

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL - TUESDAY, 21 NOVEMBER 2017**

Title of report	NORTH WEST LEICESTERSHIRE LOCAL PLAN
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Purpose of report	To adopt the North West Leicestershire Local Plan
Council priorities	Business and Jobs Homes and Communities Green Footprints Challenge
Implications:	
Financial/Staff	The cost of preparing the Local Plan has been met from within 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.
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 Deputy Section 151 Officer	The report is satisfactory

Comments of Monitoring Officer	The report is satisfactory.
Consultees	Local Plan Project Board
Background papers	<p>The Town and Country (Local Planning) England (Regulations) 2012 which can be viewed at The Town and Country Planning (Local Planning) (England) Regulations 2012</p> <p>Leicester & Leicestershire Housing and Economic Development Needs Assessment which can be viewed at Housing and Economic Development Needs Assessment (HEDNA) - North West Leicestershire District Council</p> <p>Minutes and reports of meetings of the Local Plan Advisory Committee which can be viewed at http://minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&Year=0</p>
Recommendations	<p>THAT COUNCIL:</p> <ul style="list-style-type: none"> (I) ACCEPTS THE INSPECTOR'S REPORT AND HIS RECOMMENDATIONS TO MAKE THE LOCAL PLAN SOUND, AS SET OUT IN APPENDIX A OF THIS REPORT; (II) APPROVES THE ADDITIONAL MODIFICATIONS AS SET OUT IN APPENDIX C OF THIS REPORT, SUBJECT TO ANY AMENDMENTS RECOMMENDED IN APPENDIX D OF THIS REPORT; (III) DELEGATE AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR REGENERATION AND PLANNING TO MAKE ANY FURTHER ADDITIONAL MODIFICATIONS TO ADDRESS TYPOGRAPHICAL ERRORS OR FACTUAL CORRECTIONS; (IV) THAT THE POLICIES MAP BE AMENDED TO TAKE ACCOUNT OF ANY CONSEQUENTIAL CHANGES ARISING FROM THE MAIN OR ADDITIONAL MODIFICATIONS; (V) ADOPTS THE NORTH WEST LEICESTERSHIRE LOCAL PLAN AS SET OUT IN APPENDIX E OF THIS REPORT; (VI) THAT AN ADOPTION STATEMENT AND THE FINAL SUSTAINABILITY APPRAISAL REPORT BE ISSUED IN ACCORDANCE WITH REGULATIONS 17 AND 26 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) REGULATIONS 2012; AND (VII) AUTHORISES OFFICERS TO COMMENCE WORK ON A REVIEW OF THE LOCAL PLAN WITHIN 3 MONTHS OF THE ADOPTION OF THE LOCAL PLAN

1.0 BACKGROUND

- 1.1 Members will recall that publication of the Local Plan was approved by Council at its meeting on 28 June 2016. Following a 6 week consultation the Local Plan was formally submitted for Examination on 6 October 2016.
- 1.2 A number of examination hearing sessions were held by the appointed Planning Inspector in January and March 2017. The Inspector has now issued his final report which he considers to be 'sound' (subject to a number of Main Modifications) and so the Council can now adopt the Local Plan.
- 1.3 A copy of the Inspectors Report is attached at Appendix A of this report.
- 1.4 In approving the Local Plan for publication, Council also agreed that the appointed Inspector be requested to recommend modifications to the Local Plan as submitted if it was considered necessary to make the Local Plan 'sound'.
- 1.5 Following the Examination hearing sessions the Inspector requested that the Council undertake consultation on a number of Main Modifications required to make the Local Plan sound in the light of new documentary evidence provided since the Local Plan was submitted for examination. This was without prejudice to the Inspector's ultimate conclusions and recommendations on the Local Plan and whether there would be any further hearings after the public consultation.
- 1.6 Consultation on the Main Modifications took place between 12 June and 24 July 2017. In addition to the Main Modifications, consultation also took place in respect of a revised Sustainability Appraisal and the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA). The latter document was formally published after the initial hearing sessions in January 2017 and whilst it was discussed at the hearing sessions in March 2017, it had not been the subject of any formal public consultation.
- 1.7 Comments made in response to the consultation were considered by officers and the Council's response, together with the comments made, were forwarded to the Inspector.
- 1.8 The Inspector has had regard to the consultation responses together with the Council's comments, in coming to his conclusions in his report. He has made some amendments to the detailed wording of the Main Modifications, none of which he considers significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that has been undertaken.
- 1.9 The schedule of Main Modifications recommended by the Inspector is attached at Appendix B of this report.
- 1.10 A number of Additional Modifications which were of a more minor nature and would not materially affect the policies of the Local Plan or were required to rectify factual matters, were also published alongside the Main Modifications. The Inspector is not required to consider these Additional Modifications and so they are not referenced in his report. The schedule of Additional Modifications is attached at Appendix C of this report whilst a summary of the comments made in respect of the Additional Modifications and officer's responses is attached at Appendix D.
- 1.11 A copy of the Local Plan as proposed to be adopted (incorporating the Main and Additional Modifications (as amended following the consultation)) is attached at Appendix E of this report.

