

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – TUESDAY, 20 JUNE 2017

Title of report	LOCAL PLAN PROGRESS UPDATE: MODIFICATIONS AND NEXT STEPS
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Purpose of report	<p>To update members on :</p> <ul style="list-style-type: none"> i) the outcomes of the Local Plan Examination Hearing sessions undertaken so far; and ii) the consultation on the Main Modifications
Council priorities	<p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p>	<p>None</p> <p>None</p> <p>A risk assessment of the project has been undertaken. As far as reasonably possible control measures have been put in place to minimise any risks identified, including monthly Project Board meetings where risks are reviewed.</p>
Equalities Impact Screening	An Equalities Impact Assessment of the Local Plan has been undertaken

Human Rights	None discernible
Transformational Government	Not applicable
Comments of Head of Paid Service	The Report is Satisfactory
Comments of Section 151 Officer	The Report is Satisfactory
Comments of Monitoring Officer	The Report is Satisfactory
Consultees	Local Plan Project Board Agreement of the Portfolio Holder for Planning and Regeneration was sought in respect of both Main Modifications and minor Modifications in accordance with the resolution of Council on 28 June 2016.
Background papers	Local Plan Examination website: http://www.nwleics.gov.uk/pages/local_plan_examination
Recommendations	THAT THE ADVISORY COMMITTEE: (i) NOTES THE MAIN MODIFICATIONS PUBLISHED FOLLOWING THE LOCAL PLAN EXAMINATION HEARING SESSIONS; AND (ii) NOTES THE ADDITIONAL MODIFICATIONS PUBLISHED FOLLOWING THE LOCAL PLAN EXAMINATION HEARING SESSIONS; AND (iii) NOTES THE NEXT STEPS

1.0 BACKGROUND

- 1.1 Members will be aware that the North West Leicestershire Local Plan was submitted for examination on 6 October 2016. A number of examination hearing sessions were held by the Planning Inspector in January and March 2017.
- 1.2 It should be noted that whilst the hearing sessions have concluded the examination is ongoing until such time as the Inspector issues his final report. It is possible that further hearing sessions may be required by the Inspector.
- 1.3 This report provides an update for Members and outlines the anticipated timetable for the remainder of the Local Plan process.

2.0 OUTCOME FROM EXAMINATION HEARING SESSIONS

- 2.1 Following the hearing sessions in March the Inspector asked the Council to prepare a Schedule of Main Modifications for public consultation. It should be noted that this was on a without prejudice basis to the Inspector's ultimate conclusions and recommendations.
- 2.2 Officers had previously suggested a number of possible Main Modifications as part of the various position statements submitted as part of the examination and in response to requests from the Inspector (as highlighted in a report to the this Committee on 21 February 2017), and these formed the basis of debate in the hearing sessions. Following the Inspector's request, a draft Schedule of Main Modifications was prepared and agreed with the Inspector.
- 2.3 The Main Modifications were subject to a Sustainability Appraisal, the results of which were relayed to the Inspector before the Inspector gave his final agreement to publication for consultation of the Main Modifications.

3.0 THE CONSULTATION

- 3.1 The Main Modifications were published for consultation on 12 June 2017. The closing date for comments to be made is 24 July 2017.
- 3.2 As well as consultation on the the Main Modifications consultation is also taking place on a series of Additional (Minor) Modifications, a revised Sustainability Appraisal and additional evidence published since the Local Plan was submitted, including the Housing and Economic Needs Development Assessment (HEDNA) which was published just after the initial hearing sessions in January 2017, the implications of which were considered by this Committee on 21 February 2017. This is necessary because although these issues have been debated at the examination they have not been the subject of any public consultation.

4.0 THE MAIN MODIFICATIONS

- 4.1 "Main Modifications" are required to resolve issues that make the Local Plan 'unsound' or where it would not be legally compliant. They involve changes to policies and/or text that are essential to enable the Local Plan to be adopted. Main Modifications are therefore significant changes that have an impact on the implementation of a policy.
- 4.2 A copy of the schedule of Main Modifications is attached at Appendix A of this report.
- 4.3 In total there are some 50 Main Modifications. Of these 16 relate to changes to policies and the remainder to the supporting text or subsequent changes to the Policies Map.
- 4.4 This section highlights some of the important Main Modifications and the reasons for these.

- 4.5 Main Modification 9 is the most significant modification and relates to Policy S1 (Future housing and economic development needs).
- 4.6 As noted the HEDNA was published after the conclusion of the initial hearing sessions in January. The two additional days of hearing sessions in March concentrated on the HEDNA and what it means for the Local Plan.
- 4.7 As reported to the 21 February 2017 meeting of this Committee, the HEDNA identified an Objectively Assessed Need of 481 dwellings for housing and a total need of 66 hectares of employment land (excluding strategic B8 (distribution) uses) to 2031.
- 4.8 Prior to the hearing sessions, Leicester City Council advised the Leicester and Leicestershire Housing Market Area authorities (HMA) that it was unable to accommodate all of the city's needs within the city boundaries, although they were unable to identify the exact scale of unmet need or when it would be likely to occur. In addition, Oadby and Wigston Borough Council also identified that they would be unlikely to be able to accommodate their needs, although the scale was quite small at 161 dwellings up to 2031 (the end date for the Local Plan).
- 4.9 The issue of unmet need elsewhere is not one which this Council can address on its own. Instead, as part of the Duty to Cooperate, there is a need to reach agreement across the HMA as to how this unmet need can be accommodated. To this end, as Members are aware, the HMA authorities are currently working on the preparation of a Strategic Growth Plan which, amongst other matters, will agree the distribution of new housing and employment development with the HEDNA providing the starting point. This is due to be finalised by early 2018.
- 4.10 At the hearing sessions in March officers put forward the view that in terms of the housing requirement, this should reflect the findings of the HEDNA and be set at 481 dwellings each year compared to the 520 dwellings proposed in the submitted Local Plan. Similarly in terms of employment land the Council's position was that the HEDNA figure of 66 hectares should provide the basis for the plan, although it was accepted by the Council that the Local Plan as submitted did not meet these full requirements. This issue could be addressed through an early review of the Local Plan.
- 4.11 There was, therefore, considerable debate at the March hearing sessions around the issue of a need for a review of the Local Plan to address both the possible need for additional housing as a result of any redistribution from Leicester City, and the acknowledged employment land shortfall. The Inspector was particularly keen to ensure that any such review requirement was worded such that it was clear what would happen and within what timescale.
- 4.12 Main Modification 9 therefore provides a commitment to commence a review of the Local Plan in January 2018 or within 3 months of the adoption of the Local Plan (whichever is the later). It also identifies housing and employment land requirements consistent with the findings of the HEDNA.
- 4.13 A large number of Main Modifications are concerned with changes to the supporting text to reflect the impact of the HEDNA and Main Modification 9, or to provide more up-to-date information, for example in respect of progress against housing and employment requirements.

