

Gladman Developments Ltd

Matter 1 Hearing Statement

Melton Local Plan

Legal Requirements and the Duty to Cooperate



January 2018

Matter 1 – Legal Requirements and the Duty to Cooperate

1.1. Q1.1 Has the Habitat Regulation Assessment and the Sustainability Appraisal (SA) adequately assessed the likely environmental, social and economic effects of the Melton Local Plan? Does the SA demonstrate that the Plan has been tested against all reasonable alternatives?

- 1.1.1. Gladman consider that the SA has adequately assessed the likely environmental, social and economic effects of the Plan. However, we are concerned that the outcomes of the SA have not been used to inform the preparation of the Melton Local Plan, particularly in relation to the housing requirement.
- 1.1.2. This is most evident when considering the SA Addendum prepared by LUC for the Focussed Changes to the Local Plan (MBC/WP2g), which built upon the work of the main SA report.
- 1.1.3. Based upon the additional work undertaken by GL Hearn 'Towards a Housing Requirement for Melton Borough - January 2017 (MBC/HN4a), the SA Addendum assessed, in detail, three options for the housing requirement in the Local Plan including 154 dwellings per annum (dpa), 245dpa and 280dpa
- 1.1.4. Paragraph 2.18 of the SA Addendum concludes that delivering 280dpa up to 2036 would not only allow for demographic based housing need and economic led development over the Plan period but it would also be in line with the findings of the HEDNA in terms of providing for affordable housing need in full, a key priority of the Local Plan. The SA Addendum also states that delivering this level of housing growth would maintain affordability of properties in Melton and could help to meet the unmet housing need of neighbouring local authorities.
- 1.1.5. The conclusions of the additional housing needs work are also clear that this level of housing growth is required to meet localised jobs growth, a factor which should be taken into account when establishing the OAN for the borough. It is a figure that would meet only Melton's needs and would not assist other authorities in meeting their unmet housing needs.
- 1.1.6. When you analyse the SA Addendum's assessment of 245dpa, the current Local Plan requirement, versus the requirement for 280 dpa, does not justify a conclusion favouring 245 dpa indeed, looking at Table 2.1 of the SA Addendum (page 10), it appears that Option 3 (280dpa) performs better in terms of Sustainability than Option 2 (245dpa) with two negative points less overall for SA Objective 1 (Housing) and SA Objective 10 (Social and Economic Inclusion).

- 1.1.7. The SA Addendum acknowledges in para 2.12 that in order to deliver the level of economic growth that is anticipated in the borough, 230-274 dwellings may be needed to allow for significant employment growth and reduced out-commuting.
- 1.1.8. Paragraph 2.15 of the SA Addendum also states that proceeding with 245dpa would mean that affordable housing provision, which is seen as important in terms of addressing elements of social and economic exclusion in the borough, would only be partly met.
- 1.1.9. When considering the overall housing requirement options, the conclusion of the SA Addendum is unambiguous. Paragraph 2.27 of the report states that Option 2 (245dpa) and Option 3 (280dpa) perform similarly across most of the SA although Option 3 is expected to perform more positively in relation to the provision of affordable housing and the associated effect this will have on addressing deprivation in the borough.
- 1.1.10. Therefore, on the basis of the findings of both the additional housing needs work and the SA Addendum, it is clear that the upper end of the housing range (280dpa) is required to meet the full housing and employment needs of Melton Borough alone as required by the Framework.
- 1.1.11. Given these firm conclusions, it is clear that the Melton Local Plan has not followed its own evidence base in this respect as it has maintained a housing requirement of 245dpa in the Local Plan which is a figure that has no evidential justification. The Local Plan is therefore flawed as it has not been based on the clear conclusions of the SA or housing needs evidence.

1.2. Q1.4 Has the Council engaged constructively, actively and on an on-going basis with all relevant organisations on the strategic matters that are relevant to the Plan's preparation, as required by the Duty to Co-operate? Other than section 4.7 and Policy SS6 which will be considered under Matter 3, does the Plan provide for effective outcomes in terms of cross-boundary issues?

- 1.2.1. The Duty to Cooperate is a process of ongoing engagement and collaboration and, as set out in the PPG, it is clear that it is intended to produce effective policies on cross boundary strategic matters. In this regard, the Leicester and Leicestershire authorities (L&L) have been working together to prepare a joint evidence base which has been used to inform the preparation of their Local Plans up to 2031.
- 1.2.2. Whilst this approach is welcomed, Gladman has significant concerns that one of the fundamental areas of cross-boundary strategic issues, that of housing needs across the Housing Market Area (HMA) remains unresolved.
- 1.2.3. The L&L authorities are currently working towards the publication of a Strategic Growth Plan (SGP) covering the whole of the HMA which was originally intended to deal with the issue of the

distribution of unmet housing needs across the HMA, following the identification of unmet housing needs from Leicester City Council (LCC).

