

# **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL LOCAL PLAN PARTIAL REVIEW**

## **ISSUE 1 – DUTY TO CO-OPERATE**

**ON BEHALF OF HALLAM LAND MANAGEMENT, HARWORTH GROUP,  
JELSON, REDROW AND WILLIAM DAVIS (0034)**

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- 1. Issue 1: Have the relevant procedural and legal requirements been met, including the duty to co-operate?**
- 1.1 These submissions are made on behalf of Hallam Land Management, Harworth Group, Jelson, Redrow And William Davis (Representor ref: 0034) and should be read in conjunction with the submission made on their behalf to the Regulation 19 consultation on the Draft Partial Review in January 2020. That previous submission provides the context for the objections, whilst this hearing statement focuses on responding specifically to the Inspector's Matters and Issues.
- 1.2 Whilst there is no doubt the Council has engaged actively and on an ongoing basis with partner authorities in the preparation of this Partial Review, a serious question remains on how constructive such engagement has been.
- 1.3 At a non-statutory level the engagement has been very constructive, particularly in the production of the Strategic Growth Plan and subsequent approval of this by all the partners. But at a statutory level, the engagement has been less than constructive. The key failing in the Duty to Cooperate is a complete absence of detail on how the unmet housing needs arising in Leicester City is to be accommodated.
- 1.4 Section 33A of the Planning & Compulsory Purchase Act 2004 imposes a legal duty to cooperate on strategic matters in the formulation of development plans. This is highlighted in the NPPF, including preparing and maintaining one or more Statement of Common Ground (SoCG) at paragraph 27.
- 1.5 The PPG provides clarity on the function of SoCGs, stating at paragraph 010 Reference ID: 61-010-20190315: *'A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, **and is a way of demonstrating at examination that plans are deliverable over the plan period**, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate'* [my emphasis].

- 1.6 The PPG provides further guidance at paragraph: 020 Reference ID: 61-020-20190315, stating that *'If all the information required is not available (such as details of agreements on strategic matters) authorities can use the statements to identify the outstanding matters which need to be addressed, **the process for reaching agreements on these** and (if possible) indicate when the statement is likely to be updated'* [My emphasis].
- 1.7 The Council's evidence of effective and on-going joint working is to be found in the SoCG at LP/08, dated November 2019, so this has not progressed since the Regulation 19 consultation. In respect of Leicester's unmet need, this states in paragraph 7.1 that: *'A redistribution of unmet housing need from Leicester City will be agreed through the established joint working mechanism outlined at Section 5 above'*. Section 5 simply sets out the agreed governance arrangements, with no detail on how redistribution will be undertaken.
- 1.8 Accordingly, all the SoCG does is provide a statement to undertake further work and to then subsequently (and hopefully) agree on quantifying and distributing the unmet housing need. In light of the PPG guidance set above, the SoCG should at the very least include details of the process by which agreement will be reached on how the housing needs of the HMA are actually going to be met, together with a timetable to achieve this.
- 1.9 The absence of a meaningful and effective SoCG as part of the Partial Review is considered to fail the Duty to Cooperate and the effective and positively prepared soundness tests.