

NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION HEARINGS

Inspector's Opening Remarks

- *Relating to Opening Item b on the Agenda for Day 1 but applicable in principle to all hearing sessions.*
- *Participants should also bear in mind the Guidance Note from the Inspector [IN/03] as well as the Notes at the head of the individual Agendas.*
- *This is not a formal Examination Document and its oral delivery may vary.*

General

I commit my opening remarks to writing to save time during the programmed sessions – especially on Day 1.

The Examination of course runs from submission to Report and, although efficiency demands that we stick to the Programme as far as possible, there is scope to vary it and add sessions at any time up to Report delivery if circumstances require it.

As the full case of each Representor at the time of the pre-submission consultation should have been expressed in the original representations, I continue to rely upon these.

Post-Submission Documents and Procedure

The **Examination Library** has been updated on the NWLDC website to include additional documents issued after the Plan was submitted for examination, in particular the Council has provided its updated position on Housing Land Supply as now set out in documents EX/17-22 and I note that reference is made to these in Position Statements submitted subsequently and there will of course be opportunities to discuss them.

The Council has also updated the Sustainability Appraisal. That will be subject to public consultation before the close of the Examination, alongside any Main Modifications.

Most recently you will have noted that the Council has found it necessary to announce [EX/36] that the Member Advisory Group (MAG) of the Leicester and Leicestershire HMA authorities has decided to publish the HEDNA ad that I have replied [IN/07] that this does not alter the Examination Programme – more on that later.

Some core examination documents have been added to the Library at the request of Representors [EX/25-33].

Duty to Co-operate

Prior to the questions of soundness, I must be satisfied that NWLDC, in preparing the Plan, complied with the Duty to Co-operate (DTC) on relevant cross-boundary strategic priorities set down the Localism Act and that the Plan is otherwise legally compliant with the Act of 2004. More important than the correspondence that took place, the key question is whether the outcomes of co-operation with prescribed bodies are demonstrably taken into account in the submitted Plan.

Scope

I have made clear in my guidance note *[IN/03]* that I am not here to make a sound plan better. For me to impose a personal opinion on the Council that one site or policy wording would be better than another when the Plan is already sound as submitted would be against Localism.

For this reason it is current practice not to discuss alternative or omission sites as such. Any Main Modifications (MMs - soundness changes) must be based on substantive evidence that the Plan is unsound without them. However, the several aspects of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) and the Planning Policy Guidance (PPG) will be fully addressed.

That means that I must consider whether the Plan is positively prepared, justified, effective and compliant with national policy in the context of the presumption in favour of sustainable development at the heart of the NPPF.

Programme, Issues and Agendas

I believe that, with the PO, I have allocated speakers to the most appropriate hearing sessions, in particular distinguishing strategic and broad policy matters from individual sites. If, as sometimes occurs, matters discussed under general items render further discussion on individual sites superfluous, those items can be deleted if objectors indicate to the PO that they no longer wish to take part.

A tight programme is set for a total of 6 sitting days with a contingency to adjourn to three other days if necessary.

Matters, Issues and Agendas

Every matter and Issue I have identified for discussion is listed on the individual Agendas and all will be taken into account along with original representations.

However, as in most such examinations, the issues revolve largely around housing and employment land requirements and supply and whether they have evolved from the outcomes of proper cross-boundary co-operation and robust objective assessments of appropriate evidence, in particular an up to date Strategic Housing Market Assessment (SHMA) or Housing and

Employment Development Needs Assessment (HEDNA), together with evidence of timely development delivery.

In this case, the Council admits, at the outset, that the submitted Plan is not strictly based on the latest evidence with respect to the base year predictions of the SHMA, the internal nature of the later assessment of the effect of the recently permitted Strategic Rail Freight Interchange (SFRI), all to be followed by the publication of the new HEDNA after the MAG meeting on 26 January, ie while the Examination is still open.

My natural first reaction would have been, the same as several objectors, to pause the examination and await the results of the HEDNA. However, as I briefly explain in my Guidance Note (IN/03), I understand the urgency of the Government imperative for adoption of the Plan and the Examination provides the opportunity to establish whether the Duty to Co-operate and other legal requirements have been met. In particular, it gives the Council the opportunity to justify its position that the evidence available on submission was sufficiently robust to support a sound Plan, albeit subject to a possible early review, for which Policy S1, with its suggested MM1, seeks to secure if the HEDNA indicates significantly different requirements. I consider that this approach reflects current guidance and practice, including the use of early review policies, where justified.

In my reply to the announcement that the HEDNA will be published at the end of January, I have said that this does not alter the situation. That is because mere publication of the HEDNA does not have the effect of modifying the Plan evidence base without further detailed work and consultation yet to be programmed. However, I qualified that in terms that the HEDNA update will become a material consideration. Any implications it may have for the soundness of the Plan, and the extent to which further representations or hearings might become necessary in response, will depend its findings once they are known.

So the Examination necessarily proceeds in the overall context of whether a sound Plan is feasible in these terms and circumstances. For my part at this stage, my mind remains open on all aspects of soundness.

The concerns of respondents are set out in their original representations and latterly in their Position Statements, whether by professional submissions of the developers seeking to provide planned development or the heartfelt misgivings of often unrepresented local organisations and residents who would be called upon to accept and live with it. **All have equal status in this process.**

However, all concerns about the soundness of the Plan are now well known and documented. They do not need to be repeated in detail.

Therefore, as you will note from the individual Agendas, I intend to invite the Council, at the appropriate times, to open on those agenda items regarding these central matters of difference. Specifically I shall ask them to begin our discussions on:

Sustainability Appraisal with reference to new SA information which has been submitted

Policy S1 and MM1, explaining how the early review provision would operate in practice to secure the necessary response to the results of the HEDNA, including whether suggested additional detailed trigger criteria should be added

Housing Land Requirement, including whether the HEDNA results can or should form part of the evidence to the Examination, and

Housing Land Supply, to introduce its latest housing land supply and trajectory evidence

Site Visits

Finally, I have already toured much of the District to gain a general impression including the allocated sites. I will consider in due course whether I need to undertake any accompanied site visits but generally it is not necessary to go into as much detail at this stage of plan preparation as it would be in connection with an actual site-specific planning application or appeal.

BJS
5 January 2017