

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – WEDNESDAY, 13 NOVEMBER 2019

Title of report	LOCAL PLAN PARTIAL REVIEW
Contacts	<p>Councillor Robert Ashman 01530 273762 robert.ashman@nwleicestershire.gov.uk</p> <p>Interim Head of Planning and Infrastructure 01530 454782 chris.elston@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To seek Members approval for publication of the pre-submission (Regulation 19) Partial Review of the Local Plan.
Council Priorities	<p>Local people live in high quality, affordable homes</p> <p>Support for businesses and helping people into local jobs</p> <p>Developing a clean and green district</p> <p>Our communities are safe, healthy and connected</p>
Implications:	
Financial/Staff	The cost of the review is met from existing budgets.
Link to relevant CAT	None
Risk Management	A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed. Failure to submit the Partial Review by 20 February 2020 will result in the Local Plan being considered out-of-date.
Equalities Impact Assessment	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.
Human Rights	None discernible
Transformational Government	Not applicable

Comments of Head of Paid Service	Report is satisfactory
Comments of Section 151 Officer	Report is satisfactory
Comments of Deputy Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	<p>Report to Cabinet 16 July 2019 minutes1.nwleics.gov.uk/ieListDocuments.aspx?CId=126&MId=2006&Ver=4</p> <p>Report to Cabinet 29 October 2019 https://minutes-1.nwleics.gov.uk/documents/s26434/Cabinet%20report%20edited.pdf</p> <p>Planning Practice Guidance – Plan Making www.gov.uk/guidance/plan-making</p>
Recommendation	<p>THAT THE LOCAL PLAN COMMITTEE:</p> <p>(I) APPROVES THE PUBLICATION LOCAL PLAN PARTIAL REVIEW AS SET OUT AT APPENDIX B OF THIS REPORT;</p> <p>(II) AGREES TO PUBLISH AND INVITE REPRESENTATIONS UPON THE LOCAL PLAN PARTIAL REVIEW DOCUMENT TOGETHER WITH THE SUSTAINABILITY APPRAISAL REPORT AND HABITAT REGULATION ASSESSMENT IN ACCORDANCE WITH REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012;</p> <p>(III) DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE TO SUBMIT THE LOCAL PLAN PARTIAL REVIEW TO THE SECRETARY OF STATE FOLLOWING RECEIPT AND CONSIDERATION OF REPRESENTATIONS INCLUDING THE IDENTIFICATION OF POSSIBLE MODIFICATIONS TO THE INSPECTOR;</p> <p>(IV) NOTES THAT THE APPOINTED INSPECTOR WILL</p>

	<p style="text-align: center;">BE REQUESTED TO RECOMMEND MODIFICATIONS TO THE SUBMITTED LOCAL PLAN PARTIAL REVIEW TO THE COUNCIL IN THE EVENT THAT THE INSPECTOR CONSIDERS THAT SUCH MODIFICATIONS WOULD MAKE THE PLAN SOUND;</p> <p style="text-align: center;">(V) NOTES THAT THE DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING AND REGENERATION WILL AGREE AND PUBLISH A NEW LOCAL DEVELOPMENT SCHEME;</p> <p style="text-align: center;">(VI) AGREES THAT THE SUBSTANTIVE REVIEW SHOULD COVER THE PERIOD TO 2039</p>
--	---

1.0 BACKGROUND

- 1.1 Members will recall that a report was considered at the 2 October 2019 meeting of this committee in respect of the Partial Review of the Local Plan.
- 1.2 The report sought the committee's approval to undertake a consultation in respect of the Partial Review. An amendment was tabled at the meeting which sought to expand the scope of the Partial Review. The amendment was supported by the majority of members present.
- 1.3 Whilst this committee has the authority under the Council's constitution to agree to publish documents for consultation, it does not have the authority to make changes to documents. Instead, it is required to instruct Cabinet (as the Executive) to reconsider documents. Therefore, this matter was referred to back to Cabinet for its consideration at an Extraordinary meeting on 29 October 2019. A copy of the Cabinet report is attached at Appendix A of this report.
- 1.4 Cabinet resolved to not agree to the amendment as per the recommendations and asked this committee to reconsider its position.
- 1.5 This report, therefore, seeks authorisation to publish the Partial Review for consultation.