1.2.4. The 2016 SGP consultation document stated at paragraph 4.5:

“The conclusions from [the HEDNA] will form the basis of the housing land strategy in the Strategic Growth Plan and will be formalised in a revised Memorandum of Understanding (MoU) on housing land supply.”

1.2.5. It was therefore abundantly clear that the SGP would set out and consult on, the basis for addressing unmet housing needs across Leicestershire **before** any MOU was completed.

1.2.6. However, there has been a significant slippage in the timescales for the production of the SGP and, following publication of a draft SGP on North West Leicestershire’s website, it is clear that the SGP will in fact do nothing to address how the unmet needs of LCC will be addressed. Instead, these major decisions are deferred in their entirety to an updated Memorandum of Understanding to be prepared and signed in early 2018.

1.2.7. Bearing in mind that the SGP stated its purpose was to provide a coherent strategy to fill the void in strategic planning left by the former ‘top down’ Regional Strategies, it is somewhat ironic that these critical matters will now be determined behind closed doors through an MOU on which there is unlikely to be any consultation with interested parties.

1.2.8. The need to positively plan to meet full housing needs across housing market areas should not be underestimated. It is all too easy for the duty to cooperate to be seen as an administrative exercise, However, the fundamental social and economic need to ensure a supply of good quality housing to meet the homes and employment requirements across the wider area is a key issue that must be addressed properly through the plan making process. Whilst it may be the case that a local planning authority has sought to work positively with its neighbours, the extent to which a plan tackles strategic priorities that arise from the strategic cross-boundary evidence base is an issue to be considered in assessing the soundness of that plan.

1.2.9. Several Local Plans in the Leicester and Leicestershire HMA will have been adopted prior to completion of the SGP and any associated clarification regarding the extent of the unmet need arising from Leicester City. Even with early review policies included within these plans, it will still take the authorities a considerable length of time to prepare plans and deal with the issue of unmet housing need across the HMA. This means that the real housing needs of those unable to access the housing market will continue to go unmet for many years, a situation that the current Government consider unacceptable.

1.2.10. As stated previously, the consultation draft SGP published recently on North West Leicestershire’s website, does not seek tackle the key issue of addressing unmet housing needs in Leicestershire

and their redistribution to other authorities. Instead, it focuses more on strategic infrastructure and its delivery, with Page 30 stating:

“Together with the Strategic Transport Plan and Local Industrial Strategy, the Strategic Growth Plan will be used as a bidding document to secure funding for essential infrastructure and services in our area”

- 1.2.11. Whilst the SGP identifies a potential future growth direction for Leicester, informed by the delivery of a new A46 expressway, there is no evidence to demonstrate the road is deliverable nor that the land in the identified gap is deliverable.
- 1.2.12. Reference to addressing unmet housing needs is now made to a new Memorandum of Understanding (MOU) which is being prepared by the Leicester and Leicestershire authorities and is likely to be completed in early 2018. It is unknown whether this will be the subject of consultation or why the SGP has not been used as the primary means of approaching these issues. There is therefore considerable uncertainty regarding the distribution of housing growth across the HMA that must be clarified to ensure that up-to-date local plans can be put in place across the area to 2036.
- 1.2.13. Whilst it is considered that the Council has fulfilled its legal requirement through the Duty to Co-operate, given the current situation with the progress and content of the SGP and the fact that the Local Plans for many of the Leicester and Leicestershire authorities are progressing without tackling the issue of identified unmet housing needs from a number of the Leicestershire authorities, this raises significant concerns regarding the Duty to Co-operate in terms of the soundness of the Melton Local Plan.
- 1.2.14. In response to the Strategic Growth Statement consultation in August 2016, Gladman provided details of a proposal for a New Garden Village at Six Hills in the form of a Vision Document. An application has now been submitted (reference 17/01374/OUT) and this strategic site, located within Melton Borough on the strategic A46 growth corridor just north of Leicester, provides an ideal opportunity to deliver a mixed-use Garden Village to meet some of the housing needs of Melton with the balance being available to address unmet housing needs in the HMA. Gladman suggest it is demonstrably deliverable sites such as Six Hills that should be the focus of addressing both the housing needs of the borough and some of the unmet needs of the HMA, as a solution needs to be found to unmet needs as soon as possible. Whilst Six Hills is unique in that it is unencumbered by significant constraints or landownership issues, other sites may well have these issues and delays to identifying deliverable solutions which will only delay the critical issue of actually addressing the problem.