2.0 MAIN MODIFICATIONS

- 2.1 As noted above, the new Leicester and Leicestershire HEDNA was published during the Examination. This has had an impact upon both the housing and employment land requirements of the Local Plan as submitted and as a consequence has led to the need for a significant number of Main Modifications, including amending the Objectively Assessed Need for housing to 481 dwellings per annum and the employment land requirement to 66 hectares. These are both allowed for in Main Modification 9 which amends Policy S1.
- 2.2 As submitted the Local Plan included a commitment to a review should the results of the HEDNA or joint working with the other Leicester and Leicestershire authorities result in the need for additional housing provision in the district.
- 2.3 Prior to the hearing sessions, Leicester City Council advised all of the Leicester and Leicestershire authorities 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 had 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).
- 2.4 The issue of unmet need elsewhere is not one which this Council can address on its own. Instead as part of the Duty to Co-operate there is a need to reach agreement across Leicester and Leicestershire as to how this unmet need can be accommodated. To this end, as Members are aware, the Leicester and Leicestershire 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.
- 2.5 The employment land requirement identified in the HEDNA is different to that used to inform the submitted Local Plan. As a result there is a shortfall in employment land provision.
- 2.6 The issue of unmet housing need, together with the shortfall in employment land reinforces the need for an early review of the Local Plan. However, during discussions at the Examination the Inspector advised that he considered that more certainty was required in terms of when such a review would commence, but also be completed. Main Modification 9, therefore, provides a commitment to commence a review of the Local Plan within 3 months of its adoption.
- 2.7 In view of the short timescales before such a review commences, rather than submitting a separate report to a future meeting recommendation (vii) above allows for officers to formally commence this review without the need for any further reports.
- 2.8 Altogether 46 Main Modifications are recommended by the Inspector. The majority of these are as a consequence of changes resulting from the HEDNA and/or as a result of the need to update the base date for the plan from October 2015 to October 2016. A number of other Main Modifications are required in order to improve the policy to ensure that they are compliant with national policy or to meet concerns expressed through representations.

3.0 NEXT STEPS

- 3.1 In accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Council is required to make available the Local Plan, together with the Sustainability Appraisal report and adoption statement as soon as reasonably practicable after adoption.
- 3.2 Under s113 of the Planning and Compulsory Purchase Act 2004 any person aggrieved by the adopted Local Plan may within a six week period from the date of adoption of the Local Plan (this takes effect immediately on resolution of the Council) make an application to the High Court challenging the Council's decision. The two grounds for appeal are that the "document is not within the appropriate power" or that a "procedural requirement has not been complied with".
- 3.3 When adopted the Local Plan will replace the 2002 North West Leicestershire Local Plan in its entirety and will provide the basis for future planning decisions and have full weight under Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 3.4 There are a number of existing Supplementary Planning Documents/Guidance which were prepared to support policies in the 2002 Local Plan. It will be necessary to consider which of these can remain in place or whether they need to be reviewed or rescinded. A report will be taken to a future meeting of Cabinet to deal with this.