



Sileby Neighbourhood Plan Review 2022-2037 Submission Version

Representation to Regulation 16 Consultation

On behalf of

BARWOOD
LAND

Project Ref: 332010578 | Date: September 2022

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Document Control Sheet

Project Name: Sileby Neighbourhood Plan Review 2022-2037, Submission Version

Project Ref: 332010578

Report Title: Representation to Regulation 16 Consultation

Date: September 2022

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Revision	Date	Description	Prepared	Reviewed	Approved

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1 Context

1.1 Purpose of Our Representation

- 1.1.1 We write to object to the Sileby Neighbourhood Plan Review ('the SNPR') on behalf of Barwood Development Securities Ltd. The reason for Barwood's particular interest is that it controls land at Peashill Farm on the eastern side of Sileby, which we consider should be allocated for residential development in the SNPR, under Policy H1.
- 1.1.2 A copy of our objections made in response to the Regulation 14 consultation is attached within Appendix A. These previous objections apply equally to the Regulation 16 version of the SNPR and should be read together with this statement
- 1.1.3 Our client's site is eminently suitable for sustainable residential development, which is achievable and deliverable in the short term. On Barwood's behalf, we have submitted an outline planning application for up to 175 dwellings at the site, along with associated infrastructure, accesses, landscaping and open space (CBC ref: P/21/2131/2). This application is submitted as Phase 2 of a larger development following the grant of permission by Charnwood BC for 201 dwellings in relation to adjoining land to the west. Most of these 201 dwellings are now built and occupied, with the remainder under construction. We describe the significant benefits of the proposed Phase 2 development in section 1.2 below.

1.2 Barwood's Planning Application Submission – Summary of Key Points

- 1.2.1 Peashill Farm Phase 2 is designed to be a sustainable development which integrates fully with the almost complete Phase 1 area adjoining, efficiently sharing its highway access infrastructure, focused around its mixed-use hub and optimising use of its sustainable drainage features.
- 1.2.2 The Phase 2 development will use the new roundabout and access road from Ratcliffe Road now built as part of the Phase 1 development. Whilst scale, layout, appearance and landscaping are reserved matters, the Illustrative Masterplan provided within Appendix A to this submission shows indicatively how the site could be developed. The Illustrative Masterplan demonstrates how the proposed development will be a high-quality, residential scheme with a strong sense of identity, integrated sensitively into the new south-eastern edge of Sileby.
- 1.2.3 The development will be an attractive place to live, set within a high-quality network of public open spaces, including a play area. A combined LEAP and NEAP is also located within the adjoining Phase 1 site, alongside a network of green open space for informal play. The site's valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents.
- 1.2.4 The development proposed by our client's current application performs demonstrable, mutually dependent and beneficial social, economic and environmental roles which accord with the Government's objectives for achieving sustainable development, as set out in paragraph 8 of the NPPF.

Social Benefits

- 1.2.5 The proposed development will deliver a range of social benefits, as follows:
- Delivery of up to 175 new dwellings, with a broad range of house types to meet varied needs in the area, of which up to 30 per cent (up to 53 dwellings in total) will be affordable homes;
 - Some 1.96 ha of open spaces and planting will be created, for the enjoyment of the whole community as part of this Phase 2 scheme, in addition to the generous open space provision within the Phase 1 development. Green open spaces and high-quality public

realm will help to foster a sense of community and encourage healthy living and improved well-being;

- The scheme will link into a new network of pedestrian and cycle routes, enhancing accessibility to and from the site, including connections into the Phase 1 development, giving convenient access to the play space, allotments, commercial and community hub at Peashill Farmhouse, and beyond to the local centre in Sileby; and
- The proposals include a potential enhanced bus service to this part of Sileby

Economic Benefits

1.2.6 The application proposals will play a beneficial economic role by:

- Generating additional population, thereby helping to ensure the vitality and viability of Sileby's shops, services and facilities;
- Contributing to economic growth through the further expenditure generation and job creation effects of residential development, both directly in construction and indirectly; and
- Generating potential New Homes Bonus revenues to support the delivery of public services.

Environmental Benefits

1.2.7 The proposed development will also play a beneficial environmental role as follows:

- The over-arching vision for the development is to create a high-quality residential scheme with a strong sense of identity, integrated sensitively amongst new planting to create a green setting, particularly along the south-eastern site boundary which will form a strong green corridor;
- The development will provide a range of functions having amenity and biodiversity value, consolidating the settlement edge and constituting a logical 'rounding off' of Sileby, particularly as the site has strong defensible boundaries on all four sides;
- The high-quality environment established through Phase 1 of the development will be continued, with new development integrating sensitively with the existing development character and landscape context;
- A high-quality green infrastructure-led masterplanning approach has been taken, following detailed environmental assessment of the site's ecological, landscape and heritage context;
- Sustainable drainage features have been designed to manage stormwater, reduce flood risk and provide amenity and biodiversity benefits;
- By enhancing green assets, planting new trees and hedgerows and forming new public spaces and outdoor facilities, a strong sense of place and character will be formed;
- Valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents; and
- A highly attractive place to live will be created, set within a generous network of open spaces including enhanced woodland, hedgerow planting and wetland/wildflower meadows.

Sustainable Site Assessment (SSA)

1.2.8 As set out in detail in the 'Strategic Sustainability Assessment Response' prepared by Environmental Dimension Partnership ('EDP') and provided here within Appendix A (see our response to the Neighbourhood Plan Group ('NPG') in January 2022, appended to our Regulation 14 response of June 2022), we are concerned about a number of factual

inaccuracies within the SSA and the absence of an adequate objective evidence base to substantiate the judgements made within it. EDP's response highlights the need for the assessment to be accurate and that judgements made should be transparent and adequately reasoned. Detailed technical assessments which have been prepared in respect of the recent Phase 2 application support the commentary contained within EDP's response, but they have not been considered within the SSA. EDP's response therefore represents a more accurate and up-to-date assessment.

- 1.2.9 The concerns highlighted above were overcome in part by revision to the SSA (as confirmed in the Sileby PC letter dated 18th February 2022, provided here within Appendix A) but it is evident from our further response to the NPG dated March 2022 (also provided here within Appendix A) that the SSA is still flawed.
- 1.2.10 Furthermore, we note that within Charnwood Borough Council's latest Strategic Housing and Employment Land Availability Assessment ('SHELAA'), dated December 2020, the site is identified as being suitable, available and achievable for residential development. The Council's assessment pro-forma for the site finds that, in terms of suitability:
- 'There are no known irresolvable physical/environmental constraints preventing development and a suitable access can be achieved'.*
- 1.2.11 The SHELAA also finds that there is a 'reasonable prospect' that development will be delivered within the 6-10 years' timeframe *'based on a judgement of the potential economic viability of the site and developer capacity to complete and let/sell the development over that period'.*
- 1.2.12 Whilst we acknowledge the Council's anticipated 6-10 years' timeframe for delivery at the site, we consider that the Phase 2 residential extension to Peashill Farm is deliverable within the next five years, thereby helping to address Charnwood's current five year housing land supply deficit.

1.3 Summary

- 1.3.1 We confirm that there are no technical, environmental or ownership constraints which would preclude residential development of the site and that such development is sustainable, suitable, achievable and deliverable within the next five years, thereby helping to meet Charnwood's short term housing needs and sustainable growth aspirations.
- 1.3.2 We can see no objective assessment or evidence either within or supporting the SNPR which contradicts the headline points outlined above.

2 Objections to Policies: Failure to meet Basic Conditions

2.1 Introduction

- 2.1.1 In this section, we outline the relevant requirements of national planning policy and guidance and our related objections in respect of Policies H1 'Residential Allocation', H2 'Reserve Sites', H3 'Windfall Development', G1 'Limits to Development' and T2 'Highway Safety'.
- 2.1.2 In doing so, we have had full regard to the relevant basic conditions that the SNPR must meet, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 2.1.3 We also refer here to page 5 of the SNPR's 'Statement of Modifications' under the heading 'Consideration of Minor (non-material)/Major (material) updates to the Made Sileby Neighbourhood Plan (16 January 2020)'. This states that:
- "Whilst many of the proposed modifications are non-material, some represent material modifications and the Parish Council took the view that some changes were Material requiring a referendum."*
- 2.1.4 Whilst we consider that the changes between the made Sileby Neighbourhood Plan and the SNPR are material and change the nature of the plan, thereby requiring both examination and a referendum, we are concerned that the above 'Statement of Modifications' does not comply with PPG Paragraph: 085 Reference ID: 41-085-20180222, which states:
- "If a qualifying body wish to make updates (modifications) that do materially affect the policies in the plan, they should follow the process set out in guidance, with the following additional requirements:*
- "the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) **state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.**" (our emphasis).*
- 2.1.5 Nowhere in the 'Statement of Modifications' does it actually state whether the qualifying body 'believe that the modifications are so significant or substantial as to change the nature of the plan' and nor does it 'give reasons' for such.
- 2.1.6 We consider that these omissions are serious and prejudicial because if they had been included in the material consulted upon, at both Regulation 14 and Regulation 16 stages, this may have resulted in different responses, either from the consultation bodies or from the wider community, or both. On this basis, the process followed has not been fair or transparent, as is required by PPG Paragraph: 056 Reference ID: 41-056-20180222, and we submit that the SNPR cannot properly be examined and that it therefore should not proceed.

2.2 Policies H1, H2, H3, G1 and T2

- 2.2.1 We consider that the Policies listed above do not meet the required basic conditions for the following reasons.

Relationship between the SNPR, draft Local Plan and National Policies/Advice

- 2.2.2 The emerging Local Plan in this case is the Submitted Charnwood Local Plan 2021-37 (the SCLP).

- 2.2.3 The SNPR states (at the top of page 28) that:

“a figure of 345 additional dwellings was identified by Charnwood Borough Council as the housing requirement for Sileby prior to the Local Plan being adopted. This figure reflects the total allocations for the Neighbourhood Area in the Regulation Local Plan. A 5% buffer was suggested by Charnwood Borough Council post-Adoption, making an overall housing requirement of 363 over the Plan period, or an additional 18 dwellings. Against this housing requirement a total of 49 dwellings have already received planning consents and by agreement with Charnwood Borough Council a windfall figure of 4 additional dwellings per annum (an additional 60 dwellings over the Plan period) can also be added to the overall total. 42 completions on sites of 9 dwellings or less have been delivered between 2011 and 2021. The Sileby Neighbourhood Plan Review therefore supports sustainable development by containing policies and allocations to meet its identified housing requirement, as it is required to do to satisfy the intention of the NPPF (2021) Paragraph 14.”

