



Charnwood Borough Council
Local Plan Examination

**Matter 1: Duty to Cooperate and Other Legal
Requirements.**

Hearing Statement

June 2022



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MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan

Leicester's Unmet Need

Question 1.1: What are the relevant cross boundary strategic matters that have arisen through the preparation of the Plan?

2.1.1 The relevant matters of cross boundary strategic significance are set out in the Statement of Compliance with Duty to Cooperate (SD/15). The key strategic matter for discussion in relation to this Plan examination are housing and employment needs in the Housing Market Area (HMA).

Question 1.8: If the Statement of Common Ground concludes that more housing is needed in Charnwood to meet Leicester's unmet need, does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term

2.1.2 As we explore in detail in our response to question 1.10 below, an updated Statement of Common Ground (SoCG) jointly prepared by the eight plan-making authorities in Leicestershire has been published that sets out the apportionment of Leicester's unmet need of 18,700 dwellings for the period 2020-2036. It is pertinent to note that Charnwood Borough Council agree with apportionment of 78dpa (equivalent to 1,248 dwellings overall) to the Borough.

2.1.3 As part of the immediate Local Plan Review process, the Council should explore potential options within the Borough for a sustainable, independent new settlement to meet a considerable proportion of the unmet housing needs and longer-term development needs as set out within the Strategic Growth Plan (SGP) (EB/DS/6). The inclusion of an independent new settlement within the Local Plan Review as part of a multi-faceted housing supply strategy for Charnwood will ensure housing needs arising from the wider housing market areas can be met in full.

2.1.4 Gladman therefore consider that a key stage in the Local Plan Review process will be the identification of 'broad locations for growth' identified to respond to the unmet need and longer-term development needs as set out within the SGP. As detailed in our previous representations, one such location should be Land at Six Hills which forms a cross-boundary option for a new settlement located at the A46 strategic corridor which is identified within the SGP as fulfilling a significant role in facilitating growth and securing investment in Leicestershire.

Question 1.9: Are there any other issues that could trigger the need for a Plan review apart from Leicester's unmet need?

2.1.5 Yes. Whilst the matter of unmet need emanating from Leicester is of vital importance, it is not the only issue which could trigger a need for Plan review.

2.1.6 The Council state that they will monitor, through the preparation of its Annual Monitoring Report, the delivery and effectiveness of policies of this Local Plan against specific performance indicators and targets as set out in Appendix 1 of the Plan. Whilst the targets detailed in Appendix 1 are precise it is noted potential actions have not been identified where monitoring indicates a failure of a target.

2.1.7 In this regard, one such action could be to expand Policy DS2 to include a series of meaningful triggers for a Plan Review, linked to the monitoring framework in Appendix 1 and the apportionment of Leicester's unmet needs.

2.1.8 Gladman refer to the Harborough Local Plan (adopted April 2019) as an example of an effective, holistic, and implementable review policy. Policy IMR1 states:

"1. The Council will monitor, through the preparation of its Annual Monitoring Report, the delivery and effectiveness of policies of this Local Plan against specific performance indicators and targets set out in Appendix K: Monitoring Framework.

2. A full or partial update of the Local Plan will be commenced (defined as the publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) within 6 months of the following:

a. the adoption by the Council of a Memorandum of Understanding (MOU) or Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan; or

b. in the absence of an adopted MOU or SoCG, 12 months from the date of publication of a Local Plan for Leicester City (defined as publication of an invitation to make representations in accordance with Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012) that includes satisfactory evidence of an unmet local housing need; or

c. conclusion of a review in response to specific trigger points as set out in the monitoring framework, including identification of significant and persistent shortfalls in the delivery or supply of housing against the housing requirement.

3. Any full or partial update of the Local Plan triggered by 2. above will be submitted for examination within 30 months from the date it commenced."

2.1.9 Gladman consider that Policy DS2 should be revised to reflect the holistic approach adopted through Harborough Local Plan Policy IMR1.

