

Your ref: Local Plan  
Our ref: 24280  
DD: [REDACTED]  
E: [REDACTED]  
Date: 8/1/2020

Ian Jordan,  
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Dear Ian,

## **NORTH WEST LEICESTERSHIRE LOCAL PLAN PARTIAL REVIEW – PUBLICATION CONSULTATION**

### **RESPONSE ON BEHALF OF DAVIDSONS DEVELOPMENTS LTD**

On behalf of our client, Davidsons Developments Ltd, Bidwells are instructed to submit representations to the Regulation 19 consultation on the Local Plan – Partial Review.

Bidwells has previously submitted representations to the Regulation 18 Consultation in April 2018 as well as to the SHEELA 'Call for Sites' in August 2018 and the Local Plan Emerging Options Consultation in January 2019. These representations reflected our client's legal interest in the site 'Land north of Leicester Road, Ibstock', and promoted its availability and suitability for development. A site location plan has been appended to these representations for ease of reference.

Our submission to the Local Plan Emerging Options Consultation in January 2019 included a Vision Document which demonstrated that Ibstock is a well located, sustainable settlement. It also demonstrated that the Land north of Leicester Road, Ibstock is suitable for development and would help meet the development needs of the District and wider unmet needs of Leicester City Council. The reasons for this can be summarised as follows:

- Ibstock is located in close proximity to the city of Leicester (15km from the edge of the city);
- It is in close proximity to Coalville (6km to the town centre), which is identified as an 'area of managed growth in Local Plans' in the Strategic Growth Plan.
- The site has good public transport links with services from Leicester Road providing regular bus links to Coalville and Ibstock, and hourly connections to Hinckley; and
- It is well located, with good highway links to the M1 and beyond;

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In addition, the Local Plan specifically identifies Ibstock as a Local Service Centre where a 'reasonable' amount of growth will take place. However, the housing trajectory within the plan identifies that only 673 homes are anticipated to be delivered in Ibstock over the 20-year plan period from 2011 to 2030. This represents just 6.3% of all forecasted completions in the District and significantly underappreciates Ibstock's potential to meet future growth needs. Furthermore, all of the planned housing is already completed or will be completed within the next five-year period.

## Local Plan Review - Policy S1

Our client is concerned that the Regulation 19 Partial Review consultation document fails to address the requirements of a Local Plan Review as set out in Policy S1 and does not revise the Objectively Assessed Need (OAN) and Housing Requirement for the district, which was established over two years ago. We consider these two points in turn.

### Requirements of Local Plan Review

To fully meet the legal requirements of the Duty to Co-operate, the Council must engage on a constructive, active and on-going basis with the other Local Authorities within the HMA to maximise the effectiveness of plan making. A key element of a Local Plan Examination is ensuring that there is certainty through formal agreements that an effective strategy is in place to deal with strategic matters. At present, the Plan review would not fulfil this criterion as it fails to demonstrate that effective joint working on cross boundary strategic matters has been achieved and instead defers the issues to a later date. This is contrary to the NPPG (ID 61-020-20190315) which advises local authorities to have a SoCG available on their website by the time the Draft Plan is published to ensure there is transparency on the position of joint working with other LPAs.

The approach taken within the Partial Review does not meet the Inspectors requirements for a full review of the Local Plan as set out in Policy S1. The Publication Consultation Document simply proposes to remove the critical text within Policy S1 which requires submission of a Local Plan Review by February 2020 to prevent the adopted Plan being deemed out of date. The timescale for submission of a replacement Local Plan is now proposed to be "*within 18 months of the date at which the SOCG is agreed*" but no agreed timetable or backstop date is set within the policy should this not be possible. Instead, the amended Policy S1 text now proposes an arbitrary timescale for submission of the new Local Plan which is at risk of being delayed if the Leicestershire Authorities cannot agree on how the unmet need from Leicester City should be distributed. This brings into question whether the review has been positively prepared and subsequently its soundness.

The SoCG published to accompany the pre-submission Partial Local Plan Review is incomplete, undated and unsigned and therefore holds no weight. Furthermore, the document is outdated as it refers to LCCs unmet housing need as being unknown which is no longer correct. On 28 November 2019, LCC published a figure of 7,813 homes within their Overview Select Committee presentation. These homes need to be delivered in surrounding Local Authorities by 2036. NWLDC have failed to work cooperatively and effectively with LCC to ensure this figure is considered within the Local Plan Partial Review. In order to be effective and justified, the current partial review must not introduce this level of ambiguity and Policy S1 should be amended accordingly to provide certainty to the proposed timeframe for the submission of the replacement Local Plan. Overall, as drafted, the Plan does not hold the LPA to a set date for submitting a full review and is simply an attempt to prevent their current Local Plan from being deemed out of date in February 2020. As such, we consider that the Local Plan Partial Review does not fulfil the requirements set out by the Inspector within adopted Policy S1. The Plan should therefore be considered unsound.

Due to the level of uncertainty on completing the SoCG, to be considered Sound, Policy S1 must outline a definitive backstop date beyond which submission of a replacement Local Plan cannot slide without the

current Plan being considered out dated. However, this alone would not address the failure to meet the legal requirements of Duty to Cooperate as the Plan still fails to demonstrate how NWLDC has engaged in a constructive, active and on-going basis with surrounding local authorities.

