan, are set out for relevant key policies in Appendix K *Monitoring framework*. Where monitoring (including consideration of performance as measured by the Housing Delivery Test) indicates that the trigger point has been reached, or will be reached in the near future, the Council will commence a full or partial update of the Local Plan.

Appendix 2:

Policy 47 – Oadby and Wigston Local Plan

Policy 47 Review Triggers

Oadby and Wigston Borough Council is committed to meeting its own requirements for housing, employment, other development, and infrastructure. The Council will regularly monitor delivery of new development in the context of policies and targets within this Plan.

The Council will commence a full or partial review no later than 5 years from adoption of the Plan, or where monitoring of targets set out in Chapter 12 of the Plan, identify significant and persistent shortfalls in the delivery of housing, employment, other development, and / or infrastructure that deviates significantly from the Plan strategy.

The Council will commence a full or partial review if a local authority within the Leicester and Leicestershire Housing Market Area has an evidenced unmet need, which cannot be met by that local authority and which it is considered through the Duty to Cooperate by the Leicester and Leicestershire Members Advisory Group could be best met, in whole or in part, within the Borough of Oadby and Wigston.

The Council will also commence a full or partial review should the post 2031 development strategy set out within the Leicester and Leicestershire Strategic Growth Plan be capable of coming forward earlier than is currently anticipated, for example because the A46 Expressway is to be delivered.

Should a full or partial review be triggered by any of the above, the Council will commence the review (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) within 6 months. Once the review has commenced the Council will submit the Plan Review to the Planning Inspectorate for Examination within a further 24 months of the date of commencement of the review. In the event that the Council does not submit the Plan Review to the Planning Inspectorate within 24 months of the date of commencement of the review, the parts of the Plan that are under review will be deemed out of date, if not already deemed out of date by virtue of national policy.