Question 1.10: Will Policy DS2 be effective in its submitted form and are any main modifications necessary to improve its clarity in relation to timescales and its effectiveness? Should the policy include a reference to strategic warehousing and distribution needs?

2.1.10 In our regulation 19 representation, we detailed broad support for the inclusion of Policy DS2 which sets out a trigger mechanism for a review of the Plan following the publication of a Statement of Common Ground (SoCG) for the apportionment of unmet housing and employment need arising from the City of Leicester.

2.1.11 An updated SoCG jointly prepared by the eight plan-making authorities in Leicestershire was published on 13th May 2022. This SoCG establishes that the

authorities agree that Leicester City Council have a declared and quantified unmet housing need over the period 2020-2036 of 18,700 dwellings¹.

- 2.1.12 The SoCG then sets out the apportionment of Leicester's unmet need having regard to a range of factors including the functional relationship of each District/Borough with Leicester City, the balance of jobs and homes in each District/Borough, and deliverability of the distribution of development.
- 2.1.13 Table 3 of the SoCG details an average annual unmet housing need contribution for all Leicestershire authorities. For Charnwood, for the period 2020-2036 this is 78dpa, equivalent to 1,248 dwellings overall. It is pertinent for this examination to note that the above apportionment figure is agreed by the Council.
- 2.1.14 Given the apportionment of Leicester's unmet need has been published, and the apportionment to Charnwood agreed by the Council ahead of the examination of this Plan, in allowing 6 months for a review (from agreeing a SoCG) and then a further 48 months from the publication of the review to submission, the timeframe for preparing an updated Local Plan in Policy DS2 now appears drawn-out and not positively prepared.
- 2.1.15 Given the scale and urgency of Leicester's unmet need, Gladman consider a more ambitious timetable which reflects the immediacy of accommodating Leicester's unmet need is required in the interests of effective strategic, cross-boundary planning. It is noted that the North West Leicestershire Local Plan (as amended by the Partial Review, 2021) includes an 18-month timescale for submission of a substantive Local Plan Review in response to the conclusion of the SoCG. We consider that a similar timeframe is necessary in Charnwood to secure the expedience of the review process in addressing unmet housing needs.
- 2.1.16 Gladman note that there are several examples of mechanisms for quicker plan reviews subject to the apportionment of Leicester's unmet needs already adopted in the Local Plans of authorities in the wider Housing Market Area. This includes the

¹ Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (May 2022). Paragraph 3.19.

aforementioned Harborough Local Plan (Policy IMR1) and North West Leicestershire Local Plan (S1), as well as Melton (Policy SS6) and Oadby and Wigston (Policy 47) Local Plans. All provide examples of model policy in this regard.

- 2.1.17 In the case of the Harborough Local Plan, the trigger for a review is also tied to the plan preparation stages of the emerging Leicester Local Plan (specifically Regulation 19 stage). This approach enables the unmet housing needs of Leicester to be addressed, even should cross-boundary collaboration fail on a county wide basis. Its adoption in Policy DS2 would ensure that a review and potential update to the Local Plan, to deal with the issue of accommodating unmet need, is not solely dependent on all partners agreeing a SoCG.

Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements

Question 1.21: Are any adjustments to the Plan period necessary for consistency with the NPPF's provision that strategic policies should look ahead for a minimum 15-year period from adoption?

- 2.1.18 The plan period runs from 2021 to 2037 and covers approximately 16 years. It is unlikely that the Plan will be adopted until 2023 at the earliest, so from the point of adoption the Local Plan will likely cover a period of just 14 years post adoption. Accordingly, this is not accordance with paragraph 22 of the NPPF which requires strategic policies to look ahead over a minimum 15-year period from adoption, in order to anticipate and respond to long term requirements and opportunities.
- 2.1.19 Extending the plan for a minimum of 12 months would be necessary to meet the requirements of national policy, however with the significant issue of Leicester's unmet housing and employment needs still to be addressed, it may be that an extension to the plan period could be incorporated as part of an immediate review of the Local Plan.