- 2.2.4 We submit that the meaning of the above paragraph, which then informs **Policy H1** itself, is entirely unclear and we also note that any specific written advice from Charnwood BC identifying an indicative housing requirement for Sileby has not been published, despite the requirement for the neighbourhood plan process to be transparent. In the absence of this written advice being published, we submit that the justification for the indicative housing requirement cannot fairly or properly be assessed, such that the SNPR cannot properly be examined and it should therefore not proceed.

- 2.2.5 We also note that the SNPR has been submitted by the qualifying body in the hope that if ‘made’ in its current form, the terms of paragraph 14 of the NPPF will apply when planning applications are being determined for development in Sileby. However, we disagree because:

- The housing requirement figure provided to the qualifying body by Charnwood BC is derived solely from the submitted Charnwood Local Plan, which has not yet been tested, as we describe in more detail below. The figure is indicative only at this stage, such that it cannot be considered as the “identified housing requirement” stipulated in part b) of NPPF paragraph 14; and
- Part b) of NPPF paragraph 14 requires the neighbourhood plan to contain allocations (plural), whereas the SNPR contains only one allocation and that allocation is flawed and is too small to meet housing needs, as we also describe further below.

- 2.2.6 Paragraph 009 Reference ID: 41-009-20190509009 of the PPG states as follows under the heading **‘Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?’**:

*“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan **the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.....***

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local

plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

*Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should **provide an indicative figure**, if requested to do so by the neighbourhood planning body, **which will need to be tested at the neighbourhood plan examination**. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.” (our emphasis).*

2.2.7 Paragraph 103 Reference ID: 41-103-20190509 of the PPG states as follows:

How should neighbourhood planning bodies use a housing requirement figure that has been provided to them?

Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make.

*Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, **and where possible to exceed it. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change, and allows plans to remain up to date over a longer time scale....***

*When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is **an appropriate time to review and update their neighbourhood plan as well**. This should be in light of the local planning authority’s reasons for updating, **and any up-to-date evidence** that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan. (our emphasis).*

2.2.8 Paragraph: 104 Reference ID: 41-104-20190509 of the PPG includes the following:

*“Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or **an indicative figure provided on request**. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. **Where it is set as an indicative figure, it will need to be tested at examination.**” (our emphasis).*

2.2.9 Having regard to the three PPG paragraphs described above, we note that the SNPR refers numerous times to the SCLP as a key justification for its planning and housing allocation strategy, but the SCLP is still being examined so is not yet adopted.

2.2.10 Furthermore, the SCLP is very controversial and is the subject of multiple, fundamental and unresolved objections, including:

- The SCLP only runs to 2037 and realistically it will not be adopted until 2023/24. The SCLP should be revised to run to at least 2039 so that it covers a minimum period of 15 years following its adoption, as required by the NPPF;
- It fails to meet any of the substantial unmet housing need from the city of Leicester. This is despite the level of need and a proposal for its distribution amongst adjoining areas (including Charnwood) now being established by a new evidence base published as recently as May 2022. The SCLP thereby conflicts with the NPPF in respect of the requirement to meet objectively assessed housing needs and the duty to co-operate;

- It allocates too much housing (5%) in 'other settlements' and not enough (only 14%) in Service Centres such as Sileby, which are far more sustainable as locations for new development; and
 - The SCLP should therefore not proceed. Instead, it should pause so that the new evidence base can be reviewed and the Plan revised so that it reflects higher housing requirements and makes additional housing allocations, including at the Service Centres such as Sileby.
- 2.2.11 In the light of the above objections, the examination was indeed paused by the SCLP Inspectors in June 2022, to allow consultation to take place in respect of the significant new evidence base documents, which are as follows:
- Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG)
 - Leicester and Leicestershire Housing and Economic Needs Assessment Final Report (HENA), Executive Summary (June 2022) and Appendices
 - Leicester and Leicestershire Housing and Economic Needs Assessment – Housing Distribution Paper (June 2022)
 - Leicester and Leicestershire Housing and Economic Needs Assessment – Employment Distribution Paper (June 2022)
 - Leicester and Leicestershire Statement of Common Ground Sustainability Appraisal Report (SA) and Non-Technical Summary (June 2022)
- 2.2.12 These documents were only formally published in their final form in July 2022 and crucially they inform both housing and employment land requirements for all the Leicestershire authorities, including Charnwood. Consultation in this regard is now underway until 26th September 2022 and we note from the Inspectors' Guidance Note and MIQs (a copy of which is attached within Appendix B) that the Inspectors have asked for responses to a total of 27 additional questions covering a range of fundamental matters, including:
- Is the new evidence base robust and justified?
 - Are assumed levels of net migration justified?
 - Is the use of 2020 affordability data reasonable?
 - Are there suppressed household formations to justify an uplift in housing need?
 - Has the SA tested the appropriate unmet need figure and has the SA informed the apportionment of unmet need?
 - Why is the proposed apportionment interim only?
 - Is the cap on apportionment to Charnwood justified and will it support a sustainable pattern of development?
- 2.2.13 It is clear from the above that there remain significant un-answered questions about key matters which are integral to the SCLP strategy for accommodating housing and employment needs.
- 2.2.14 For the reasons as described above, in the present circumstances we submit that the SNPR cannot yet properly be examined. Instead, its examination must await the completion of the examination of the SCLP and the publication of the subsequent SCLP Inspectors' Report. Only when the overall housing requirement for Charnwood and its distribution within the settlement hierarchy has been tested and found sound through the SCLP process can the SNPR be properly and fairly examined. Having regard to the three PPG paragraphs we set out above, the SNPR currently fails to meet basic conditions i) and ii) as listed in our paragraph 2.1.2.
- 2.2.15 We also note that many of the draft allocations for Sileby in the SCLP are not in fact repeated within the SNPR. As it stands, the following sites allocated in the SCLP fall outside the 'limits

to development' set by Policy G1 of the SNPR and their development for housing would be contrary to that Policy:

- HA53 Land off Barnards Drive
- HA54 Land off Homefield Road
- HA55 Rear of The Maltings, High Street
- HA56 Land off Kendal Road.

Relationship between the SNPR, the Development Plan and National Policies/Advice

- 2.2.16 The SNPR purports to be in conformity with the development plan. It is important to note, however, that the adopted Core Strategy was adopted in 2015. Whilst it therefore remains part of the adopted development plan until the SCLP is adopted, its content does not reflect the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF, which advises that relevant development plan policies should be considered out-of-date where the local authority is unable to demonstrate a five-year supply of deliverable housing sites. Within Charnwood borough, the Council accepts that the deliverable housing supply is only 3.04 years at present.
- 2.2.17 Thus, the SNPR is effectively claiming to be in conformity with an adopted development plan, relevant policies of which are out-of-date under the terms of the NPPF. We consider that to be a perverse situation and one that can only be remedied by pausing the SNPR process, as we describe above, so that additional sites can be identified which are capable of adequately meeting identified needs, both in the SCLP and in the SNPR itself. Only then will the SNPR be capable of meeting the required basic conditions listed as i), ii) and iii) in our paragraph 2.1.2 above.
- 2.2.18 We also have the following specific objections to the SNPR:
- the allocation under **Policy H1** (land rear of 107 Cossington Road) relates to a site defined as being of 'Environmental Significance' (see the map at Figure 8.2), such that its development would in fact conflict with Policy ENV2 of the SNPR, which states that *"development proposals which would destroy or harm the species, habitats or features occurring on these sites should not be approved"*.
 - In this regard we also note that the SNPR's Appendix 4 'Environmental Inventory' describes the site as:
"CBC OpenSpace Behind 99 -121 Cossington Road Old allotments. Large overgrown green space with limited access from Cossington Road. Situated within the village settlement. The space consists of allotments overgrown by self - seeded trees and shrubs and weeds. It extends from behind 99 -121 Cossington Road to the house line on Flaxland Crescent and Melody Drive? As the plot is very overgrown some of the boundaries are concealed by undergrowth, although on the Cossington Road side are a variety of garages and sheds and rear gardens marking the boundary. It provides a large, quiet space for a variety of wildlife with potential for recreational use."
 - As the site of the allocation is undeveloped open space, constituting former community allotments, its development would also conflict with Policy CS15 of the adopted Core Strategy and Policy CF1 of the SNPR itself, which seek to protect such facilities unless they are "clearly surplus to requirements". There is no evidence within or supporting the SNPR to suggest that development of the site would comply with these policies.
 - As a lapsed allotment, the land has biodiversity value as a result of a good mosaic of habitat, including an abundance of trees, shrubs, hedgerows and grassland / scrub areas subject to limited management. Furthermore, due to the prevalence of habitat of good quality and limited disturbances from agricultural or recreational activities, the site has potential to support a wide range of protected species including badgers, bats, reptiles

and great crested newts. Due to the distribution and likely condition of onsite habitats, achieving an onsite biodiversity net gain is considered to be unlikely.

- **Policy G1** states that land outside the defined Limits to Development will be treated as open countryside, where development to meet general housing needs will not be permitted. However, this conflicts with Policy CS1 of the adopted Core Strategy which aims to plan positively for Service Centres (including Sileby) by providing for new homes within **and adjoining them** (our emphasis) and by responding positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the other policies in the Core Strategy. Policy G1 also conflicts with the Government's objectives, set out in Paragraph 60 of the NPPF, of "significantly boosting the supply of homes" and ensuring that "a sufficient amount and variety of land can come forward where it is needed".
- The two **Policy H2** 'Reserve Sites' at The Oaks and Barrow Road are currently in employment use and their development for housing would conflict with their designation as 'Existing Good Quality Employment Sites' to be protected under Policy ENV2 of the SCLP and Policy EMP1 of the SNPR itself.