2.0 THE LOCAL PLAN

- 2.1 The North West Leicestershire Local Plan was adopted on 21 November 2017 and covers the period to 2031.
- 2.2 Policy S1 commits the Council to undertaking an early review of the plan. It states that:

"The District Council will commence a review of this Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) by the end of January 2018 or within 3 months of the adoption of this Local Plan (whichever is the

later). The Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date”.

- 2.3 The wording of Policy S1 was agreed with the Local Plan Inspector during the Examination process. The Inspector had required the wording regarding timescales so as to ensure that *“the Council is expressly committed, by adopted policy, to early review of the plan, within a stated period after any such unmet needs to be met within NWL are identified”* (paragraph 135 of Inspector’s Report).
- 2.4 The review formally commenced in February 2018 in accordance with the provisions of Policy S1. Further consultation was undertaken in November/December 2018 in accordance with the council’s Local Development Scheme.
- 2.5 To date the review has been seen as a partial review rather than a whole scale review. The Local Development Scheme envisaged that the partial review would be submitted for Examination in February 2020, again to meet the requirements of Policy S1.
- 2.6 At its meeting on 16 July 2019 Cabinet considered a report which outlined a revised approach to the Local Plan review. A key reason for the revised approach is the fact that Leicester City has yet to declare the extent of its unmet need, something which the Local Plan Inspector had clearly anticipated would happen as referred to in paragraph 2.3 above.
- 2.7 Cabinet agreed the recommendations which, in effect, mean that the council is undertaking two reviews in parallel; a partial review which addresses the wording of Policy S1 and a substantive review. The work and consultations undertaken to date will feed in to this Substantive Review.
- 2.8 Whilst most Local Plan reviews will cover a multitude of policies, it is not unheard of for only one policy to be reviewed. Furthermore, the Planning Practice Guidance (Plan Making paragraph 069) clearly anticipates such a possibility as it states *“A local planning authority can review specific policies of an individual basis”*.

3.0 THE PARTIAL REVIEW

- 3.1 The proposed new wording for policy S1 is set out at Appendix B of this report. The proposed wording is similar to that in the adopted Local Plan but the timescale for submitting the review is now linked to the agreement of a Statement of Common Ground by all of the Leicester and Leicestershire authorities in respect of the redistribution of unmet housing needs instead of the adoption of the Local Plan. This approach reflects the comments of the Local Plan Inspector as set out above at paragraph 2.3 that an early review should take place *“within a stated period after any such unmet needs to be met within NWL are identified”*.
- 3.2 Work on a Statement of Common Ground to address the redistribution of any unmet need is underway through the auspices of the Strategic Planning Group and the Member Advisory Group. Progress on this will be reported to future meetings of this Committee as part of the process for the Substantive Review (see section 4 of this report).

- 3.3 The Local Plan partial review has also been subject to the following independent assessments as required by the Regulations:
- Sustainability Appraisal/Strategic Environmental Assessment (Incorporating Equalities Impact Assessment);
 - Habitats Regulations Assessment
- 3.4 The preparation of the Local Plan is governed by legislation (The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) and also Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012).
- 3.5 The Local Plan which this committee is being asked to approve is the ‘publication’ stage Local Plan (Regulation 19). This represents the Local Plan which the Council considers should be submitted for examination. Before it can be submitted it must be published for a minimum six week period for representations to be made. It is proposed to do this from 18 November 2019 to 6 January 2020. This is longer than the normal 6 weeks as it allows for the fact that the consultation period runs over the Christmas period.
- 3.6 Any representations received as part of the consultation will need to be considered before submitting the Local Plan for examination. In order to ensure compliance with the provisions of policy S1 this will need to be by 20 February 2020. The report to Cabinet on 29 October 2019 allowed for this be delegated to the Strategic Director of Place in consultation with the Portfolio Holder for Planning and Regeneration.
- 3.7 Once the Local Plan is submitted an independent Planning Inspector will be appointed by the Planning Inspectorate to consider whether the Local Plan is ‘sound’. At this point the Council will no longer be in control of the timetable as this will initially be determined by the Planning Inspectorate and then by the Planning Inspector appointed to hold the examination. It is not possible to be certain about when an Examination might take place, but it could be summer 2020.
- 3.8 To be “sound”, the Local Plan should be:
- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the [National Planning Policy] Framework.
- 3.9 Members will be aware that the Localism Act 2011 requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. This requirement places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively

