



North WEST LEICESTERSHIRE LOCAL PLAN PARTIAL REVIEW EXAMINATION

**ISSUES 1 AND 2 HEARING STATEMENT – LEGAL REQUIREMENTS AND PROCEDURAL
MATTERS AND POLICY S1**

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BY ROSCONN STRATEGIC LAND

ISSUE 1 – Have the relevant procedural and legal requirements been met, including the duty to cooperate?

The Local Plan – Partial Review Publication Consultation Document refers to changing circumstances since the extant Local Plan was adopted towards the end of 2017 that, in the District Council’s view, justifies effectively delaying the full review of the Local Plan.

The first is the publication of the revised NPPF. However, the presumption in favour of sustainable development remains at its heart (para. 10). That, in terms of plan making, requires Local Plans to *‘positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change’* (para. 11). Except in very specific circumstances, strategic policies should *“as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas”* (para. 11).

Indeed, ensuring that there is a continual supply of both market and affordable housing remains critical policy imperative for the Government. That is because insufficient housing provision has resulted in a nationwide “housing crisis” that needs to be remedied as a matter of urgency in order to address its acute socio-economic consequences (escalating house prices, rocketing rents, declining home ownership, increased housing benefit burden, reduced labour mobility, etc).

The NPPF, therefore, continues to emphasise the Government’s objective of *“boosting the supply of homes”* (para. 59) and requires strategic plan making authorities to establish a housing requirement figure for their whole area which shows the extent to which their identified housing need, and any needs that cannot be met in neighbouring areas, can be met over the plan period.

To realise that the Duty to Cooperate with neighbouring authorities introduced by the Localism Act 2011 also remains a central element of the NPPF (para. 24). It states (para. 26) that *“effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy”*.

The essence of the NPPF in relation to these policy imperatives has, therefore, not changed and clearly the publication of the revised NPPF in 2018 does not in itself justify a delay to the Local Plan Review, particularly in light of Leicester City’s unmet housing need (see below).

The Consultation Document continues to refer to the uncertainty in relation to the calculation of the housing need. The NPPF is, however, very clear on that matter too. The determination of the minimum number of homes needed (the Local Housing Need-LHN) should be informed by a local housing need assessment using the Government’s standard methodology unless exceptional circumstances justify an alternative approach (para 60). A prospective change in the specifics of the methodology and on-going review of the projections on which the assessment is based cannot be a reason for delaying the review or Local Plan Reviews would never be progressed.

The Consultation Document also refers to the uncertainty surrounding the unmet housing need arising in Leicester City, stating that the City Council has still not *“formally declared the extent of its housing need that it cannot meet in within its own boundaries.”* This,

however, is not a new issue and the scale of the issue to be addressed has always been clear.

The District Council was party to the preparation of the Housing and Economic Development Needs Assessment (HEDNA) for the Housing Market Area (HMA), the conclusions of which were published in early 2017. Indeed, at that time Leicester City Council wrote to the District Council in the context of the examination of the extant Local Plan, declaring an unmet need arising in the City. The reasons given refer to a substantial increase in the level of housing need, and also that the densely urbanised nature of the city, flood constraints and tightly drawn boundaries, limits the amount of land available for development.

That directly led to the modification of Policy S1 post the Local Plan Examination to refer to the on-going collaboration with the Council's Housing Market Area (HMA) Partners, and to ensure that it set clear and precise triggers and timescales for the review of the Local Plan. Moreover, it established a clear consequence to the failure to undertake that Review in a timely manner to address this critical issue for the HMA; i.e. that the "*Local Plan will be deemed to be out of date*".

Subsequently the HMA Authorities did prepare and approve the Strategic Growth Plan (SGP) as referred to in the extant Local Plan. That, however, is a non-statutory plan that has not been examined, and focuses on guiding growth in the HMA over the period 2031 to 2050. The Joint Position Statement on Housing and Employment Land Supply published at the same time as the SGP seeks to demonstrate that the housing needs can be met across the HMA in the period 2011-31. However, that relies on both an un-evidenced allowance in excess of 5,500 dwellings for windfall development that is, by its very nature, an unreliable source of new housing, and also on "*notional guide figures for estimated supply in currently unpublished plans*". The issue of the unmet need arising in Leicester, therefore, remains entirely unresolved.

More recently, Leicester City Council has again formally declared the unmet need arising in the City. The report to the City Council's Overview Select Committee (28th November 2019) identified a housing need of 29,104 dwellings in the period 2019-36, but only a supply of 21,291 dwellings (which is considered to be somewhat optimistic). Thus, a shortfall of 7,813 dwellings is anticipated; which "*will be distributed through agreement with district councils.*" It is understood that the City Council will be consulting on its draft Local Plan on that basis imminently.

Clearly, the identified unmet need in Leicester is arising now and needs to be addressed now as a matter of urgency in a Review of the Local Plan as part of the District Council's obligations under the Duty to Cooperate.

There is, therefore, no justification for a delay to the full review of the Local Plan. Moreover, it is entirely inappropriate for the District Council to seek to avoid the consequences of failing to effectively address its obligations in this respect through the proposed revision to Policy S1. As such, the duty to cooperate has not been met.

ISSUE 2 – Whether the proposed changes to Policy S1 are justified, effective and consistent with national policy and guidance?

Revised Policy S1 simply refers to the submission of a replacement Local Plan within 18 months of a Statement of Common Ground (SoCG) being agreed by all of the HMA Authorities. However, it has always been the stated intention of the HMA Authorities to agree a Memorandum of Understanding (MOU) to address the unmet needs arising in the period to 2031/36. Yet now some 3 years since the publication of the HEDNA and when the unmet need issues were first highlighted by the City Council that has still not been achieved.

It is clear therefore, that there has not been a positive outcome to the engagement the District Council has undertaken with its HMA partners that will ensure that (both market and affordable) housing needs in the HMA will be properly identified and then effectively provided for in accordance with the NPPF. Indeed, in the continued absence of a MoU or SoCG there remains a great deal of uncertainty going forward as to how much development should take place and where within the HMA.

Given the District Council's proposed timetable for the substantive review of the Local Plan (submission in Autumn 2021), it is presumably expected that the SoCG will be finalised imminently. However, the draft SoCG that accompanies the pre-submission Partial Local Plan Review is inaccurate, undated and incomplete. Fundamentally, it still fails to address the critical issue as to how the unmet need arising in Leicester will be addressed within the HMA.

Presumably, the District Council propose that is again left to a further SoCG that relates to the substantive review of the Local Plan that is intended to follow this partial review. However, given the record to date there can be no confidence that a MoU or SoCG that effectively addresses this key issue will ever be agreed by all of the HMA Authorities, or at least it will be substantially delayed until all of their interests are aligned.

In the meantime, the District Council would not be under any pressure to progress its Local Plan Review, there would be no effective consequences for it failing to do so and the unmet needs arising in Leicester will continue to be ignored exacerbating the serious socio-economic issues outlined above.

The revision to Policy S1 as proposed in the Consultation Document would inevitably further substantially delay this critical issue being effectively addressed, if it is addressed at all, and there would no longer be an effective policy recourse. The proposed approach is not positively prepared, unjustified, ineffective and does not comply with the NPPF. It is, therefore, fundamentally unsound.