- 2.2.19 Paragraph 71 of the NPPF advises that where an allowance is to be made for windfall sites as part of anticipated supply, there should be '*compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.*' The SNPR and **Policy H3** are not accompanied by any such 'compelling evidence' that windfall sites will provide a reliable source of supply in the future, thereby reinforcing our objection that Policy H1 should include additional allocations rather than relying on windfalls under Policy H3 to help meet housing needs.
- 2.2.20 The PPG advises that neighbourhood plans should be 'aligned with the strategic needs and priorities of the wider local area' (Paragraph: 001 Reference ID: 41-001-20190509). It is evident, however, that the SNPR does not pay due regard to the strategic needs and priorities of the area. As we highlighted above, the document does not adequately recognise that Charnwood is unable to deliver sufficient housing to meet its own needs, let alone any part of Leicester's unmet needs, yet it makes little attempt to allocate sites to meet identified needs. If made, the SNPR would therefore perpetuate current under-delivery.
- 2.2.21 The PPG further advises that plans should be prepared positively, in a way that is aspirational but deliverable (Paragraph: 005 Reference ID: 41-005-20190509). For the reasons that we have outlined above, we believe that the SNPR is neither 'prepared positively' nor 'aspirational'. The inclusion of only one small allocation, simply in a misguided effort to engineer some benefit from paragraph 14 of the NPPF, is the clearest illustration of that position.
- 2.2.22 The PPG also states that a neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy (Paragraph: 044 Reference ID: 41-044-20190509). Again, for the reasons outlined above, the available evidence points towards a clear need to identify additional sites in sustainable locations such as Barwood's site in Sileby, but the SNPR makes no attempt to do so.
- 2.2.23 Finally, we submit that **Policy T2** 'Highway Safety' fails to comply with national policy in the NPPF. This is because the policy states that "all housing and commercial development must be designed to minimise additional traffic generation and movement through the Village". It is unclear how an applicant for planning permission for such development would be expected to meet such a requirement. Instead, in order to be consistent with paragraph 111 of the NPPF, the policy should be removed or revised to state that "development will only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Conclusions

2.2.24 Paragraph 056 Reference ID: 41-056-20180222 of the PPG states that:

“Neighbourhood plans and Orders should be examined fairly and transparently.....

Where the independent examiner considers it necessary to ensure adequate examination of an issue or to give a person a fair chance to put a case, they must hold a hearing to listen to oral representations about a particular issue.”

2.2.25 For all the reasons described above, the SNPR comprehensively fails to meet the basic conditions listed as i), ii) and iii) in our paragraph 2.1.2 above.

2.2.26 We have stated above our position that the SNPR examination should not therefore proceed. However, if it does proceed, we submit that given the nature, complexity and number of our objections, a hearing must be held in the interests of transparency and to give us and other objectors a fair chance to put our case via oral representations to an independent examiner.

3 Summary

- 3.1.1 For all of the reasons described in this representation, we conclude that the SNPR fails to adequately provide for relevant housing needs and that it makes only one small housing allocation and identifies only two small 'reserve' sites, despite CBC's acceptance that it cannot demonstrate anywhere near a five-year supply of housing and the acknowledged sustainability of Sileby given its definition as a Service Centre. Furthermore, we have shown that Policies H1, H2, H3, G1 and T2 of the SNPR conflict with the development plan, the SCLP, national policy and advice and even other policies within the SNPR itself.
- 3.1.2 Accordingly, the SNPR fails to meet the basic conditions i) – iii) listed in our paragraph 2.1.2 above because it
- fails to have due regard to national policy in the NPPF and related guidance in the PPG;
 - fails to conform with the development plan, relevant policies of which are out-of-date anyway, under the terms of the NPPF; and
 - fails to have regard to the latest evidence of housing need and fails to plan positively or to incorporate sufficient flexibility or allocations to respond to housing needs and thereby contribute to achieving sustainable development.
- 3.1.3 We therefore object to the SNPR and submit that, in order to meet the basic conditions required:
- a) the review process should pause to allow the submitted Charnwood Local Plan to progress, at least to a point where its Inspectors have reported; or
 - b) the SNPR should be revised such that the Peashill Farm Phase 2 site is allocated for residential development under Policy H1, in order to help meet identified housing needs in a location that is acknowledged to be sustainable; or
 - c) alternatively, and at the very least, Policy H1 should be removed entirely.

Appendix A: Stantec Submission to Regulation 14 Neighbourhood Plan Review June 2022



Sileby Neighbourhood Plan Review 2022 - 2037 Pre-Submission Version

Representation to Regulation 14 Consultation: Land at Peashill Farm, Sileby

BARWOOD
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Document Control Sheet

Project Name: Sileby Neighbourhood Plan Review 2022 – 2037, Pre-Submission Version

Project Ref: 332010578

Report Title: Representation to Regulation 14 Consultation: Land at Peashill Farm, Sileby

Date: June 2022

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For and on behalf of Stantec UK Limited				

Revision	Date	Description	Prepared	Reviewed	Approved

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1 Introduction

1.1 Purpose of Our Representation

- 1.1.1 We write to object to the emerging Sileby Neighbourhood Plan Review ('the eSNPR') on behalf of Barwood Development Securities Ltd. The reason for Barwood's particular interest is that it controls land at Peashill Farm on the eastern side of Sileby, which we consider should be allocated for residential development in the eSNPR, under Policy H1.
- 1.1.2 Our client's site is eminently suitable, achievable and deliverable for sustainable residential development. On their behalf we have submitted an outline planning application for up to 175 dwellings at the site, along with associated infrastructure, accesses, landscaping and open space (CBC ref: P/21/2131/2). This application is submitted as Phase 2 of a larger development following the grant of permission by Charnwood BC for 201 dwellings on adjoining land to the west. Most of these 201 dwellings are now built and occupied, with the remainder under construction. We describe the significant benefits of the proposed Phase 2 development in section 1.2 below.

1.2 Barwood's Planning Application Submission – Summary of Key Points

- 1.2.1 Peashill Farm Phase 2 is designed to be a sustainable development which integrates fully with the almost complete Phase 1 area adjoining, efficiently sharing its highway access infrastructure, focused around its mixed-use hub and optimising use of its sustainable drainage features.
- 1.2.2 The Phase 2 development will use the new roundabout and access road from Ratcliffe Road now built as part of the Phase 1 development. Whilst scale, layout, appearance and landscaping are reserved matters, the Illustrative Masterplan provided within Appendix A of this submission shows indicatively how the site could be developed. It demonstrates how the proposals will create a high-quality, residential development with a strong sense of identity, integrated sensitively into the new south-eastern edge of Sileby.
- 1.2.3 The development will be an attractive place to live, set within a high-quality network of public open spaces, including a play area. A combined LEAP and NEAP is also located within the adjoining Phase 1 site, alongside a network of green open space for informal play. The site's valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents.
- 1.2.4 The application proposals perform demonstrable, mutually dependent and beneficial social, economic and environmental roles which accord with the Government's objectives for achieving sustainable development, as set out in paragraph 8 of the NPPF.

Social Benefits

- 1.2.5 The proposed development will deliver a range of social benefits, as follows:
- Delivery of up to 175 new dwellings, with a broad range of house types, to meet varied needs in the area of which up to 30 per cent (up to 53 dwellings in total) will be affordable homes;
 - Some 1.96 ha of open spaces and planting will be created, for the enjoyment of the whole community as part of this Phase 2 scheme, in addition to the generous open space provision within the Phase 1 development. Green open spaces and high-quality public realm will help to foster a sense of community and encourage healthy living and improved wellbeing;
 - The scheme will link into a new network of pedestrian and cycle routes, enhancing accessibility to and from the site, including connections into the Phase 1 development,

giving convenient access to the play space, allotments, commercial and community hub at Peashill Farmhouse, and beyond to the local centre in Sileby; and

- The proposals include a potential enhanced bus service to this part of Sileby.

Economic Benefits

1.2.6 The application proposals will play a beneficial economic role by:

- Generating additional population thereby helping to ensure the vitality and viability of Sileby's shops, services and facilities;
- Contributing to economic growth through the further expenditure generation and job creation effects of housing development, both directly in construction and indirectly; and
- Generating potential New Homes Bonus revenues to support the delivery of public services.

Environmental Benefits

1.2.7 The proposed development will also play a beneficial environmental role as follows:

- The over-arching vision for the development is to create a high-quality residential development with a strong sense of identity, integrated sensitively amongst new planting to create a green setting, particularly along the south-eastern site boundary which will form a strong green corridor;
- The development will provide a range of functions having amenity and biodiversity value, consolidating the settlement edge and constituting a logical 'rounding off' of Sileby, particularly as the site has strong defensible boundaries on all four sides;
- The high-quality environment established through Phase 1 of the development will be continued, with new development integrating sensitively with the existing development character and landscape context;
- A high-quality green infrastructure-led masterplanning approach has been taken, following detailed environmental assessment of the site's ecological, landscape and heritage context;
- Sustainable drainage features have been designed to manage stormwater, reduce flood risk and provide an amenity and biodiversity benefit;
- By enhancing green assets, planting new trees and hedgerows and forming new public spaces and outdoor facilities, a strong sense of place and character will be formed;
- Valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents; and
- A highly attractive place to live will be created, set within a generous network of open spaces including enhanced woodland, hedgerow planting and wetland/wildflower meadows.

Sustainable Site Assessment (SSA)

1.2.8 As set out in detail in the 'Strategic Sustainability Assessment Response' prepared by Environmental Dimension Partnership ('EDP') and provided here within Appendix B (our response to the Neighbourhood Plan Group ('NPG') in January 2022), we are concerned about a number of factual inaccuracies within the draft SSA and the absence of an adequate objective evidence base to substantiate the judgements made within it. EDP's response highlights the need for the assessment to be accurate and that judgements made should be transparent and adequately reasoned. Detailed technical assessments which have been prepared in respect of the recent Phase 2 application support the commentary contained within EDP's response, but these have not been considered within the draft SSA. EDP's response therefore represents a more accurate and up-to-date assessment.