and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

- 3.10 Discussions have taken place with the other Leicestershire authorities to make them aware of the approach which the council is proposing to take. A Statement of Common Ground relating to the Partial Review only (as opposed to the Statement of Common Ground dealing with the redistribution of any unmet housing need referred to in paragraph 3.2 above) has been prepared and agreed with all of the authorities at officer level. Some authorities will need to take this through their internal political processes for final sign off.
- 3.11 In addition to the Local Plan document the SA/SEA and HRA as outlined at paragraph 3.3 above will also be made available as part of the consultation.
- 3.12 Once the consultation is closed officers will need to go through, assess and consider all of the representations, set out the Council's response to the representations, as well as pulling together other documents required by the regulations, including an updated Statement of Consultation.
- 3.13 To submit by 20 February 2020 will give offices just over 6 weeks to undertake the above tasks. This is tight but, subject to the number of representations received, is considered to be achievable. However, to do so it will be necessary for Local Plan Committee to agree to delegate authority to the Portfolio Holder and the Strategic Director of Place to submit the review, when all of the representations have been considered. This is allowed for by recommendation (iii) of this report.
- 3.14 During the examination stage it is possible that the Inspector will enquire of officers from time to time whether a change to the policy is something which the Council would support. In order to enable the smooth running of the examination the Director of Services has delegated authority to agree to changes to the policy. Such changes would then be the subject of modifications recommended by the Inspector.
- 3.15 Members should note that a Local Plan can only be adopted by a meeting of Full Council. Members would have an opportunity to consider any modifications put forward by an Inspector as part of the process of adopting the plan.
- 3.16 The Inspector can only make recommendations in respect of main modifications which are required to ensure that the plan satisfies the test of soundness and such recommendations can only be made where the Council has requested that he/she does so.

4.0 THE SUBSTANTIVE REVIEW

- 4.1 By its nature the substantive review will cover a broad range of issues which will, amongst other matters, extend the plan period and address development needs for that period including any unmet need from Leicester City that is redistributed to North West Leicestershire. This will include those matters raised by members as part of the amendment previously discussed and agreed by this committee.
- 4.2 In terms of the appropriate period for the substantive review to cover, this committee has previously agreed that the Local Plan review should cover the period up to 2036. Members will be aware that the July 2018 version of the NPPF introduced a requirement that

strategic policies (those which set out an overall strategy for the pattern, scale and quality of development) should look ahead over a minimum 15-year period from the date of adoption. This approach is continued in the February 2019 version.

- 4.3 An end date of 2036 would require adoption in 2021. In view of the tight timescale this would require for the review to be adopted, it is recommended that the plan period be extended to 2039. Whilst this will have implications for the amount of development to be provided for, it would allow for greater certainty over a longer period of time and would help the Council to demonstrate that it is planning positively. Recommendation (vi) allows for this.
- 4.4 In terms of the timetable for the substantive review, the proposed wording of policy S1 in the partial review requires submission of the substantive review within 18 months of the Statement of Common Ground regarding the redistribution of any unmet need being agreed. As noted, work on such a Statement of Common Ground has commenced, although there is not a confirmed timetable for this to be concluded.
- 4.5 There are other factors to consider when determining the timetable. In particular, the next set of household projections (upon which the Standard Method is based) are due to be published in September 2020. It would be prudent, therefore, for the submission version of the plan to take full account of the new projections as it will provide certainty that does not currently exist. However, in order to ensure that progress can be made on the substantive review a separate report on the agenda for this meeting considers the issue of potential housing requirements.
- 4.6 Resourcing is also an important consideration in setting the timetable for the Substantive Review. A review has recently been completed as a result of which some additional capacity at a principal officer level has been created. This is in the process of being recruited to. The following outline timetable takes account of these factors and assumes that the additional resource will be available, either as a permanent appointment or as a temporary appointment in the event that a permanent appointment is not successful.

Consultation on draft plan (Regulation 18)	Summer 2020
Pre-submission consultation (regulation 19)	Spring 2021
Submission	Autumn 2021
Examination	Winter 2021/22
Adoption	Autumn 2022

- 4.7 An updated Local Development Scheme will be prepared that provides more details about both the Partial and Substantive Reviews.