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| <b>Title of Report</b>                     | <b>NORTH WEST LEICESTERSHIRE LOCAL PLAN PARTIAL REVIEW – PROPOSED ADOPTION</b>  |                           |
| <b>Presented by</b>                        | Councillor Robert Ashman<br>Planning and Infrastructure Portfolio Holder  |                           |
| <b>Background Papers</b>                   | The Town and Country (Local Planning) England (Regulations) 2012 which can be viewed at <a href="#">The Town and Country Planning (Local Planning) (England) Regulations 2012</a><br><br><a href="#">National Planning Policy Framework</a>   | <b>Public Report:</b> Yes |
| <b>Financial Implications</b>              | The cost of preparing the Local Plan Partial Review has been met from within existing budgets.  |                           |
|  | <b>Signed off by the Section 151 Officer:</b> Yes   |                           |
| <b>Legal Implications</b>                  | Legal considerations considered in the drafting of the report   |                           |
|  | <b>Signed off by the Monitoring Officer:</b> Yes  |                           |
| <b>Staffing and Corporate Implications</b> | None identified   |                           |
|  | <b>Signed off by the Head of Paid Service:</b> Yes  |                           |
| <b>Purpose of Report</b>                   | To adopt the North West Leicestershire Local Plan Partial Review  |                           |
| <b>Recommendations</b>                     | <p><b>THAT COUNCIL:</b></p> <p>(I) ACCEPTS THE INSPECTOR’S REPORT AND HER RECOMMENDATIONS TO MAKE THE LOCAL PLAN PARTIAL REVIEW SOUND, AS SET OUT IN APPENDIX A AND B OF THIS REPORT;</p> <p>(II) APPROVES THE MINOR MODIFICATIONS AS SET OUT IN APPENDIX C OF THIS REPORT;</p> <p>(III) DELEGATE AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR REGENERATION AND PLANNING TO MAKE ANY FURTHER CHANGES TO ADDRESS TYPOGRAPHICAL ERRORS OR FACTUAL CORRECTIONS;</p> <p>(IV) ADOPTS THE NORTH WEST LEICESTERSHIRE LOCAL PLAN PARTIAL REVIEW AS SET OUT IN APPENDIX E OF THIS REPORT; AND</p> <p>(V) 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.</p> |                           |

## 1.0 BACKGROUND

1.1 The North West Leicestershire Local Plan was adopted on 21 November 2017 and covers the period to 2031.

- 1.2 Policy S1 committed the Council to undertaking an early review of the plan to address the concerns of the Local Plan Inspector.
- 1.3 The review formally commenced in February 2018 in accordance with the provisions of Policy S1.
- 1.4 Cabinet recommended at its meeting of 16 July 2019 that the review should concentrate solely upon changes to Policy S1 in view of the lack of clarity regarding the issue of unmet housing need from Leicester City and the risk to the Local Plan being deemed to be out-of-date. Henceforth the review the Local Plan review was to be split in to two; a Partial Review dealing with Policy S1 only with no change to the plan period and a Substantive Review which would address wider issues and cover a longer plan period.
- 1.5 The Local Plan Committee of 13 November 2019 agreed this approach. It was also agreed that the appointed Inspector be requested to recommend modifications to the plan as submitted if it was considered necessary to make the plan 'sound'.
- 1.6 Following a 6-week consultation between 20 November 2019 and 8 January 2020, the Partial Review was formally submitted for Examination on 18 February 2020.

## **2.0 THE EXAMINATION**

- 2.1 The Examination was originally scheduled for May 2020, but due to the impact of the Covid-19 pandemic it was put back to September 2020.
- 2.2 Examination hearing sessions were held by the appointed Planning Inspector between 15 - 17 September 2020. These were held virtually due to the Covid-19 restrictions in place.
- 2.3 During the hearing sessions, discussions took place regarding possible modifications to the Plan. Following the hearing sessions, the Inspector requested that the Council undertake consultation on a number of Main Modifications to reflect these discussions. This was without prejudice to the Inspector's ultimate conclusions and recommendations on the Plan and whether there would be any further hearings after the public consultation.
- 2.4 Consultation on the Main Modifications took place between 30 November 2020 and 10 January 2021. In addition to the Main Modifications, consultation also took place in respect of a number of Minor Modifications which were of a more minor nature and which would not materially affect the policies of the plan or were required to rectify purely factual matters.
- 2.5 Comments made in response to the consultation were considered by officers and the Council's response, together with the comments made on the Main Modifications, were forwarded to the Inspector. Having had regard to these consultation responses the Inspector has now issued her final report.