- 1.2.9 The concerns highlighted above were overcome in part by revision to the SSA (as confirmed in the Sileby PC letter dated 18th February 2022, provided here within Appendix C) but it is evident from our further response to the NPG dated March 2022 (provided here within Appendix D) that the SSA is still flawed.
- 1.2.10 Furthermore, we note that within Charnwood Borough Council's latest Strategic Housing and Employment Land Availability Assessment ('SHELAA'), dated December 2020, the site is identified as being suitable, available and achievable for residential development. The Council's assessment pro-forma for the site finds that in terms of suitability:
- 'There are no known irresolvable physical/environmental constraints preventing development and a suitable access can be achieved'.*
- 1.2.11 The SHELAA also finds that there is a 'reasonable prospect' that development will be delivered within the 6-10 years timeframe *'based on a judgement of the potential economic viability of the site and developer capacity to complete and let/sell the development over that period'*.
- 1.2.12 Whilst we acknowledge the Council's anticipated 6-10 year timeframe for delivery at the site, we consider that the Phase 2 residential extension to Peashill Farm is deliverable within the next five years, thereby contributing towards addressing Charnwood's current five year housing land supply deficit.

Summary

- 1.2.13 We confirm that there are no overriding technical, environmental or ownership constraints which would preclude residential development of the site and that such development is suitable, achievable and deliverable within the next five years, thereby helping to meet Charnwood's short term housing needs and sustainable growth aspirations.
- 1.2.14 We can see no objective assessment or evidence either within or supporting the eSNPR which is capable of being used to contradict the headline points outlined above.

2 Objections to Policies H1 and H2

2.1 Introduction

- 2.1.1 In this section of our representation, we outline the requirements of national planning policy guidance insofar as they relate to the preparation of neighbourhood plans, and we provide our related observations and objections arising from them, in relation to Policies H1 'Residential Allocation' and H2 'Reserve Sites'.

2.2 NPPF

- 2.2.1 Paragraph 13 of the NPPF states that neighbourhood plans '*should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.*'
- 2.2.2 Paragraph 29 of the NPPF states: '*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.*' The same paragraph also advises as follows: '*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*', and related footnote 18 further advises that: '*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*'.
- 2.2.3 The eSNPR purports to be in conformity with the development plan. It is important to note, however, that the Core Strategy was adopted in 2015. Whilst it therefore remains part of the adopted development plan until the successor Local Plan is adopted, its content does not reflect the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF, which advises that relevant development plan policies should be considered out-of-date where the local authority is unable to demonstrate a five-year supply of deliverable housing sites, as is the case in Charnwood where deliverable housing supply is only 3.04 years at present.
- 2.2.4 Thus, the eSNPR is effectively claiming to be in conformity with an adopted development plan, relevant policies of which are out-of-date under the terms of the NPPF. We consider that to be a perverse situation and one that can only be remedied by additional sites being identified which are capable of adequately meeting identified needs, both in the successor Local Plan and in the eSNPR itself.
- 2.2.5 We therefore have the following specific objections to the eSNPR:
- It fails to make adequate provision for meeting housing needs, containing just one small allocation for 18 dwellings under Policy H1 and the identification of two small reserve sites under Policy H2;
 - Furthermore, the allocation under Policy H1 relates to a site of 'Environmental Significance' and which is an 'Important Open Space' such that its development would conflict with Policies ENV2 and ENV3 of both the made Neighbourhood Plan and the eSNPR;
 - Similarly, residential development of the Policy H2 'Reserve Site' at Barrow Road would conflict with its designation as an 'Existing Good Quality Employment Site' to be protected under Policy ENV2 of the emerging Charnwood Local Plan ('the eCLP');
 - The eSNPR refers numerous times to the eCLP as a key justification for its planning and housing allocation strategy but the eCLP is not yet adopted. Indeed, it is still being examined and is a very controversial Plan which is the subject of multiple, fundamental and unresolved, objections, including that:

- It only runs to 2037 and thereby conflicts with the NPPF. It should be revised to run to at least 2039 so that it covers a minimum period of 15 years following its adoption, as required by the NPPF;
- It fails to meet any of the substantial unmet housing need from the city of Leicester. This is despite the level of need and a proposal for its distribution amongst adjoining areas (including Charnwood) now being established by an evidence base published as recently as May 2022. The eCLP thereby conflicts with the NPPF in respect of the requirement to meet objectively assessed housing needs and the duty to co-operate; and
- The eCLP should therefore not proceed. Instead, it should pause so that the new evidence base can be reviewed and the Plan revised so that it reflects higher housing requirements and makes additional housing allocations, including at the Service Centres such as Sileby.

2.2.6 For the same reasons, the eSNPR should therefore also not proceed to submission. Instead, the review process should pause and await the outcome of the eCLP examination and the eSNPR should be revised to make additional housing allocations, including our client's site at Peashill Farm.

2.2.7 Finally, paragraph 71 of the NPPF advises that where an allowance is to be made for windfall sites as part of anticipated supply, there should be *'compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.'* The eSNPR is not accompanied by any such 'compelling evidence' that windfall sites will provide a reliable source of supply in the future, thereby reinforcing our objection that Policy H1 should include additional allocations rather than relying on windfalls to help meet housing needs.

2.3 Planning Practice Guidance

2.3.1 The PPG advises that neighbourhood plans should be 'aligned with the strategic needs and priorities of the wider local area' (Paragraph: 001 Reference ID: 41-001-20190509). It is evident, however, that the eSNPR does not pay due regard to the strategic needs and priorities of the area. As we highlighted above, the document does not adequately recognise that Charnwood is unable to deliver sufficient housing to meet its own needs, let alone any part of Leicester's unmet needs, yet it makes little attempt to allocate sites to meet identified needs. If made, the eSNPR would therefore perpetuate current under-delivery.

2.3.2 The PPG further advises that plans should be prepared positively, in a way that is aspirational but deliverable (Paragraph: 005 Reference ID: 41-005-20190509). For the reasons that we have outlined above, we believe that the eSNPR is neither 'prepared positively' nor 'aspirational'. The inclusion of only one small allocation, simply in a misguided effort to engineer some benefit from paragraph 14 of the NPPF, is the clearest illustration of that position.

2.3.3 The PPG also states that a neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy (Paragraph: 044 Reference ID: 41-044-20190509). Again, for the reasons outlined above, the available evidence points towards a clear need to identify additional sites in sustainable locations such as Barwood's site in Sileby, but the eSNPR makes no attempt to do so.

2.4 Summary

2.4.1 For the reasons outlined above, we believe that the eSNPR and its Policies H1 and H2 fail to satisfy the requirements set out in the NPPF and the accompanying PPG and we therefore object to it accordingly.

3 Summary

- 3.1.1 For all of the reasons described in this representation, we conclude that the eSNPR fails to adequately provide for relevant housing needs in that it makes only one small allocation, despite CBC's acceptance that it cannot demonstrate anywhere near a five-year supply of housing and the acknowledged sustainability of Sileby given its definition as a Service Centre.
- 3.1.2 Accordingly, the eSNPR:
- fails to have due regard to national policy in the NPPF and related guidance in the PPG;
 - purports to conform with the development plan, relevant policies of which are out-of-date under the terms of the NPPF. We consider that to be a perverse situation and one that can only be remedied by additional sites being identified which are capable of adequately meeting identifying needs, in the successor Local Plan and in neighbourhood plans; and
 - fails to plan positively and to incorporate sufficient flexibility to respond to housing needs and thereby contribute to achieving sustainable development.
- 3.1.3 The document therefore fails to meet at least three of the basic conditions required for a neighbourhood plan, as set out in paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990, as applied by section 38A of the Planning and Compulsory Purchase Act 2004.
- 3.1.4 We therefore object to the eSNPR and propose that, to meet the basic conditions required, the review process should pause to allow the emerging Plan to be revised and the Peashill Farm Phase 2 site allocated for residential development under Policy H1, in order to help meet identified housing needs in a location that is acknowledged to be sustainable.

Appendix A Peashill Farm Phase 2 Illustrative Masterplan



- Site Boundary
- Primary Vehicular Access
- Pedestrian, Cycle and Emergency Vehicle Access
- Pedestrian and Cycle Access
- Residential Development
- Primary Street Infrastructure
- Shared Surface Driveways
- Amenity Open Space
- Naturalistic Open Space
- Attenuation Ponds
- Watercourse
- Tree Planting
- Enhanced Woodland Planting
- Pedestrian Route
- Potential Bus Route and Stop
- Proposed Area of Equipped Play
- Pumping Station

client			
Barwood Development Securities Limited			
project title			
Land at Peashill Farm, Ratcliffe Road Sileby Phase 2			
drawing title			
Illustrative Masterplan			
date	15 SEPTEMBER 2021	drawn by	RA
drawing number	edp4729_d028f	checked	PW
scale	1:2,000 @ A3		QA



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Appendix B Stantec submission to Neighbourhood Plan Group January 2022

Our ref: 332010575/400

28 January 2022

FAO: Cllr Mrs E Astill
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Dear Councillor Astill,

RE: CONSULTATION ON NEIGHBOURHOOD DEVELOPMENT PLAN: SITE 8 – PEASHILL FARM EXPANSION / SHELAA REF: PSH 346

Introduction

Thank you for your letter dated 25 November 2021 inviting comments on the draft 'Sustainable Site Assessment' (SSA) report for the above site, as well as the subsequent correspondence from the Parish Council dated 10 January 2022 to advise that the response deadline had been extended to 28 January 2022.

We write on behalf of our client, Barwood Development Securities Ltd., who control the above site, to provide our comments on the draft SSA report. Before we do so, we wish to highlight that we consider that our client's site is eminently suitable, achievable and deliverable for a sustainable residential development scheme. As Sileby Parish Council will be aware, Barwood has submitted an outline planning application for the development of up to 175 dwellings at the site, along with associated infrastructure, accesses, landscaping and open space (CBC ref: P/21/2131/2). This outline planning application is submitted as a second phase of development following the grant of outline planning, reserved matters and full planning approvals for 201 dwellings at Phase 1 of Peashill Farm in 2018 and 2020 respectively.

Phase 2 Planning Application

Peashill Farm Phase 2 is designed to integrate fully with the Phase 1 area, efficiently sharing highway access infrastructure, focused around the mixed-use hub and optimising sustainable drainage features.