#### Objectively Assessed Need for Housing

We also respectfully disagree with the LPAs conclusion that the adopted Local Plan requirement figure “*appears sufficient*” to meet the need arising in North West Leicestershire and elsewhere in the HMA, without amendment. Given that the Inspector who examined the current Local Plan deemed it necessary to require an immediate review within 3 months of the adoption of the current Plan, it would not be sound to maintain the current housing need figure without full re-assessment and appropriate amendment.

Paragraph 33 of the NPPF notes that the early review of a Plan is required if “*local housing need is expected to change significantly in the near future*”. With no amendment of the OAN, it brings into question whether this review has been positively prepared and whether it fails to sufficiently provide a strategy which will meet the areas OAN and the unmet need from neighbouring areas.

NWLDC state within the consultation document that “*Leicester City Council has still not formally declared the extent of its housing need that it cannot meet within its own boundaries*”. This is no longer correct as LCC confirmed on 28 November 2019 that public consultation on the Draft Leicester Local Plan (2019 – 2036) will commence in January/February 2020 and will set out a shortfall of 7,813 dwellings which will need to be distributed through formal agreements with district councils.

The consultation document sets out that, under the government’s standard methodology, the housing requirement for North West Leicestershire is 379 dwellings per annum. This calculation uses the 2014-household projections. However, given that we now know that LCC has a shortfall of 7,813 dwellings which will need to be distributed across the area, in this exceptional circumstance (with reference to paragraph 60 of the NPPF), where no agreement has been made between NWLDC and LCC over its unmet need, it would be more robust to rely upon the more up-to-date 2016-household projections, effectively making an allowance for the unmet need from Leicester City, which results in an annual housing need figure of 529 dwellings. This is over 100 dwellings more per annum than that in the adopted Local Plan.

Given that no SoCG have been completed or agreed, the split between the different local authorities is still unknown. In these uncertain circumstances, using the higher 2016 housing projection would be more robust and justified to ensure that both NWLDC’s housing need and LCC’s unmet need, are appropriately planned for.

The emerging Plan itself acknowledges that there is considerable uncertainty regarding the housing requirement element which the review needs to plan for. This uncertainty means that a more cautious approach to planning for housing need is necessary and justified.

In addition, the Local Plan Partial Review does not update Appendix 2 of the adopted Plan which sets out the housing trajectory at 1 October 2016 and the projected completions up to 2031. This means there is no up-to-date record of the expected rate of housing delivery over the plan period which is contrary to Paragraph 73 of the NPPF (2019).

Therefore, as drafted, the proposed amendments to Policy S1 are not enough to address the concerns of the previous Inspector or respond to the unmet housing need from Leicester City Council. Without amendment, the Policy S1 would be unjustified and inconsistent with the NPPF which renders the Plan unsound.

## The Strategic Growth Plan (SGP)

The supporting text within the Partial Review Consultation Document outlines that the SGP is seeking a step change in the way that growth is delivered; focussing more development in strategic locations and reducing the amount of new development that takes place in existing towns, villages and rural areas.

This new approach has not been justified as the most sustainable and effective approach to delivering growth. Justification for this approach is critical as it is not consistent with the NPPF which promotes making effective use of land. This includes encouraging multiple benefits from both urban and rural land, promoting and supporting the development of under-utilised land and buildings, and giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (Paragraph 118).

Whilst new development on strategic development sites can be sustainable development, it should not be at the detriment of supporting and encouraging sustainable growth and development within, or adjacent to, existing settlements. The greatest existing need and demand for additional housing is usually within established settlements where people already live, work and socialise.

This flexibility can be provided by ensuring that the range of sites allocated is not overly restrictive. By allocating a range of small, medium and large sites in different locations in Leicester and Leicestershire, the plan can avoid the potential pitfalls caused by over reliance on one or two strategic sites or locations. Without this flexibility, the Local Plan risks being ineffective and therefore unsound.

Additionally, the SGP is a non-statutory document which has been subject to limited public consultation and will not be subject to Examination in Public. It should therefore not be given significant weight in the approach taken within a statutory Development Plan Document (DPD) where this would affect the soundness of the DPD.

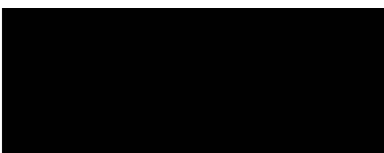
## Summary

As drafted, Policy S1 does not sufficiently plan for meeting the housing need generated by Leicester City Council and the policy should be updated to reflect a higher annual housing requirement with appropriate sites identified to meet this additional need. We believe the allocation of sites such as land north of Ibstock is key to the success of the Local Plan moving forward. Whilst there is a place for strategic growth, the Local Plan will only be successful in meeting housing need if it allocates a range of sites in main settlements across the District. To rely solely on strategic sites, in limited locations, as part of a strategy for growth would limit the flexibility of the plan and put it at risk of underdelivering.

Overall, our client is concerned with the limited scope of changes within the Local Plan Review and the subsequent implication for meeting growth and housing needs without revising the Objectively Assessed Need and Housing Requirement for the district within Policy S1. The current scope of the Review is not consistent with national policy and does not sufficiently demonstrate that Duty to Cooperate has been fulfilled.

Thank you for the opportunity to comment on the Publication Consultation for the North West Leicestershire Local Plan. We look forward to engaging with the Council on the next stages of the plan making process.

Yours sincerely,



██████████ MRTPI  
Associate

**Enclosures:**

Representation Form

Site Location Plan

**Copy:**

Davidsons Developments Ltd