## **3.0 THE INSPECTOR'S REPORT**

- 3.1 The Inspector's Report is attached as Appendix A to this report.
- 3.2 The Inspector has concluded that she considers the Partial Review to be 'sound' (subject to the Main Modifications) and so the Council can now adopt the Local Plan.
- 3.3 She has made some amendments to the detailed wording of the Main Modifications, none of which she considers significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that has been undertaken.
- 3.4 The Inspector is not required to consider the Minor Modifications and so they are not referenced in her report.

## **4.0 THE MODIFICATIONS**

- 4.1 The Main Modifications are attached at Appendix B of this report.

4.2 The Main Modifications (as summarised in the Inspector's report) can be summarised as follows:

- Amendments to Policy S1 and supporting text to ensure that the changes in relation to the Partial Review are justified and will be effective, having regard to the timescale of the substantive review of the Local Plan;
- Amendments to Policy S1 and supporting text to ensure consistency with national policy;
- Ensuring that Policy S1 is justified in relation to meeting unmet needs and cross boundary co-operation; and
- A number of other modifications to ensure that the plan is up to date, internally consistent, effective and consistent with national policy.

4.3 On a practical level the Main Modifications remove the provision of the plan being out of date in its entirety as the Inspector has accepted the Council's case that such a provision no longer complied with the provisions of the National Planning Policy Framework (NPPF). Instead, any decisions regarding whether plans and policies are out-of-date when determining planning applications will have to be made in the context of the NPPF.

4.4 The other main practical implication of the Main Modifications is that the Substantive Review will now need to be submitted within 18 months of the date of whichever is the sooner of either:

- A Statement of Common Ground being agreed by the Leicester and Leicestershire authorities (referred to in policy S1 as the HMA/FEMA authorities); or
- 21 May 2021.

4.5 The Statement of Common Ground (SOCG) is the means by which unmet (housing and employment) need from Leicester City will be redistributed. This is currently the subject of ongoing work by the Leicester and Leicestershire authorities.

4.6 As is recognised in Main Modification 6 the completion of the SOCG is not within the Council's control. Therefore, to ensure that Policy S1 (and hence the plan) remain effective, a fall back date is required should the SOCG either not be agreed outright or not be agreed in a timely manner. A period of 18 months from 18 May 2021 (i.e. November 2022) coincides with the fifth anniversary of the Local Plan being adopted. There is a legal requirement for local plans to be reviewed every 5 years and so this date is consistent with this requirement.

4.7 Therefore, the latest date by which the Local Plan Substantive Review will need to be submitted is 20 November 2022. This is a challenging timetable and preparation will continue to be overseen by the Local Plan Committee.

4.8 In terms of the Minor Modifications, these are attached at Appendix C of this report. They are concerned with a number of factual updates to reflect changes announced by the government in respect of the Use Classes Order. There was only one comment received as set out at Appendix D of this report. No changes are required in response to this comment.

## **5.0 NEXT STEPS**

5.1 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 (as proposed to be adopted), together with the Sustainability Appraisal report and adoption statement as soon as reasonably practicable after adoption.

5.2 A copy of the Local Plan as proposed to be adopted (incorporating the Main and Minor Modifications) is attached at Appendix E of this report.

- 5.3 There is a six week period for a High Court Challenge from the date of adoption of the Local Plan (this takes effect immediately on resolution of the Council) should any party perceive there to be a legal flaw in the process followed and for that to have caused them injury.
- 5.4 When adopted, the Local Plan Partial Review will replace Policy S1 and the supporting text (as proposed to be modified) of the 2017 version of the North West Leicestershire Local Plan which will provide the basis for future planning decisions and have full weight under Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

| <b>Policies and other considerations, as appropriate</b> |   |
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| Council Priorities:                                      | Our communities are safe, healthy and connected<br><br>Local people live in high quality, affordable homes<br><br>Supporting businesses and helping people into local jobs<br>Developing a clean and green district |
| Policy Considerations:                                   | None  |
| Safeguarding:  | No issues identified  |
| Equalities/Diversity:                                    | An Equalities Impact Assessment of the Local Plan review has been undertaken as part of the Sustainability Appraisal.   |
| Customer Impact:   | None specific   |
| Economic and Social Impact:                              | The decision to adopt the Partial Review, of itself, will have no specific impact.  |
| Environment and Climate Change:                          | The decision to adopt the Partial Review, of itself, will have no specific impact.  |
| Consultation/Community Engagement:                       | The Local plan Partial Review has been the subject of a number of consultations, including most recently in respect of the proposed Main and Minor Modifications.   |
| Risks:   | A risk assessment of the review has been undertaken and is reviewed at the officer Project Board meetings.  |
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