The Phase 2 development will utilise the access road and roundabout access onto Ratcliffe Road which has been approved as part of the Phase 1 development. Whilst scale, layout, appearance and landscaping are reserved matters, the Illustrative Masterplan submitted as part of the application and enclosed at Annex 1 of this submission shows indicatively how the site could be developed. It demonstrates how the proposals will create a high-quality, residential development with a strong sense of identity, integrated sensitively into the new south-eastern edge of Sileby. The Illustrative Masterplan also allows the possibility for a bus to enter the site, with a loop road system designed to enable it to turn and leave the site efficiently.

The development will be an attractive place to live, set within an attractive network of public open spaces. A combined LEAP and NEAP is located within the adjoining Phase 1 site, alongside a network of green open space for informal play. The site's valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents.

The application proposals perform demonstrable, mutually dependent and beneficial social, economic and environmental roles which accord with the Government's objectives for achieving sustainable development, as set out in paragraph 8 of the NPPF.

Social Benefits

The proposed development will deliver a range of social benefits, as follows:

- Delivery of up to 175 new homes, with a broad range of house types, to meet varied needs in the area of which up to 30 per cent (up to 45 dwellings in total) will be affordable houses;
- 1.96 ha of open spaces and planting will be created, for the enjoyment of the whole community as part of this Phase 2 scheme, in addition to the generous open space provision within the Phase 1 development. Green open spaces and high quality public realm will help foster a sense of community and encourage healthy living and improved wellbeing;
- The scheme will link into a new network of pedestrian and cycle routes, enhancing accessibility to and from the site, including connections into the Phase 1 development, giving convenient access to the play space, allotments, commercial and community hub at Peashill Farmhouse, and beyond to the local centre in Sileby; and
- The proposals include a potential enhanced bus service to this part of Sileby.

Economic Benefits

The application proposals will play a beneficial economic role by:

- Generating additional population thereby helping to ensure the vitality and viability of Sileby's shops, services and facilities;
- Contributing to economic growth through the further expenditure generation and job creation effects of housing development, both directly in construction and indirectly; and
- Generating potential New Homes Bonus revenues to support the delivery of public services.

Environmental Benefits

The proposals will also play a beneficial environmental role as follows:

- The over-arching vision for the development is to create a high-quality residential development with a strong sense of identity, integrated sensitively amongst new planting to create a green setting, particularly along the south-eastern site boundary to form a green corridor, providing a range of functions including amenity and biodiversity value and consolidation of the settlement edge;
- The high-quality environment established through Phase 1 of the development will be continued, with new development integrating sensitively with the existing development character and landscape context;
- A high-quality green infrastructure-led masterplanning approach has been taken, following detailed environmental assessment of the site's ecological, landscape and heritage context;
- Sustainable drainage features have been designed to manage stormwater, reduce flood risk and provide an amenity and biodiversity benefit;
- By enhancing green assets, planting new trees and hedgerows and forming new public spaces and outdoor facilities a strong sense of place and character will be formed;
- Valuable landscape and ecological assets will be retained and strengthened to provide a strong green context for the well-being of residents; and

- A highly attractive place to live will be created, set within a generous network of open spaces including enhanced woodland, hedgerow planting and wetland/wildflower meadows.

Sustainable Site Assessment

As set out in detail in the accompanying 'Strategic Sustainability Assessment Response' prepared by Environmental Dimension Partnership (EDP) at Annex 2, we are concerned about a number of factual inaccuracies within the draft SSA and the absence of an adequate objective evidence base to substantiate the judgements made within it. EDP's response highlights the need for the assessment to be accurate and that judgements made should be transparent and adequately reasoned. Detailed technical assessments which have been prepared in respect of the recent Phase 2 application support the commentary contained within EDP's response, have not been considered within the draft SSA. EDP's response therefore represents a more accurate and up-to-date assessment.

Furthermore, we note that within Charnwood Borough Council's latest Strategic Housing and Employment Land Availability Assessment (SHELAA), dated December 2020, the site is identified as being suitable, available and achievable for residential development. The Council's assessment pro-forma for the site finds that in terms of suitability: *"There are no known irresolvable physical/environmental constraints preventing development and a suitable access can be achieved"*.

The SHELAA also finds that there is a *"reasonable prospect"* that development will be delivered within the 6-10 years timeframe *"based on a judgement of the potential economic viability of the site and developer capacity to complete and let/sell the development over that period"*.

Whilst we acknowledge the Council's anticipated 6-10 year timeframe for delivery at the site, we consider that the Phase 2 residential extension to Peashill Farm is deliverable within the next 5 years, thereby contributing towards meeting Charnwood's current five year housing land supply deficit.

Summary

We confirm that there are no overriding technical, environmental or ownership constraints which would preclude residential development of the site and that such development is suitable, achievable and deliverable within the next five years, thereby helping to meet Charnwood's short term housing needs and sustainable growth aspirations.

If you would like to discuss any of the above in further detail, please do not hesitate to contact us. We look forward to being consulted again as the Neighbourhood Development Plan progresses.

Yours sincerely



Bal Tiwana
Principal Planner

On behalf of Stantec UK Ltd

Enclosures: Annex 1 – Phase 2 Illustrative Masterplan
 Annex 2 – EDP Technical Note



Site Boundary

Primary Vehicular Access

Pedestrian, Cycle and Emergency Vehicle Access

Pedestrian and Cycle Access

Residential Development

Primary Street Infrastructure

Shared Surface Driveways

Amenity Open Space

Naturalistic Open Space

Attenuation Ponds

Watercourse

Tree Planting

Enhanced Woodland Planting

Pedestrian Route

Potential Bus Route and Stop

Proposed Area of Equipped Play

Pumping Station

client			
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edp4729_d028f			
scale			
1:2,000 @ A3			
drawn by		RA	
checked		PW	
		QA	

Peashill Farm Expansion (Site 8/SHELAA Ref PSH 346)

Strategic Sustainability Assessment Response

edp4729_r014a

1. Introduction

- 1.1 The Environmental Dimension Partnership Ltd (EDP) has been commissioned by Barwood Development Securities Limited, to provide advice on ecology, landscape, arboriculture, masterplanning and heritage matters for development proposals at Peashill Farm.
- 1.2 During 2016, 2017 and 2018, EDP subjected this area to extensive surveys to inform the approved planning application for the development of 170 residential dwellings (Planning ref: P/17/1578/2) and as part of an environmentally led design process to inform the Neighbourhood Plan submission. Since then, further extensive work has been undertaken in 2019, 2020 and 2021 to inform the submission of an outline planning application (P/21/2131/2).
- 1.3 This technical note has been produced in response to the draft Strategic Sustainability Assessment (SSA) undertaken to inform the preparation of the Sileby Neighbourhood Plan.
- 1.4 Having reviewed the RAG methodology, which has resulted in a negative assessment of the suitability for development at Peashill Farm Phase 2, we object to what we believe is a fundamental weakness of the Neighbourhood Plan process as set out below.

2. Strategic Sustainability Assessment Response

Land Use and Location

- 2.1 The current land use does not pose an 'in principle' constraint to development (it is not, for example, contaminated land nor is it a business that would need relocating). The site boundaries are formed by residential development on the northern and western boundaries, Ratcliffe Road and associated residential properties to the east, and is separated from the wider landscape to the south and south-west by mature vegetation and Sileby Brook. The site is therefore well associated with the settlement edge (as illustrated on the Neighbourhood Plan proposals map). In the wider settlement context, Sileby is constrained to the west by Cossington Meadows, to the north by topography and to the east by the diminishing gap with Seagrave. Peashill Farm Phase 2 offers a sustainable and logical extension to the community.
- 2.2 Gradients across the site are not generally 'steep' apart from near the site entrance. Furthermore, with consideration of the wider topographical context surrounding and within Sileby, development of the site would conform to the prevailing settlement pattern.

Fundamentally, the intrinsic characteristics of the site do not elevate it above that of other land around the settlement.

Landscape and Visual Amenity

- 2.3 EDP have prepared a Landscape and Visual Impact Assessment (LVIA) in accordance with the *Guidelines for Landscape and Visual Impact Assessment – Third Edition* (LI/IEMA, 2013) (GLVIA3). It should be noted that GLVIA3 requires that judgements are transparent and that a rationale for the overall judgement should be made clear. For landscape and visual receptors, assessments should consider the sensitivity, susceptibility, magnitude of change and value, and express how, from these interlinked dimensions, significance has been determined (as per the principles described in GLVIA3 paragraphs 3.23 to 3.36).
- 2.4 In terms of wider potential impacts upon landscape character, the site offers the potential to both retain and enhance the field boundary network. Overall, visual receptors will generally be localised, being experienced along routes within 1km of the site; meaning that development of the site would have little impact on the visual envelope of the village. Whilst the SSA makes judgements on landscape and visual amenity – no objective landscape-supporting assessment has been undertaken – this undermines the robustness of the Neighbourhood Plan and site assessment process. Development at this location would not cause substantial harm, this is confirmed by the response received via the case officer of CBC’s Landscape Officer. The score, therefore, should at worst case be Amber.

Nature Conservation

- 2.5 The planning submission demonstrates that all existing trees are proposed for retention and protection within the proposed landscaped areas. Tree protection measures will be provided as part of an Arboricultural Method Statement (AMS); such measures are considered mitigation to account for any loss. The score should therefore be green.
- 2.6 The area in question is not covered by any statutory or non-statutory designation. The site has limited biodiversity interest; namely derived from the hedgerows and trees on the boundaries, which also provide connectivity across the landscape. These ecological features are to be retained and enhanced as part of any development, maintaining the green link to the wider countryside and providing supporting habitats. Given the lack of high value habitats present and the intensive management of the majority of the field parcels, it is considered that any species would be significantly impacted by development within the site. Furthermore, none of these habitats are unique or uncommon across the wider landscape. The score should therefore be, at worst case, Amber.