- 4.14 Main Modification 10 proposes changes to Policy S2 (Settlement Hierarchy) to clarify the Council's approach in respect of proposals on previously developed land as the Inspector had identified this as a gap.
- 4.15 Main Modification 12 proposes changes to Policy S3 (Countryside) and links to changes to Policy S2 and Ec2 (New employment sites).
- 4.16 Members will recall that the major housing allocation proposed in the Local Plan is on land at Money Hill Ashby de la Zouch (Policy H3 (a)). Main Modification 25 proposes an increase in capacity of the site for housing from 1,750 dwellings to 2,050 dwellings. This reflects the inclusion of additional land at the Ivanhoe Equestrian Centre which had been made when the Council agreed the publication Local Plan in June 2016, but a commensurate increase in capacity had inadvertently not been made at the same time. Main Modification 27 also proposes a number of changes to the policy to provide greater clarity and to address concerns raised by representatives of the local community in terms of the need for some certainty regarding how the site would be developed out. To this end an additional requirement is now proposed for the preparation and agreement of a comprehensive masterplan for the site.
- 4.17 The submitted Local Plan identified a reserve housing allocation at Ashby Road/Leicester Road Measham (Policy H3(c)). The site was a reserve in the event that land to the west of High Street Measham (known as Measham Waterside) was not able to be developed due to the impact of the proposed route of HS2. Main Modification 26 proposes to retain this as a reserve site but the policy is reworded to clarify the circumstances in which the site would be allowed to be developed to address the Inspector's concerns.
- 4.18 After the Local Plan was submitted in October 2016 the government published revised proposals for HS2 which impacted upon two housing sites on the western side of Kegworth. To offset this impact on the overall housing provision, Main Modification 27 proposes the identification of a reserve housing allocation on land south of Ashby Road Kegworth for about 110 dwellings. The Main Modification again makes clear the circumstances in which this site will be allowed to be developed.
- 4.19 During the hearing sessions the Inspector had raised concerns regarding the potential impact of the requirements for affordable housing on sites which utilised previously developed land. Therefore, Main Modification 30 proposes different thresholds (above which affordable housing will be sought) and targets on previously developed land to overcome these concerns. In addition, it also proposes a consistent threshold on all other sites. Main Modification 31 proposes additional text to explain the Council's approach.
- 4.20 Main Modification 40 (New Employment Sites) proposes changes to the policy in respect of the allocation as part of the Money Hill development similar to those for the housing policy outlined above at paragraph 4.16 above. In addition, Main Modification 43 also sets out the criteria to be used for considering applications for new employment sites which might come forward in advance of a review of the Local Plan. This is particularly important in view of the acknowledged shortfall in the employment land provision.
- 4.21 Main Modification 43 proposes changes to Policy IF4 (Transport Infrastructure and New Development) to address concerns raised by the Inspector regarding the need for

additional policy to help address the climate change impact associated with emissions from transport.

- 4.22 Main Modification 44 proposes changes to Policy En2 (River Mease Special Area of Conservation) to provide clarity in respect of the Developer Contributions Scheme.
- 4.23 Main Modifications 45 and 46 propose changes to Policy He1 (Conservation and enhancement of North West Leicestershire's historic environment) and Cc1 (Renewable Energy) to address concerns raised by Historic England.

5.0 THE ADDITIONAL MODIFICATIONS

- 5.1 "Additional Modifications" are of a more minor nature than Main Modifications and do not materially affect the policies set out in the Local Plan. Additional Modifications mainly relate to points where a need has been identified to clarify the text, include updated facts, or make typographical or grammatical revisions which improve the readability of the Local Plan.
- 5.2 A copy of the Additional Modifications can be viewed on the Council's website.

6.0 THE NEXT STEPS

- 6.1 As noted the consultation on the Main Modifications and associated documents closes on 24 July 2017.
- 6.2 Following this officers will go through the comments and set out suggested responses, all of which will then be forwarded to the Inspector for his consideration. The results of the consultation will be taken into account by the Inspector before he completes his report. However, it should be appreciated that the Inspector could conclude that further modifications are required as a result of comments made or that there is even a need for additional hearing sessions.
- 6.3 In the event that the Inspector moves to issuing his final report without the need for further modifications or hearing sessions, then it is likely that the earliest that the Local Plan could be considered by Council for adoption would be at its meeting on 21 November 2017.