



## 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](http://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		Ben
Last Name		Williams
Job Title (where relevant)		Senior Planner
Organisation (where relevant)	Gazeley UK Limited	Turley
Address Line 1	c/o Turley	9 Colmore Row
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Address Line 4		
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## 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 only**

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	X	Yes		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

Turley is instructed to submit representations on behalf of Gazeley UK Ltd to the Local Plan Partial Review which concerns Policy S1. Gazeley supports the District Council in seeking to revise Policy S1 in terms of the commitment for an early review. However, we have concerns over the proposed detailed wording of the revised policy.

### **Context to the early review requirement in Policy S1**

The Inspector appointed to examine the Local Plan found it to be sound provided that the Council “expressly committed, by adopted policy, to early review of the Plan, within a stated period after any [...] unmet needs [...] are identified” (Inspector’s Report, paragraph 135). These unmet needs related to future housing and economic needs across the wider Housing Market Area (HMA) and Functional Economic Market Area (FEMA).

The NWLDC Local Plan was adopted on 21 November 2017 covering 2011 to 2031. Policy S1 states that the District Council would begin a review of the plan within three months of adoption or by the end of January 2018. This review has been commenced. Gazeley submitted representations to the Emerging Options consultation in January 2019. As it stands, Policy S1 requires NWLDC to submit the Local Plan Review (LPR) for examination by January 2020.

However, since this policy was adopted, there have been a number of significant changes in circumstances which are set out within the Publication Consultation Document (November 2019). These changes mean it is not possible for the District Council to submit the Local Plan Review for examination in this month. The District Council has, therefore, decided to undertake a partial review of the Local Plan to solely amend Policy S1 (and supporting text). This will allow it to undertake a ‘Substantive Review’ and to ensure that the adopted Local Plan does not become ‘out-of-date’.

### **The proposals to amend Policy S1 (the Partial Review)**

NWLDC are proposing to amend Policy S1 to delete the requirement to submit the Review for examination by January 2020 and, instead, amend the policy to state that a comprehensive Local Plan Review will need to take place within 18 months of the Statement of Common Ground (which will deal with the redistribution of any unmet need from Leicester

City Council) being agreed by all the relevant authorities.

The Local Plan was adopted in November 2017 and is barely over two years old. The Local Plan Inspector recommended specific amendments to policies, including Ec1 and Ec2, to provide flexibility to allow applications for unallocated land to be delivered where there is demonstrable evidence of need and demand for employment development (which is sustainable). It is critical that these flexible policies remain in force whilst assessments of employment need are undertaken to ensure that sites, such as Gazeley's "Former Lounge disposal point" ('G-Park Ashby'), can be brought forward as soon as possible to satisfy market demand.

As such, we agree with the District Council that Policy S1 should be revised to allow it to undertake a 'Substantive Review' when wider unmet housing and employment needs have been confirmed and agreed. It is important that the adopted Local Plan is not rendered 'out-of-date' whilst this review is on-going, particularly as the unmet needs have yet to be confirmed.

### **Appropriate wording in Policy S1**

Notwithstanding our agreement on the need for Policy S1 to be revised, we have concerns in relation to the soundness of the proposed rewording of the policy. These concerns are as follows:

- It is proposed to retain the text in the second paragraph of the policy. We contend that the second paragraph should be rewritten to explicitly refer to the commitment to undertake a 'Substantive Review' of the Local Plan, as described in the Publication Consultation Document (November 2019). This is proposing to address longer term development needs, which complies with the requirements set out in national policy and guidance, and is based upon up to date assessments of need. In particular, the Leicestershire authorities have commissioned a study on 'Warehousing (Big Sheds) and Logistics' to identify the up to date needs of this sector to inform plan-making. Gazeley fully support the need for an up to date evidence base on strategic logistics needs and this should inform the 'Substantive Review'. This study is due to be completed in early summer 2020. We suggest that this is explicitly referred to in the revised policy wording.
- There is new text proposed which states that the Local Plan will be submitted within 18 months of a Statement of Common Ground (SoCG) being agreed. This is open-ended and does not provide a firm commitment to undertake the 'Substantive Review' against a clear programme. It is possible that a SOCG may never be agreed. A specific requirement of the Local Plan Inspector was that an early review must be undertaken "*within a stated period*" (Inspector's Report, paragraph 135). It is essential that Policy S1 provides a clear programme with specific deadlines for the 'Substantive Review' – this is a specific requirement of the NPPF (2019) which states that policies should be clearly written and unambiguous (paragraph 16d). In addition, it is unclear why the District Council will require 18 months from adoption of the SOCG to submit the 'Substantive Review' for examination. The review process can be undertaken concurrently with the drafting of the SOCG, and we consider that submission should be achievable within 12 months. Whilst it is recognised that agreement needs to be reached across the HMA and FEMA, in terms of unmet needs, NWLDC has adopted a Local Development Scheme (LDS) which provides a timetable for the 'Substantive Review' so this should be reflected in the revised Policy S1 as a backstop date (autumn 2021).

Having regard to the above, we consider the proposed policy wording to be ineffective and inconsistent with national policy, and therefore unsound. We suggest that an alternative form of wording for Policy S1 in response to Question 4 to ensure that it is sound.

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.

It is requested that the second paragraph of Policy S1 be reworded as follows:

The Council will undertake a Substantive Review of the Local Plan to address longer term development needs (at least to 2036), which complies with the requirements set out in national policy and guidance and is based upon up to date assessments of need. This will require the District Council to continue to work collaboratively with the Leicester & Leicestershire Housing Market Area (HMA) authorities to establish the scale and distribution of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one or more authority to accommodate its own needs as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment and other relevant assessments including the study on 'Warehousing (Big Sheds) and Logistics'. **This will be done through a A Statement of Common Ground (SOCG) will be agreed during 2020 between the relevant authorities to address strategic and / or dealing with the redistribution of any unmet housing and employment needs from Leicester City. The Substantive Review will be submitted for examination and the submission of a replacement Local Plan will take place within 18 12 months of the date at which the SOCG is agreed by all of the relevant authorities, but no later than October 2021.**

**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**

Gazeley UK Ltd is the owner of land which is identified within the adopted Local Plan as an existing permission (under Policy Ec1a) and is currently seeking planning permission for an alternative scheme for Class B8 employment development (application reference 19/00652/FULM).

**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:



Date: 8 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](mailto:planning.policy@nwleicestershire.gov.uk).

**Please send completed forms to [planning.policy@nwleicestershire.gov.uk](mailto: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**