Heritage and Archaeology

- 2.7 Due to its topographic position in a 'bowl', the site, and indeed the current built form to the north- west, west, south-west and south of the conservation area, makes no contribution to its significance as a heritage asset, which is clearly defined by the historic interrelationships of structures and spaces within the conservation area itself. Further to this, the Conservation Area Appraisal identifies no key views or vistas that include the site, that might contribute to its significance as a heritage asset. As such, the site does not contribute in any way to the significance of the Sileby Conservation Area, or any of the listed buildings within it, and therefore any changes within the site will have no effect on the significance of these assets. The score must therefore be Green.

Current Existing Formal/Informal Recreational Opportunities on Site

- 2.8 The site is private land and is not crossed by any Public Rights of Way (PRoW). There is no evidence of any informal recreational use. It's not an area that would be used for dog walking frequently – the gate is locked and there are no other informal access points. Development of the site would, however, provide access to areas of new public open space for the new and existing community. The score therefore should be Green.

Impact on Existing Vehicular Traffic

- 2.9 The junction assessments presented in the Transport Assessment, submitted as part of the outline planning application, have demonstrated that any additional traffic from the development proposals can be accommodated on the local road network.
- 2.10 There are some junctions in Sileby which are over capacity as part of their baseline circumstances (i.e. without development) – these are existing issues which are not attributable to traffic from the proposed development. The score should therefore be, at worst case, Amber.

Safe Vehicular Access to and from the Site

- 2.11 The applicant has retained rights of appropriate vehicular access via the Phase 1 roundabout access and site road, which is currently under construction. There is no ransom strip. The score should therefore be, at worst case, Amber

Distance to Public Transport

- 2.12 The route to the bus stop is via good quality footways, either through the site or along Ratcliffe Road. The 800m distance is within the maximum threshold set out in the Leicestershire Highway Design Guide.
- 2.13 There is potential for a bus to either route within the site or stop on Ratcliffe Road, which would improve accessibility for residents within the development and existing residents in the area.

The score should therefore be, at worst case Amber, albeit Green should the proposed bus diversion along Ratcliffe Road be realised.

Distance To Designated Village Centre (the Church)

- 2.14 Although the village centre is slightly beyond the preferred maximum distance of 800m in the IHT 'Guidelines for Providing for Journeys on Foot', it is within the commuting distance of 2000m and is therefore within practical walking distance from the site. The score should therefore be Amber.

Distance to GP/Heath Centre

- 2.15 As set out in the Transport Assessment submitted as part of the outline planning application, Highgate Medical Centre is 900m from the site, which is within the preferred maximum walking distance of 1200m in the IHT 'Guidelines for Providing for Journeys on Foot,' for the 'Elsewhere' category, which includes health facilities. The score therefore should be Amber.

Distance to Primary School

- 2.16 As set out in the Transport Assessment submitted as part of the outline planning application, Sileby Redlands Community Primary School is 1300m from the site, which is within the preferred maximum walking distance of 2000m in the IHT 'Guidelines for Providing for Journeys on Foot' for the 'Commuting/School/Sight-seeing' category. The score therefore should be Amber.

Gas/Oil Pipelines and Electricity Transmission Network

- 2.17 We are unclear which "utility cable" is being referred to, however the locations of all underground utilities have been considered as part of the site masterplanning and can be accommodated without re-siting or reducing the site's developable area. The score therefore should be Green.

Any Nuisance Issues – Light Pollution, Noise Pollution, Odour/Noxious Smell

- 2.18 The roundabout, delivered as part of the consented scheme, would hinder traffic from speeding down the hill; traffic noise is therefore no different from most other locations. The score therefore should be Green.

3. Summary

- 3.1 It is important that the site is assessed in the context of the approved Peashill Farm Phase 1 scheme, with the result of no loss of amenity for neighbours and an efficient and logical use of land and infrastructure. The consented development delivers a range of benefits including a generous open space network, a large children's play area and multi-use game area for older

children, allotments, future cemetery expansion space, new pedestrian and cycle connections to the north, and the provision of a mixed-use local hub centred around the farmstead, to potentially include community buildings and rural employment uses. The masterplan for Phase 2 has been designed to integrate fully with the Phase 1 area, efficiently sharing the highways access infrastructure, focused around the mixed-use hub and optimizing the sustainable drainage features.

- 3.2 The masterplan accords with best practice Green Infrastructure principles to sensitively integrate with the landscape context and provide a high-quality verdant setting for new homes. The site is private land and no PRoW cross it. A major benefit, should the site be developed, is that it will allow for public access and a range of tangible recreation opportunities.
- 3.3 In summary, we are concerned about the number of factual inaccuracies within the SSA and the absence of an adequate objective evidence base to substantiate the judgements made within it. Whilst it is acknowledged that the SSA has been undertaken as part of a non-professional and community-led process, it is essential (to ensure robustness) that the assessment is accurate and that judgements made are transparent and adequately reasoned. In EDP's professional opinion, the SSA's flawed methodology has resulted in the site being undervalued in the Neighbourhood Plan with regard it's capacity to deliver sustainable development. **Table EDP 3.1** below summarises the revised scoring,

Table EDP 3.1: Summary Table of Site Assessment Criteria

	NP Score	EDP score
Landscape Character Assessment/LVIA	Red	Amber
Important Trees, Woodlands or Hedgerows	Amber	Green
Local Biodiversity score	Red	Amber
Impact on the conservation area or its setting	Amber	Green
Safe pavement access to and from the site	Amber	Green
Impact on Existing Vehicular Traffic	Red	Amber
Safe vehicular access to and from the site	Red	Amber
Distance to Public Transport	Red	Amber (Green if including bus diversion along Ratcliffe Road)
Distance to designated village centre (the church)	Red	Amber
Distance to GP/Heath centre	Red	Amber
Distance to primary school	Red	Amber
Current existing formal/informal recreational opportunities on site	Amber	Green
Gas/Oil pipelines and Electricity transmission network	Amber	Green
Any nuisance issues – light pollution, noise pollution, odour/noxious smell	Amber	Green

Appendix C Response from Sileby PC February 2022



SILEBY PARISH COUNCIL

41 High Street
Sileby
Loughborough
Leicestershire
LE12 7RX

Mrs R Richardson
Clerk

18 February 2022

Mr Bal Tiwana
Stantec UK
61 Oxford Street
Manchester
M1 6EQ

Dear Bal

Sileby NDP - SSA report 8 – Peashill Farm Expansion

Thank you for emailed correspondence of the 28th January, in support of your clients Barwood, we respond as follows.

The SSA process is proven to be robust and has been supported by planning inspectors and at examination, it is both reasonable and proportionate for neighbourhood development plan making purposes. Delivering the right amount of housing in the "least worst" locations, in terms of overall sustainability cannot meet the commercial aspirations of all landowners and developers. A total of 22 sites delivering approximately 1,867 residential units have been offered to the parish through the SHELAA process, this is against an outstanding requirement for about 40 residential units for the neighbourhood plan period.

We can assure you that the NDP is being prepared positively and will meet local needs for the plan period. At Sileby there are several National developers competing with each other to deliver thousands of residential units, none of these schemes are needed locally and most will not be delivered.

To reiterate the introduction to the SSA report – "This Site Sustainability Assessment (SSA) is a comparison of potential residential sites in the Neighbourhood Development Plan (NDP) area. The level of detail provided is appropriate for this purpose and is proportionate to the requirement of meeting the Basic Conditions for a NDP. The SSA is not a substitute for detailed professional assessments of site viability and other legal or regulatory matters. The SSA is a community led process and does not contain the detailed professional site investigations required for a planning application and the SSA should be understood in this context".

In terms of specific factual details;

1. Landscape and visual amenity

Thank you for the additional information and observations, we have amended the contents of the SSA report and changed the score from red to amber.

2. Important trees and hedgerows

We have noted your comments and changed the wording in the attached SSA report and have also changed the score from amber to green in view of this additional information.

3. Local biodiversity score

Although we are sceptical about professional reports setting out "net biodiversity gains" from new development this SSA report is considering the current situation to allow a comparison between sites, so no change has been made to the scoring for this item.

The site still scores a red as a statutorily protected species (badgers) will be affected.

4. Impact on the conservation area

We have changed the wording of the report to reflect your comments, but we do not accept that building 175 residential units will have no effect upon the conservation area, so no changes to the SSA scoring have been made.

5. Current existing informal and formal recreation opportunities on site

It is accepted that the site is private and indeed, it does have a locked gate, but this does not alter the fact that it is actively used for informal recreation uses so the score has not been changed. Again, to reiterate, the SSA process is a proven and robust approach to compare all potential sites in an equal manner.

6. Impact on existing vehicular traffic

The current traffic conditions along this road in to Sileby are already very problematic, particularly at peak times or when other routes in and out of the settlement are non-passable due to surface water flooding, this causes a great deal of concern and serious congestion locally. The current problems are well documented but we have kept the score as red for this item as the SSA process is looking at present conditions and comparing these between sites. An additional 175 units in this location will demonstrably have a major negative traffic impact.

7. Distance to public transport

The scoring matrix used for this is SSA process has been agreed to fit in with the overall size of the built form, the score of red has not been changed although your comments have been noted.

8. Distance to designated village centre

The walking distance is over 1000m and to repeat the response to item 7, this is a SSA process designed for the needs of Sileby and the people living there, there is therefore no change to the score for this item.

9.Distance to GP- Health Centre

The walking distance is over 900m and to repeat the response to item 7, this is a SSA process designed for the needs of Sileby and the people living there, there is therefore no change to the score for this item.

10. Distance to Primary School

The walking distance is over 1300m and to repeat the response to item 7, this is a SSA process designed for the needs of Sileby and the people living there, there is therefore no change to the score for this item.

11. Utility cable

As a utility cable will require re-siting this location scores an amber for this item, it is accepted that this is very straightforward to facilitate and a normal part of site development. The aim of the SSA process is to compare all of the 22 potential sites across a wide range of indicators.

12. Nuisance issues including noise

Thank you for the additional information, the score in the SSA report has been changed from amber to green in view of the additional information you have provided.

