

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL LOCAL PLAN PARTIAL REVIEW RESPONSE TO THE PUBLICATION DOCUMENT

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

Pegasus Group

4 The Courtyard | Church Street | Lockington | Derbyshire | DE74 2SL

T 01509 670806 | **F** 01509 672247 | **W** www.pegasuspg.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

PLANNING | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

CONTENTS:

	Page No:
1. PREAMBLE	1
2. OBJECTIONS	2
3. CONCLUSION	4
4. ACTIONS REQUIRED	4

1. PREAMBLE

- 1.1 These submissions are penned on behalf of a number of house builders and promoters who have interests in North West Leicestershire (NWL). Whilst these are objections, the overall approach of the District Council is supported in seeking to plan positively to ensure housing needs are met – as far it is able in the context of the requirements of the Housing Market Area (HMA) and the slow progress by other parties that has frustrated a comprehensive approach across the HMA.
- 1.2 This Regulation 19 consultation on the Partial Review of the North West Leicestershire Local Plan is to ensure the adopted North West Leicestershire Local Plan (NWLLP) does not become out of date as a consequence of the delay in undertaking a more substantive review. The adopted NWLLP commits NWL to submitting a Local Plan Review by January 2020, otherwise the plan will be deemed to be out of date (Policy S1). In the Inspector’s Report on the Examination of the NWLLP, the need for an early review was summarised as follows: *“Commitment to early review of the Plan by Policy S1 on Future Housing and Economic Development Needs to accommodate any unmet needs identified by agreement within the Housing Market Area according to the future Strategic Growth Plan and to reconsider the adequacy of land supply for housing and employment”* [Summary, page 3]. Accordingly, the review envisaged by Policy S1 to be submitted for examination by January 2020, was for this to be a more substantive one.
- 1.3 The Partial Review now proposed falls way short of what was envisaged at the time of adoption. Whilst the reasons for this delay are not of the District Council’s making, the Partial Review must still ensure the NWLLP is both positively prepared and effective. The fact is that the calculation of the unmet housing need in Leicester City has still not been agreed, let alone its apportionment amongst the other Local Authorities within the Housing Market Area (HMA), including NWL. Leicester City’s protracted and delayed local plan process has frustrated the ability of the other HMA authorities to prepare sound plans.
- 1.4 This Partial Review consultation is limited to some modifications to the wording of Policy S1, the effect of which is to water-down the effectiveness of the Plan. The proposed modification to Policy S1 is to rely on entering a Statement of Common Ground (SoCG) on the redistribution of any unmet need from Leicester City (with

no date prescribed within which to do this) and to then submit a replacement Local Plan within 18 months of that SoCG being agreed. In the absence of any commitment to jointly sign the SoCG within a prescribed time period, this is no commitment at all.

- 1.5 Whilst it is encouraging to note that NWL are working to submit a replacement Local Plan promptly, via the proposed Substantive Review, for the reasons set out below there is some doubt this can be progressed as quickly as is presently envisaged by NWL.

2. OBJECTIONS

Duty to Cooperate

- 2.1 It is clear that NWL has a long history of collaborating with partner authorities and the Leicester & Leicestershire Economic Partnership (LLEP) within the HMA – the production of the Strategic Growth Plan and subsequent approval of this by all the partner LPAs is testament to that. There remains, however, a fundamental Duty to Cooperate issue with the unmet housing needs that cannot be accommodated in Leicester City. The content of previously signed SoCGs and the draft SoCG on NWL’s Local Plan evidence base website only commit to undertake further work and to then subsequently agree on dealing with the unmet need, but to date no SoCG has included an agreement on how the housing needs of the HMA are actually going to be met. The absence of a meaningful SoCG as part of the submission Partial Review is considered to fail the Duty to Cooperate and the effective, positively prepared and consistent with national policy soundness tests.
- 2.2 The SoCG required by the changes to Policy S1 in the Partial Review would constitute significant progress, as such an SoCG would include agreement on redistributing Leicester’s unmet housing needs, but a draft of this does not presently exist.
- 2.3 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 SoCGs at paragraph 27. 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 update'. The draft SoCG on the Council's website fails to accord with this guidance as it does not include details of how it will ensure the housing needs of the HMA will be met. Whilst it is clearly unable at present to include the actual housing numbers, it should at the very least include the provisions it envisages, save for the actual housing numbers. This is what is expected from the proposed changes to Policy S1 in the Partial Review, and by the PPG.

Uncertainty of Housing Numbers

- 2.4 The NPPF advises the use of a standard methodology to identify housing needs, but it is understood the approach as set out in the PPG is being reviewed and may well be updated later this year. Given the likelihood for the standard methodology to change, any future SoCG on housing requirements across the HMA should include provisions for it to be reviewed promptly, if signed based on the present methodology. Provisions for an immediate review of the SoCG are also required to respond to any changes in Leicester's unmet need. Leicester City is due to commence consultation on its draft Local Plan at the end of January 2020, whereby committee papers on its contents has confirmed it is unable to meet its own housing needs, advising that there will be a requirement for other HMA authorities to deliver a purported shortfall of 7,813 dwellings to 2036. This shortfall is calculated on the basis of a purported housing supply of 21,291 dwellings to 2032, but the ability to deliver this number of dwellings will need to be tested through the examination process, particularly as the City's SHELAA of 2017 identified land for a possible total of only 15,348 dwellings. The quantum of unmet need to be provided outside of Leicester City could well therefore increase.
- 2.5 In order to apportion Leicester's unmet need in a form that accords with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, a Sustainability Appraisal will be required to compare the preferred distribution against reasonable alternatives, a process that will take time and could lead to an alternative distribution being agreed.

3. CONCLUSION

3.1 In light of the above, whilst the Council is commended in seeking to address its housing needs and potentially some of Leicester City’s needs in a positive and proactive way, objections to this proposed Partial Review are unavoidable due to the failings of Leicester City in bringing forward its new Local Plan and being able to ascertain what the unmet housing need requiring redistribution actually is. The Partial Review Plan as submitted thus fails the Duty to Cooperate and the positively prepared, effective and consistent with national policy tests of soundness for the reasons set out above.

4. ACTIONS REQUIRED

4.1 To be found sound and accord with the Duty to Cooperate, it is not considered that any substantive changes are required to the Policy S1 text, but that the SoCG, updated as proposed below, is signed by all parties prior to the Partial Review Plan proceeding to the examination hearing sessions.

4.2 For the SoCG to be updated to represent the one envisaged by the proposed changes to Policy S1 in the Partial Review and to include a joint commitment for each LPA to:

- Meet its own housing needs and a defined amount of Leicester’s unmet need (with the exception of Leicester City);
- Agree that the cumulative figure represents the housing requirement figure for the LPA;
- Acknowledge that an additional amount may be required for flexibility and to ensure deliverability; and
- Agree that should the housing requirement figure and/or the quantum of unmet need materially change, then a revised SoCG will be agreed within 6 months.

The SoCG should be subject to a Sustainability Appraisal, including consideration against the reasonable alternatives, prior to being agreed.