

Gladman

Matter 2 Hearing Statement

North West Leicestershire Local Plan Partial Review

Examination

Policy S1



April 2020

Q3. What are the implications of retaining Policy S1 in its current form (in the adopted Local Plan) for the whole Local Plan, and would this be consistent with national policy including the preparation and review of Local Plans?

- 1.1 Under the current wording of Policy S1, the failure to review the Local Plan in accordance with outlined timescales would render the entirety of the Local Plan out-of-date. The Council has sought to address this through this partial review with a later more substantial review promised.
- 1.2 Whilst noted that under the policies of the 2019 NPPF, plans may be considered up-to-date for 5-years post adoption (so until November 2022 in the Council's case), regard must be had to the material circumstances in which the current Local Plan was found sound.
- 1.3 Through much debate and discussion, the mechanism and wording now set out through Policy S1 was arrived at during the examination of the Local Plan conducted in 2016-17. It was found necessary to secure the soundness of the Local Plan by the appointed Inspector to allow early adoption of the Local Plan despite the uncertainty of increased development requirements and cross boundary housing needs (see Paragraphs 134 to 135 of the Inspectors Report – Examination Document LP/05). As confirmed in Paragraphs 12, 13 and 136 of his report, the Inspector's approach to the review was largely responsive to the Written Ministerial Statement of the 21st July 2015, now set out in PPG, which confirmed the role that an early plan review could have to secure the adoption of a Plan that otherwise would be found unsound. This is consistent with the Government's rhetoric to secure up-to-date Local Plans across the country.
- 1.4 The inclusion of Policy S1 as currently worded as a main modification to the Local Plan means that without the mechanism it provides, the wider adopted Local Plan would not have been found sound through the examination. Policy S1 can therefore be read as being integral to the soundness Local Plan and needs to be followed through by the Council accordingly.
- 1.5 It is acknowledged that since the adoption of the Local Plan, the process of plan preparation has moved on with the publication of the 2019 NPPF (the Local Plan was tested against the policies of the 2012 NPPF). The 2019 NPPF revises significantly the process of defining and assessing housing need with the introduction of the standard method. Despite changes made to national planning policy there remains a requirement for local planning authorities to meet locally assessed housing needs in full, with cross-boundary planning now placed at the heart of the tests of soundness for plan making. The significance of meeting housing need and working collaboratively across administrative boundaries therefore remains a core part of national planning policy.

1.6 In Leicestershire, cross boundary planning holds significant relevance with the authorities having already agreed and adopted the Leicestershire Strategic Growth Plan. Despite the passage of time, the issue of how Leicester's housing shortfall is to be accommodated across the wider county remains unanswered. The material circumstances which led to Policy S1 being defined at the examination of the Local Plan therefore remains largely unaltered. This also means that the conditions requiring Policy S1 for the soundness of the Local Plan at its adoption remain unchanged. An urgent review of the Local Plan therefore remains a necessity. Gladman therefore consider it both justified and important for the Council to advance its review of its Local Plan now, and ahead of the timescales otherwise required by national planning policy.

Q4. What, if any, are the consequences of Leicester City Council having provided a very initial indication of unmet need for housing and employment?

2.1 The recent publication by Leicester City Council continues to illustrate the generally accepted position that the City Council is unable to accommodate its assessed housing need in full. Though the precise extent of this shortfall is still subject to scrutiny, the publication starts to define the extent of this shortfall, and scale of response required by the wider Leicestershire authorities.

2.2 The recent publication should act as a starting point for cross boundary discussion, and for authorities in the wider county to evaluate what response, if any can, should be made to this unmet housing need noting the tests of the NPPF through their own plan making activities.

Q6. Is the Statement of Common Ground with the Leicestershire authorities an appropriate trigger for the submission of a replacement Local Plan and will it be effective? What other approaches or triggers for submission of the replacement Local Plan would be appropriate?

3.1 The recent publication should act as a starting point for cross boundary discussion, and for authorities in the wider county to evaluate what response, if any, should be made to this unmet housing need noting the tests of the NPPF through their own plan making activities.

3.2 A Statement of Common Ground can provide an effective means for cross boundary working and agreement, and in particular, addressing cross-boundary housing need. This is now enshrined in national planning policy within Paragraph 35 of the 2019 NPPF which establishes the role of Statements of Common Ground in fulfilling the Duty to Cooperate as part of the tests of soundness.