Yours sincerely



Cllr Mrs E Astill
Chair of the Neighbourhood Plan Advisory Committee

Appendix D Stantec Submission to Neighbourhood Plan Group March 2022

08 March 2022

Our Ref: L/edp4729/WG/fj

Cllr Mrs E Astill
Sileby Parish Council
41 High Street
Sileby
Loughborough
Leicestershire
LE12 7RX

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Dear Cllr Astill,

Land at Peashill Farm, Ratcliffe Road, Sileby, Phase II

Thank you for your response dated February 18th in relation to Sileby NDP Report 8.

We're delighted to see that you have revised a number of the scorings within the SSA report. There are a few points of clarification that we would like to provide in relation to ecological and heritage matters.

- Local biodiversity score, as detailed within the submitted report, whilst two records for badgers were returned by LRERC within 1km of the site. These records are confidential, they were only provided to an accuracy of a 1km grid square. The records dated from 2000 and 2001 for badgers that were dead in the road. An individual badger was observed in the southern corner of the site during the bat transect survey in May 2018. No setts or other evidence of badgers has been recorded within the site during any of the surveys, and therefore at the present time the species is considered likely to be using the site for opportunistic foraging. Badgers are highly mobile and frequently establish new setts, but there has been no evidence of badger setts within the site for the last 6 years of survey. Therefore, this score must be amended; and
- Impact on Conservation Area, Sileby Conservation Area is located c. 930m to the north-west of the site and broadly covers the medieval and post-medieval core of the settlement, excluding most of the Victorian and later expansion (CBC 2007. 3). Generally speaking, Sileby developed as a linear settlement along High Street and Barrow Road (ibid. 8), off which later roads now radiate. The site is notably distant from this asset and is separated by Victorian and modern development. Indeed, the implementation of the consented Phase 1 development has further separated the site and the conservation area. The site does not contribute to the significance of this asset, and this matter is not being considered any further by CBC's Conservation Officers due to the lack of any

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**Landscape
Institute**
Registered practice

heritage constraints with regard the site. Accordingly therefore, this score must be amended.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Will Gardner', with a long horizontal flourish extending to the right.

Will Gardner

Director

Tel: 07342 692428

Email: willg@edp-uk.co.uk

Appendix B: Charnwood LP Inspectors' Note and MIQs August 2022

Charnwood Local Plan Examination

Inspectors - Mrs S Housden BA (Hons) BPI MRTPI &
Mr Hayden Baugh-Jones BA(Hons) DipLA MA CMLI
Programme Officer – Mr Ian Kemp
idkemp@icloud.com
07723 009166

EXAMINATION CONSULTATION ON LEICESTER AND LEICESTERSHIRE HOUSING AND EMPLOYMENT LAND NEEDS

GUIDANCE NOTE

The Inspectors' role in the Examination

1. We have been appointed by the Secretary of State to examine the soundness of the Charnwood Local Plan and whether it meets the requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations. The Plan being examined is the 'Charnwood Local Plan 2021 – 37 Pre-Submission Draft July 2021' (the Plan).
2. The National Planning Policy Framework (July 2021) (NPPF) makes clear that, to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. There are three possible outcomes to the Examination:
 - the submitted plan is sound;
 - the submitted plan is not sound but could be made sound by changes (known as *main modifications*), if necessary following additional work; or
 - the submitted plan is not sound and could not be made sound by changes.
3. Following the close of the hearing we will prepare a report to the Council with our conclusions. Our report will deal with broad issues rather than with individual representations.

The Programme Officer

4. The Programme Officer for the examination is Mr Ian Kemp. For the purposes of the Examination, he is working under our direction independently of the Council. He can be contacted using the details at the head of this note.

5. The main tasks of the Programme Officer are to act as a channel of communication between all parties and us, to liaise with the parties to ensure the smooth running of the Examination, to ensure that all documents received are recorded and distributed and to run the Examination Library. Copies of supporting evidence documents can be found on the Examination website <https://www.charnwood.gov.uk/pages/examination>. This is hosted on the Council's website, but its content is controlled by the Inspectors and the Programme Officer.
6. Any participant who does not have access to the internet should contact the Programme Officer to arrange access to the library. Any procedural questions or other matters that you wish to raise should be made through the Programme Officer.

Background to the Examination Consultation

7. The Plan was submitted for Examination on 3 December 2021 and the hearing opened on 28 June 2022. The submitted Plan does not address Leicester's unmet housing need. However, at the hearing session on 28 June 2022, the Council indicated that it would be willing to meet Charnwood's apportionment of Leicester's unmet housing need through this Plan, rather than as part of any Plan review. This is a significant change and, as a result, the hearing sessions scheduled for weeks two and three were adjourned to allow for a period of consultation on any new evidence to be undertaken. This consultation therefore relates to the Leicester & Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG) (Exam 43) and the evidence documents underpinning the updated SoCG.
8. Everyone who responded to the Regulation 19 Pre Submission Local Plan consultation is being contacted to inform them of the consultation on the new documents. If you have previously submitted representations on the Plan, these will be considered as part of the Examination and it is not necessary to repeat those. However, if you have any new comments to make in response to the new evidence documents set out below, this note provides further guidance on how to respond and the arrangements for the hearing session on Leicester and Leicestershire's housing and employment land needs.

Consultation

9. The following documents are available as part of the consultation:

- Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG) (Exam 43)
 - Leicester and Leicestershire Housing and Economic Needs Assessment Final Report (HENA) (Exam 44a), Executive Summary (June 2022) (Exam 44b) and Appendices (Exam 44c)
 - Leicester and Leicestershire Housing and Economic Needs Assessment – Housing Distribution Paper (June 2022) (Exam 45)
 - Leicester and Leicestershire Housing and Economic Needs Assessment – Employment Distribution Paper (June 2022) (Exam 46)
 - Leicester and Leicestershire Statement of Common Ground Sustainability Appraisal Report (SA) (Exam 47a) and Non-Technical Summary (June 2022) (Exam 47b)
10. These documents are available on the Examination website <https://www.charnwood.gov.uk/pages/examination>. If you do not have access to the internet, please contact the Programme Officer using the details provided above to make alternative arrangements.
11. Comments on the above documents should be made by responding to the Inspectors' Matters, Issues and Questions (MIQs) that have been published alongside this Guidance Note. When responding, you should ensure the following:
- responses should be no more than 3000 words and within this limit they should be kept as short as possible. Appendices should not be submitted. As the Council must answer all the questions put, it is not subject to the word limit.
 - clearly identify the number(s) of the question(s) being answered;
 - include the name of the representor and a cross reference to the original representation, this should be by representation number which is available from the Programme Officer.
12. Responses should be submitted in an electronic format to the Programme Officer by 12 noon on 26 September 2022 using the contact details provided above. Paper copies of statements are not required but if you wish to submit in that format, please contact the Programme Officer to make the necessary arrangements. Unless there are exceptional circumstances, late submissions will not be accepted.

13. Responses will be posted on the Examination website, so that they are available to all participants and to anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. However, anyone who is unable to access them on the website should contact the Programme Officer to make alternative arrangements for viewing.
14. Aside from the responses to the MIQs, no other written evidence will be accepted, unless we specifically request it. The hearing session should not be used to introduce new evidence.

Participation at the Hearing Session

15. The Leicester & Leicestershire Housing and Employment Land Need hearing session will take place on **25 and 26 October 2022** and will be held at The Victoria Room, Loughborough Town Hall, Market Place, Loughborough, Leicestershire LE11 3EB. The timing for the resumption of the remaining hearing sessions which were adjourned will be made available on the Examination website.
16. The hearing session will run between 09:30 and 13:00 and 14:00 and 17:00 each day. A short break will usually be taken mid-morning and mid-afternoon. There may be a need for flexibility on finishing times to finish the session. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing session.
17. Anyone who considers that it is necessary for them to participate in the Leicester and Leicestershire's housing and employment land need hearing session should confirm attendance with the Programme Officer by 26 September 2022 (12 noon). Please note that if you do not contact the Programme Officer by that date, it will be assumed that you do not wish to appear and you will not be listed as a participant. Only one participant is allowed per representor. However, in view of their position in covering the whole Plan more Council representatives may take part.
18. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the hearing. However, we may invite additional participants to take part if that would assist us in determining the soundness and legal compliance of the plan.
19. Written representations carry the same weight as those made at the hearing session and we shall have equal regard to views put at the hearing or in writing. Attendance at the hearing session will only be useful and helpful to us if you wish to participate in the discussion.

Format of the Hearing Session

20. The MIQs will form the basis of the discussion at the hearing session which will take the form of a roundtable discussion which we shall lead. They will not involve the formal presentation of cases by participants or cross-examination. The hearing session will be open to all to observe.
21. If you wish to participate at the hearing session, provided that your response to the MIQs is provided within the timescale set out above, it will be treated as a hearing statement and it will not be necessary to submit any further written material.

Privacy

22. The hearing session will be conducted in line with the Council's data protection policies and processes as set out here:
<https://www.charnwood.gov.uk/pages/privacynotice>

Changes to the Plan

23. The starting point is that the Council has submitted a Plan which it considers to be sound and ready for Examination. At this stage, there are only two means by which changes can be made to the submitted Plan:
 - (1) main modifications recommended by the Inspectors;
 - (2) additional modifications made by the Council on adoption.
24. However, we can only recommend main modifications if they are necessary to resolve problems that would otherwise make the submitted Plan unsound or not legally compliant.¹ Main modifications are changes which, either alone or in combination with others, would materially alter the Plan or its policies. Any potential main modifications must be subject to consultation and further Sustainability Appraisal and assessment under the Habitats Regulations might also be needed.
25. 'Additional modifications' are those changes which would not materially affect the policies in the Plan². They are made by the Council on adoption and are also sometimes referred to as 'minor modifications.' They are likely to include corrections of typographical errors, factual updating and consequential changes. The Council is

¹ Under section 20(7B) & (7C) of the planning and Compulsory Purchase Act 2004

² S23(3)(b) of the PCPA 2004 "... if the additional modifications (taken together) do not materially affect the policies ..."

accountable for any such changes and they do not fall within the scope of the Examination.

