

CHARNWOOD LOCAL PLAN EXAMINATION
MATTER 1 – DUTY TO CO-OPERATE AND OTHER LEGAL
REQUIREMENTS

Inspector’s issues and questions in bold type.

This Hearing Statement is made for and on behalf of the HBF, which should be read in conjunction with our representations to the pre submission Local Plan consultation dated 23 August 2021. This representation answers specific questions as set out in the Inspector’s Matters, Issues & Questions document issued on 25 April 2022.

Issue 1 – Whether the Council has complied with the Duty to Co-operate (DtoC) in the preparation of the Plan.

Q1.3 Is the process of co-operation demonstrated with clear evidence, including Statements of Common Ground (SoCG) as expected by National Planning Policy Framework (NPPF) paragraph 27 and the National Planning Practice Guidance (NPPG)?

As set out in the 2021 NPPF, to demonstrate effective and on-going joint working, strategic policy making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. SoCG should be produced using the approach set out in NPPG and be made publicly available throughout the plan-making process to provide transparency (para 27). The NPPG confirms that a SoCG is a way of demonstrating that the Local Plan is deliverable over the plan period and based on effective joint working across LPA boundaries. It also forms part of the evidence required to demonstrate compliance with the DtoC (ID 61-010-20190315). The Inspector will use all available evidence including SoCG to determine whether the DtoC has been satisfied (ID 61-031-20190315). The NPPG also sets out that authorities should have a SoCG available on their website by the time of publication of their Draft Plan. Once published, the Council will need to ensure that any SoCG continues to reflect the most up-to-date position of joint working (ID 61-020-20190315).

The process of co-operation outlined above has not been demonstrated with clear evidence by the Council. The local community and other stakeholders were not provided with a transparent picture of collaboration between the Council and other Leicester & Leicestershire Housing Market Area (L&LHMA) authorities because the Charnwood Local Plan pre-submission consultation was not accompanied by a SoCG.

Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

The HBF acknowledge that there is a long history of on-going engagement between the L&LHMA authorities but to date there is no conclusive outcome from this engagement in relation to the strategic cross-boundary matter of the redistribution of unmet housing needs from Leicester, which indicates that this engagement is not a sound basis for plan-making. The L&LHMA authorities have always stated an intention to agree either a Memorandum of Understanding (MoU) or SoCG to address unmet development needs arising across the L&LHMA for the period to 2036. Yet five years after the publication of the 2017 Housing and Economic Development Needs Assessment (HEDNA), which highlighted a significant unmet housing need in Leicester, this intention remains unachieved. Previously the L&LHMA authorities have only committed to undertake further work and then agree on dealing with any unmet development needs. To date, no MoU or SoCG has included an agreement on how the housing needs of the L&LHMA are going to be met. There remains no indication of an actual date when an agreed SoCG will be published (also see HBF answer to Q1.4 below). In the absence of any commitment to jointly sign the SoCG within a prescribed time period, there is no real commitment to resolving the strategic matter of meeting Leicester's unmet housing need. This unresolved position is summarised in the Council's DtoC Topic Paper dated May 2021 (paras 4.18 & 4.19). There is every possibility that reaching a consensus on meeting Leicester's unmet housing needs across the remaining L&LHMA authorities will be a lengthy process.

Unmet need

Context – The consultation on the City of Leicester's draft Local Plan in December 2020 indicated a potential unmet need of 7742 dwellings and 23 hectares of employment land from 2019 to 2036. The revisions to the standard method for assessing local housing need in December 2020 to incorporate the cities and urban centres uplift of 35% increased the unmet housing need between 2020 and 2036 by an additional 9712 dwellings. The apportionment of unmet need is a key element of the Duty to Cooperate across the eight Leicestershire authorities.

Q1.4 When will the Statement of Common Ground on Housing and Employment Need (SCG-1) be updated to apportion the unmet need for housing and employment from Leicester to 2036?

In Document EXAM 2a, the Council states that a SoCG will be completed as soon as possible (Summer 2022). The HBF view this statement with considerable scepticism (see HBF answer to Q1.3 above).

Q1.5 What liaison has taken place between the Leicester and Leicestershire authorities to address the unmet need for housing and employment since the announcement of the cities and urban centres uplift in December 2020? Where is this documented?

In Document EXAM 2a, the Council lists a series of meeting dates throughout 2021 at which times the Members Advisory Group and the Strategic Planning Group met. No further detailed information is given.

Q1.7 If the outcome of cooperation on the Statement of Common Ground is that none of the unmet housing need will be apportioned to Charnwood, would there be any implications for the Plan or for Policy DS2?

If none of Leicester's unmet housing need is apportioned to Charnwood, there would be no implications for the Local Plan or Policy DS2.

Q1.8 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?

If the SoCG concludes that a proportion of Leicester's unmet housing needs should be met in Charnwood, the housing requirement of 17,776 dwellings between 2021 – 2037 set out in Policy DS1 would increase. The distribution pattern of new development set out in Policy DS1 would have to be re-assessed to determine its appropriateness for the longer term.

Q1.10 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?

Policy DS2 is unsound because it postpones to a future Local Plan Review dealing with the apportionment of Leicester's unmet housing needs, which are arising now. This is inconsistent with national policy, which expects effective joint working on cross boundary strategic matters to be dealt with rather than deferred. In its submitted form Policy DS2 will not be effective. The trigger for the review is the publication of a SoCG for the apportionment of unmet needs agreed by all parties. To date, such an agreed SoCG has eluded the L&LHMA authorities (see HBF answer to Q1.3 above). There is no certainty that an agreed SoCG will ever be forthcoming, which means the Local Plan Review set out in Policy DS2 will never be triggered.

Q1.11 What is the role and status of the Strategic Growth Plan (SGP) (EB/DS/6)? What consultation has been undertaken and is it subject to external scrutiny? How much weight does the SGP have for plan making purposes?

The SGP is a non-statutory document, which should not be given the weight of a statutory Development Plan Document. The SGP is a broad informal framework, which focuses on guiding growth in the L&LHMA over the period 2031 to 2050. In the SGP, development is focused in strategic locations and the amount of new development in existing towns, villages and rural areas is reduced. The SGP was subject to limited public consultation and external scrutiny. The proposed distribution of development has not been tested at Examination. Whilst new development on strategic development sites may be sustainable, it should not have a detrimental impact on supporting sustainable

growth within or adjacent to existing settlements, where people already live and work.