

Harborough District Council – Scrutiny Review – Kibworth Housing Development

The comments of County Council officers (LCC) are set out below. We feel that there were four critical areas that led to the eventual outcome:

- The way Harborough District Council (HDC) dealt with the Alterations to the Local Plan.
- The relative timing of the Local Plan and the Alterations to it in relation to the Structure Plan.
- The changes in the methodology for calculating the supply of housing in supplementary planning guidance.
- The case presented at the Inquiry.

Local Plan Alterations

1. The Local Plan alterations process was fundamental to the process and outcome that followed. LCC commented on the phasing of the sites as set out in the deposit version published in Oct 2001 (because the alterations were not re-evaluating the sites by considering whether there were more suitable alternatives against the new strategic policy). This was taken by HDC officers as being tacit support for the sites and at the Inquiry when LCC was criticised for supporting the Alterations to the Local Plan when they were placed on deposit.

2. LCC's support for the Alterations should be considered in the light of the restrictive nature of the Alterations, and their function to manage the release of the three remaining sites in the adopted local plan (HDLP). LCC did not see it as its function to consider alternative sites, that being the function of the local plan review, which at the time of commenting, was seen as being fairly imminent. Therefore, at the time LCC considered it would have been unreasonable to object to the Alterations.

3. Also, it was claimed that LCC agreed that the sites were in line with PPG 3 criteria. Although we had commented that the Alterations brought the HDLP broadly into line with PPG 3, this was in certain respects only, in relation to phasing (i.e the sites were ranked in in relative terms against PPG 3 criteria) and density. It was not intended to mean the sites themselves in the Alterations had been properly assessed against PPG 3 criteria. **The alteration looked at timing but did not challenge the acceptability of the sites against possible alternatives as it should have done.**

4. At the time of the Alterations a new Structure Plan with changed emphasis away from Transport Choice Corridors (the main strategic justification for the original identification of Kibworth) towards urban concentration was nearly completed. **HDC should have reviewed HDLP in light of this and LCC could have made it clear that HDC should in its view be doing this.**

5. The failure of HDC to properly review the local plan in the light of the new

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Structure Plan and new Government Guidance was a critical factor in the events that followed.

Structure Plan/Local Plan timing

6. There was a delay in adopting the Structure Plan because of a Government Direction. This led to delay in issuing statement of conformity (SoC). A letter was eventually sent by LCC just before the Inquiry.

7. In the absence of a SoC, the fact that the Kibworth and Glen sites were counted as commitments (because they were in adopted local plan) further led to confusion about the acceptability of the sites from a strategic perspective.

Supplementary planning guidance

8. In response to the first consultation in Aug 2002 LCC did not raise any concerns because there was a surplus of housing supply over requirements. It did object to the second version in March 2004 which contained a number of changes to methodology which were not made clear in the report and changed a surplus into a deficit. The revised methodology was put forward by developers and the reason for HDC accepting it remains unclear.

The Inquiry

9. No substantive or credible evidence was put forward by HDC at the Inquiry. Cllr Mrs Roeber's evidence was easily discredited (much of it was regarded as personal opinion rather than the view of HDC) and it is not clear what, if any, advice she received from HDC officers or legal representatives regarding its content.

10. The Statement of Common Ground between HDC and the appellants was agreed by HDC officers (Lance Wiggins) and not seen as LCC. Officers understand by Cllr Roeber or the HDC advocate and certainly not by County Council officers. **The Statement of Common Ground effectively supported the development. It was Leicestershire County Council officers' expectation following the pre-inquiry meeting the County Council would be involved in the preparation of this Statement. Certainly Leicestershire County Council officers would not have agreed the statement in the form it was presented to the Inquiry.** In the circumstances, it might have been better for LCC to be more proactive on the Statement.

11. Advice to HDC by HDC officers and Counsel advising that planning permission should be granted was public knowledge and known to the Inquiry Inspector.

12. LCC's case was that the sites were not in line with the new Structure Plan framework. It is LCC's role to give advice based on strategic policy and it could not depart from Structure Plan/Regional Plan/Government Policy. The case presented by the HDC at the inquiry made it difficult to sustain the

strategic case put forward by the CC. . LCC pulled out of presenting a joint case – as had originally been proposed - on advice from Counsel because HDC case was considered to be so weak it would undermine LCC's position.

13. For the reasons given above the evidence presented at the Inquiry was ineffective.

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