26. The Council has proposed some additional modifications to the plan in the 'Schedule of Proposed Minor Modifications' (SD/12). In their letter of 21 February 2022 (EXAM 1A) the Council has formally requested us to recommend main modifications that may be necessary to rectify matters of soundness or legal compliance. The Council has also prepared a table of main modifications (Exam 4) and further changes will be discussed as the hearing sessions progress. However, it is important to note that the basis for the Examination is the submitted Plan not including the suggested changes.
27. Please note that following the hearing session on Housing and Employment Land Needs, any main modifications that are necessary to make the Plan legally compliant or sound will be discussed at the resumed hearing sessions in due course.

Key Dates

26 September 2022 (12 noon) – deadline for responses to MIQs and to confirm with the Programme Officer whether you wish to exercise your right to be heard at the Leicester and Leicestershire Housing and Employment Land Needs hearing session.

25 October 2022 - Hearing session begins

Further Information

28. Further information about the examination of Local Plans can be found in the Planning Practice Guidance <https://www.gov.uk/guidance/local-plans>, the [Procedure Guide for Local Plan Examinations \(February 2022\)](https://www.gov.uk/guidance/taking-part-in-local-plan-examinations), and Local Plans: Taking Part in Examinations <https://www.gov.uk/guidance/taking-part-in-local-plan-examinations>.

Sarah Housden and Hayden Baugh-Jones

INSPECTORS

Charnwood Local Plan Examination

Inspectors - Mrs S Housden BA(Hons) BPI MRTPI &
Mr Hayden Baugh-Jones BA(Hons) DipLA MA CMLI

Programme Officer – Mr Ian Kemp

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EXAMINATION CONSULTATION ON LEICESTER AND LEICESTERSHIRE HOUSING AND EMPLOYMENT LAND NEEDS

MATTERS, ISSUES AND QUESTIONS (MIQs)

Important: These Matters, Issues and Questions should be read in conjunction with the Inspectors' Examination Consultation Guidance Note which is available on the Examination website

<https://www.charnwood.gov.uk/pages/examination>

References in brackets () are to the document references in the Examination Library, which can be found on the website

Abbreviations

NPPF – National Planning Policy Framework

PPG – Planning Practice Guidance

Key Documents

Leicester and Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (SoCG) (Exam 43)

Leicester and Leicestershire Housing and Economic Needs Assessment Final Report (HENA) (Exam 44a), Executive Summary (June 2022) (Exam 44b) and Appendices (Exam 44c)

Leicester and Leicestershire Housing and Economic Needs Assessment – Housing Distribution Paper (June 2022) (Exam 45)

Leicester and Leicestershire Housing and Economic Needs Assessment – Employment Distribution Paper (June 2022) (Exam 46)

MATTER 10: LEICESTER AND LEICESTERSHIRE HOUSING AND EMPLOYMENT LAND NEEDS

- 10.1 What is the up to date position with the signing of the SoCG (Exam 43) by the Leicester and Leicestershire authorities (including the County Council)? Are there any implications for Plan preparation by the authorities and if so, what are they?

Issue 1 – The Assessment of Housing Need

Context

The Planning Practice Guidance (PPG) states that there is an expectation that the standard method for assessing housing need will be used and that any other method will be used only in exceptional circumstances. The PPG also indicates that the standard method provides a minimum starting point and that there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. Such circumstances would include where an authority agrees to take on unmet need from neighbouring authorities, as set out in a SoCG. (PPG References 2a-003-20190220 and 2a-010-20201216).

- 10.2 Is the HENA (Exam 44a) assessment of Leicester and Leicestershire's housing need from 2020 to 2036 (91,408 dwellings) based on a robust assessment of relevant factors? Are there any exceptional circumstances which would justify planning for a lower or a higher figure?
- 10.3 What implications, if any, do the levels of net migration in the 2018 Sub National Household Projections compared with the 2014 projections (on which the standard method is based) have for the standard method of assessing housing need for Leicester and Leicestershire? Is the use of an alternative internal migration assumption justified and if so, why? (Table 5.13)
- 10.4 Is the minimum local housing need figure for Charnwood from 2020 to 2036 of 1,111 dwellings set out in the HENA (Table 13.1) robust and justified? Does the evidence in the HENA update any of the assumptions used in the Charnwood Housing Needs Assessment (EB/HSG/1)?
- 10.5 Notwithstanding that the Charnwood Local Plan has been submitted for Examination, is the use of 2020 affordability data for Charnwood (HENA para 8.13) justified? Would the use of 2021 affordability data for

Charnwood feeding into the standard method affect the calculation of housing need for Charnwood in Table 8.1? If so, how?

- 10.6 What are the implications, if any, of Charnwood having a 12% increase in population 2011-19 but a 9.2% increase in dwelling stock over the same period as indicated in the HENA (Table 5.16)? Does this point to a level of suppressed household formation which would justify an uplift in the level of need? Does this trend have any implications for the future distribution of development as indicated at paragraph 5.36 of the HENA?

Issue 2 – The Scale of the Unmet Need for Housing

Context

The SoCG (Appendix B) (Exam 43) states that Leicester's minimum local housing need from 2020 - 2036 is 39,242 dwellings (2,464 dwellings per year) and the supply over the same period is 20,721 dwellings. The SoCG (paragraph 3.20) indicates that the residual unmet need of 18,700 dwellings will be tested through the Leicester Local Plan.

- 10.7 Is the 18,700 dwelling figure a reasonable working assumption for Leicester's unmet need from 2020 to 2036 as set out in the Housing Distribution Paper (paragraph 3.7) (Exam 45) and the SoCG (paragraph 3.19), pending further testing through the Leicester Local Plan? Is it a reasonable basis on which to apportion the unmet need across the Leicestershire authorities?
- 10.8 Why is an unmet need of 15,900 dwellings tested through the Sustainability Appraisal (Exam 47a) and how was this figure arrived at? Has the figure of 18,700 dwellings been tested?
- 10.9 If the scale of the unmet need of 18,700 dwellings changes as a result of the Leicester Local Plan Examination, how would this be addressed by the respective Leicester and Leicestershire local authorities under the Duty to Cooperate? What would the implications be for plan making in other authorities in the Housing Market Area?

Issue 3 – Apportionment of the Unmet Housing Need

Context

The PPG states that the cities and urban centres uplift is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations (PPG Reference: 2a-035-20201216).

10.10 The Housing Distribution Paper (paragraph 7.3) (Exam 45) refers to the proposed distribution of the unmet need as an 'interim arrangement'. What does this mean, is it justified and how would any changes to the evidence or other circumstances be dealt with?

10.11 Are the following factors set out in the Housing Distribution Paper a robust and logical basis for the apportionment of the unmet need of 18,700 dwellings to 2036:

- the functional relationships between the respective Leicestershire authorities and Leicester City based on migration and commuting patterns;
- balancing the provision of jobs and homes;
- deliverability, based on potential supply, the rate of housing growth and adjustments to support a sustainable and deliverable distribution of development.

Are there any other relevant factors which should be taken into consideration?

10.12 Is the proposed 1.4% 'cap' to the redistribution of housing provision justified as a general approach and in relation to Charnwood in particular? What effect does the 1.4% cap applied to Charnwood have on the redistribution of the residual unmet need across the other Leicestershire authorities?

10.13 Have land supply, capacity and constraints issues been assessed in the apportionment of the unmet need? If not, how will these matters be addressed?

10.14 What role will the review of the Strategic Growth Plan (EB/DS/6) have in the distribution of housing growth across the Leicester and Leicestershire Housing Market Area in the longer term?

10.15 How has the SoCG Sustainability Appraisal report (Exam 47a) informed the apportionment of the unmet need?

10.16 Overall, is the apportionment of 78 dwellings per year to Charnwood over the period 2020 - 2036 to contribute towards the unmet need of 18,700 dwellings justified by the evidence, robustly based and will it support a sustainable pattern of development as required by NPPF paragraph 11?

Issue 4 – The Assessment of Employment Need

Offices

- 10.17 Does the labour demand model provide the most robust method of representing future needs and does the use of a 'sensitivity' model of a 30% reduction in the labour demand need for office space (paragraph 7.20) (HENA) provide sufficient certainty around the parameters for office floor space and job needs post-pandemic?

Research and Development (R&D)

- 10.18 What is the justification for including R&D gross completions data within overall office needs (paragraph 7.32) (HENA) (Exam 44a)? Is the use of gross completions data rather than the labour demand figures a robust basis for assessing R&D land needs?

Industrial and Local Distribution and Warehousing (less than 9,000 sqm)

- 10.19 Is the assumption that older premises will continue to be lost, and thus will need replacing, robust (paragraph 7.33) (HENA)? Is the use of projected gross completions a robust basis for assessing industrial land needs?
- 10.20 What local employment land study work has taken place to date to assess the potential for, and the likelihood of, the recycling of sites on existing industrial areas?
- 10.21 Is the 7.5% uplift to improve vacancy rates in industrial and local distribution in relation to churn and market choice, robust (paragraph 7.38) (HENA)?
- 10.22 How will assessments of market performance and thus the appropriateness of planning policy figures be monitored to ensure planning policy is sufficiently responsive over the plan period?

Issue 5 – Apportionment of the Unmet Need for Employment

- 10.23 Are the following factors set out in the Employment Distribution Paper (Exam 46) a robust and logical basis for the apportionment of the unmet need for 23 hectares of employment land to 2036:
- Location of authorities adjoining Leicester given their accessibility to the city and associated supply of labour (Charnwood, Blaby, Harborough, Oadby and Wigston);

- Proximity to the City, preferably adjacent to the existing urban area;
- Sites well connected to the City by A roads and ideally connected to the wider strategic network (A road/motorway network).

- 10.24 Is meeting all of the unmet need for 23 hectares of employment land within Charnwood justified? Will it meet the need for different types of employment land in a choice of locations and promote sustainable patterns of development as required by paragraph 11 of the NPPF?
- 10.25 Should some of the unmet need be apportioned to any of the other Leicestershire authorities based on the factors outlined above?
- 10.26 What consideration has been given to meeting a proportion of the unmet need in Blaby over the longer-term in order to contribute towards maintaining an attractive supply of employment sites in the Leicester area?
- 10.27 Is the apportionment of all of the unmet need for employment land to Charnwood justified by the evidence and will this be effective in meeting the employment land needs of the Functional Economic Market Area as a whole? Does this allow for flexibility and choice?