3.3 Gladman's concern with Policy S1 as revised is the absence of any timescales or safeguards within the policy should a Statement of Common Ground not be agreed by the relevant authorities. If the Statement of Common Ground is not agreed by all signatory authorities, then there will be

- no requirement, at least in the short term, for Leicester's unmet housing need to be addressed. At this stage there is no information available on the status of this Statement of Common Ground or the timescales for its preparation.
- 3.4 Whilst there is a history of cross-boundary collaboration in Leicestershire, this collaboration has yielded mixed results. Successes include the collective effort to define housing and employment needs through the HEDNA which for a time largely established development needs across the county. The Strategic Growth Plan on the other hand was significantly stripped back from its original intended function and now provides for a non-strategy plan identifying the long-term aspirations of the county's authorities. Importantly the Strategic Growth Plan failed to set out how Leicester's unmet need would be addressed as understood at the time of the examination of the North West Leicestershire Local Plan (see LP/05 Paragraph 134).
- 3.5 Based on this experience Gladman is unconvinced that the proposed wording of Policy S1 is sufficient. The Policy as drafted requires the cooperation of all authorities to require the Local Plan Review to be advanced. This is something beyond the control of the Council.
- 3.6 Recent plan making activities in Leicestershire casts some doubt over whether the Statement of Common Ground can be agreed. Despite the content of the Strategic Growth Plan, Charnwood Borough Council has outlined in its Regulation 18 Plan that no shortfall arising from Leicester will be accommodated within the authority owing to the significance of its own housing need. This is notwithstanding the proximity of the Borough to Leicester and, the close economic and social ties to the city. It is unclear, at this stage, how this declaration will affect the county wide Statement of Common Ground, but this does give rise to the potential for disagreement as to how this need is re-apportioned amongst the remaining authorities.
- 3.7 The review of the Local Plan is needed now and should not be deferred any longer than necessary. As confirmed in our representations to the Regulation 19 version of the Partial Review, Gladman consider that further safeguards are necessary to ensure that Policy S1 provides an effective means of securing the review of the wider Local Plan responsive to the housing shortfall of Leicester. In our representations, Gladman pointed to examples of mechanisms for review already adopted in the Local Plans of authorities in the wider Housing Market Area. This includes the Harborough (Policy IMR1), Melton (Policy SS6) and in particular Oadby and Wigston (Policy 47) Local Plans which all provide examples of model policy in this regard.
- 3.8 In the case of the Harborough, Melton, and Oadby and Wigston Local Plans, the trigger for a review is also tied to the plan preparation stages of the emerging Leicester Local Plan (specifically Regulation 19 stage). This approach enables the unmet housing needs of Leicester to be

addressed, even should cross-boundary collaboration fail on a county wide basis. Its adoption in Policy S1 would align the mechanism for review provided through the North West Leicestershire Local Plan with those Local Plans chiefly adopted across the wider Housing Market area enabling a co-ordinated approach.

- 3.9 Beyond this and noting slippage already experienced in reviewing the Local Plan in North West Leicestershire, Gladman consider that there is a need for a further safeguard in policy to secure the completion of a timely review. For this mechanism, Gladman refer to Policy 47 of the adopted Oadby and Wigston Local Plan which makes clear that if the review is not completed with cited timescales, relevant policies to the supply of housing land will be rendered out-of-date. Gladman consider that this approach provides the necessary encouragement to ensure that the review is completed in an efficient and timely manner. It is also proportionate and responsive to the core requirement and urgency for the review which relates to the increased housing land supply necessary to address the supply constraints identified within the City of Leicester.

Q6.b What would be the implications if the Statement of Common Ground is not agreed, given that the timetable for the Substantive Review has already been fixed?

- 4.1 Gladman is concerned that under the proposed revised wording for Policy S1, if the Statement of Common Ground is not agreed, there will be further unacceptable delay to resolving housing needs issues across the Leicestershire Housing Market Area. Whilst the Council promise to advance the substantive review in the summer, there is recent history in local plan making where deadlines have not been achieved. There is no reason to believe that history won't repeat itself in this case and the Local Plan review could be some way off.
- 4.2 This uncertainty lends further weight to suggested amendments to Policy S1 advanced by Gladman, aligning the requirements for review to the timescales of the emerging Leicester Local Plan (in addition to the Statement of Common Ground), and the additional proposed measure which would render relevant policies to the supply of housing land out-of-date where timescales are not achieved.

Q6.c Is the timescale of 18 months for the submission of the replacement Local Plan justified, if not would be an appropriate timeframe?

- 5.1 A comprehensive review of the Local Plan should remain the Council's top priority. This is needed to ensure that the Local Plan is not only responsive to the unmet housing need of Leicester but also to ensure the wider plan is consistent with more recent national planning policy, is compliant with more recent legislation and standards, and secures alignment with the finalised Strategic Growth Plan. Gladman is satisfied with the timescale proposed by the Council for the completion

of the review once commenced but consider that to be effective there is need for a penalty, as set out above, should this timescale not be achieved.

Q7. Are there any other emerging Local Plans or other plans such as the Strategic Growth Plan, which have the potential to impact on the Statement of Common Ground outcomes or the replacement Local Plan?

- 6.1 Plan making in Leicestershire is now moving to a period where the adopted Strategic Growth Plan is becoming increasingly relevant should longer term aspirations contained in that document be achieved. Plan makers across the county should come together now to start to consider how the Strategic Growth Plan will be delivered. This includes starting to plan for the infrastructure, communities, and employment land required to secure the delivery of the Strategic Growth Plan which could take a long time to come forward. Gladman therefore consider that there is merit for the Strategic Growth Plan to have a role in the county wide Statement of Common Ground, and Policy S1 should be revised to make reference to this.