



LOCAL PLAN PARTIAL REVIEW

Publication Consultation - Response Form

Details of what we are consulting on, and why, can be found on the Council website at www.nwleics.gov.uk/localplanmysay. You can also participate in the consultation online.

Please complete both Part A and Part B. For questions where there are multiple choice answers, please indicate your choice by placing a 'X' in the appropriate box(es).

PART A – Personal Details

If you are responding on behalf of yourself, or your own organisation, please fill in all the 'Personal Details' fields. If an agent is appointed to act on your behalf, please complete only the Title, Name and Organisation boxes in the Personal Details column, but complete all the 'Agent's Details' fields.

	Personal Details	Agent's Details (if applicable)
Title	■	Mr
First Name	■	Mark
Last Name	■	Rose
Job Title (where relevant)	Operations Director	Director
Organisation (where relevant)	Rosconn Strategic Land	Define Planning and Design Ltd
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Telephone		■
Email address		■

PART B – Your Representation

1. To which part of the consultation does this representation relate? Please note – comments should be restricted to the matters listed <u>only</u>	X	Partial Review (Policy S1 and supporting text)
		Sustainability Appraisal
		Habitats Regulations Assessment

2. Do you consider the Local Plan Partial Review is:				
Legally compliant	X	Yes		No
Sound		Yes	X	No
Complies with the Duty to co-operate		Yes	X	No

3. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

See attached.

(Continue on a separate sheet /expand box if necessary)

4. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached.

(Continue on a separate sheet /expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to speak at the examination?	
No I do not wish to speak at the Examination	
Yes I would like to speak at the Examination	X

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

6. If you wish to speak at the examination, please outline why you consider this to be necessary
<p>This is a critical matter that goes to the heart of the soundness of the Local Plan in that the identified housing needs across the Housing Market Area are not being effectively addressed as required by National Policy. The respondent has made previous representations both in relation to the extant Local Plan and its review and their concerns are now being realised. The proposed partial review will only further exacerbate the issue. Given the lack of transparency and scrutiny in the process since the extant Local Plan was adopted, a thorough Examination involving all key stakeholders is required.</p> <p style="text-align: right;">(Continue on a separate sheet /expand box if necessary)</p>

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

7. Do you wish to be notified of subsequent stages of the Local Plan?			
Submission	X	Yes	No
Publication of Inspector’s Report	X	Yes	No
Adoption of the Local Plan Partial Review	X	Yes	No

Declaration

I understand that all representations submitted will be considered in line with this consultation, and that my comments will be made publically available and may be identifiable to my name / organisation.

I understand that an unredacted copy of all representations will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination.

I acknowledge that I have read and accept the information and terms specified under the Data Protection and Freedom of Information Statement.

Signed: **Mark Rose**

Date: **8th January 2020**

DATA PROTECTION AND FREEDOM OF INFORMATION STATEMENT

The personal information you provide on this form will be processed in accordance with the requirements of the Data Protection Act. It will be used only for the preparation of local development documents as required by the Planning and Compulsory Purchase Act 2004, save for requests of such information required by way of enactment. Your name, organisation and representations will be made publically available when displaying and reporting the outcome of this statutory consultation stage, and cannot be treated as confidential. Other details, including your address and signature, will not be publically available.

A non-redacted copy of all representations will be made available to the Planning Inspectorate and to the person appointed by the Secretary of State to conduct the examination.

You should not include any personal information in your comments that you would not wish to be made publically available.

Your details will remain on our database and may be used to inform you of future planning policy matters and procedures. If at any point in time you wish to be removed from the database, or to have your details changed, please contact the Planning Policy team on 01530 454 676 or planning.policy@nwleicestershire.gov.uk.

Please send completed forms to planning.policy@nwleicestershire.gov.uk or Planning Policy Team, NWLDC, Council Offices, Whitwick Road, Coalville LE67 3FJ

The deadline for responses is the end of Wednesday 8 January 2020

Part 3

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.

Moreover, the 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.

Part 4

In light of the matters outlined in Part 3 above, the partial review should be abandoned.

Instead the District Council should progress as a matter of urgency a full review of the Local Plan as anticipated by the extant Local Plan. That must as a priority identify the quantum of needs arising in Leicester to be provided for in the District and allocate additional sites for residential development as appropriate to address both those and the District's own housing needs.