



# The Planning Inspectorate

Date: 25 July 2013  
Ref: PINS/G2435/429/3

To:  
Mr Ian Nelson  
Planning Policy and Business Focus Team Manager  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire, LE67 3FJ

Dear Mr Nelson

## **PLANNING & COMPULSORY PURCHASE ACT 2004 (AS AMENDED) EXAMINATION OF THE NORTH WEST LEICESTERSHIRE CORE STRATEGY (CS)**

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1. I refer to your response to my initial note of 9 July 2013. I can comment as follows.
2. Thank you for clarifying that it is the April 2013 version of the CS that has been submitted for examination. Your comments about the scope of the consultation exercise in respect of the subsequent changes and supporting Sustainability Appraisal and Habitats Regulations Assessment are noted. Your responses in respect of Traveller Sites and viability are also noted: in principle, these are matters that could be discussed in more detail at hearing sessions, should such sessions take place.
3. However, a number of concerns remain about the Plan's potential soundness and legal compliance. I set out the most serious of these below. These comments should be read in conjunction with my previous note and, as before, are made without prejudice to any final report that I may write.

### **Assessing Housing Needs**

4. I note your view about the status of the Leicester and Leicestershire Housing Requirements Study (LLHRS), and I am clearly aware of the way in which national planning policy has developed in respect of this matter since the publication of the previous Planning Policy Statement 3 (PPS3). Nevertheless, you will realise that the soundness of submitted Local Plans must be assessed in the context of the requirements of the National Planning Policy Framework – including those set out in paragraphs 47, 159 and 182, as summarised in my previous note.

5. As I have already said, in the absence of an up-to-date Strategic Housing Market Assessment (SHMA), it will be difficult to reach a conclusion that the CS is sound. Irrespective of the factors that you refer to in support of the LLHRS, including the interim 2011-based DCLG household projections, that document does not amount to an adequate substitute for a properly prepared SHMA. While you suggest that additional wording should be added to policy CS1 to take into account the potential implications of future SHMA preparation, the assessment of housing needs within the market area is a central part of the evidence base that should inform, rather than follow, Local Plan preparation. Furthermore, such an assessment should be made in the context of the housing market area (HMA) as a whole. It is not clear that this has been satisfactorily undertaken, a matter considered below in the context of the Duty to Co-operate.

### **Housing Supply**

6. While detailed and up-to-date housing land supply information remains to be seen, the recent appeal decision that you have attached (Appendix 4 of your response)<sup>1</sup> confirms my concerns about the District's housing land supply position. There appears to be a serious and urgent shortfall. The submitted Local Plan takes no action to resolve this problem. No sites are allocated. The Council's view that 'a more pragmatic approach' should be taken 'to ensure that applications were considered as speedily as possible'<sup>2</sup> is at odds with the plan-led approach that is advocated by the National Planning Policy Framework (see below). The fact that a more detailed evidence base may be required to support specific site allocations is not in itself a reason to avoid making such allocations.
7. You say that 'it is not clear to the Council why it can be suggested that the Core Strategy is not 'positively prepared' when development is being brought forward even though the Core Strategy is not yet adopted'<sup>3</sup>. I refer you to paragraph 17 of the Framework, notably the first bullet point which states that 'planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.' Paragraph 182 of the Framework explains that 'positive planning' means (among other matters) that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.' As already noted, the submitted Plan does not take such action.

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<sup>1</sup> Land south of Moira Road, Ashby (ref APP/G2435/A/13/2192131).

<sup>2</sup> Paragraph 4.12 of the Council's response.

<sup>3</sup> Paragraph 4.14 of the Council's response.

8. The absence of provision for an adequate future supply of housing represents a major flaw in the Plan as submitted. It is difficult to see how this could be remedied in the context of the present examination. The addition of specific site allocations at this late stage would, first, represent a substantial change from the submitted Plan and, second, as already noted, require to be supported by relevant and robust evidence.

### **Duty to Co-operate**

9. While the above matters point to serious concerns about the Plan's soundness, I am also concerned that the absence of a strategic policy approach towards meeting housing needs within the housing market area (HMA) as a whole may amount to a failure to satisfy the duty to co-operate (DTC). It should be noted that the relevant requirement<sup>4</sup> requires engagement to be *constructive*, active and on an ongoing basis (my italics). While the actions undertaken in your DTC topic paper<sup>5</sup> are noted, it is clear that such a strategic approach is not in place. Indeed, substantial differences remain between your Council and several other authorities within the HMA in respect of this matter. As I have previously advised, failure to satisfy the legal DTC cannot be remedied.

### **Conclusion**

10. In the light of the above, I propose to hold an Exploratory Meeting (EM) in which I will set out my concerns in more detail and explain their implications for the examination's future progress. The Programme Officer (PO) will be in touch to arrange a suitable time and venue. This meeting will be open to the public (and will need to be advertised accordingly), but will not be an opportunity to test the Council's evidence in detail or hear any discussion of individual representations. Such matters are properly addressed in hearing sessions, should the examination proceed to that stage. I will not be accepting any further representations or evidence prior to the EM.
11. In the meantime, can I ask your Council to consider whether it wishes to withdraw the Core Strategy in order to minimise the further time and expense that would be associated with holding the EM.
12. This note, along with your response, should be made available on the examination website. If you have any queries on the above, please let me know via the PO.

Yours sincerely

*M J Hetherington*

INSPECTOR

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<sup>4</sup> Section 33A(2) of the Planning & Compulsory Purchase Act 2004.

<sup>5</sup> Document 7.1.