From: Carr, Bethany (Avison Young - UK) <Bethany.Carr@avisonyoung.com>
Sent: 20 August 2021 16:50
To: localplans@charnwood.gov.uk
Cc: Alsbury, Craig (Avison Young - UK)
Subject: Regulation 19 - Charnwood Local Plan Consultation Representations
Attachments: Response Form - Charnwood Local Plan.pdf; Riggets Green, Cotes - CBC Reg 19 Representations.pdf; Riggets Green, Cotes Delivery Statement - Appendix 1.pdf

Good Afternoon,

Please find attached representations to Charnwood's Regulation 19 Pre-Submission Draft Local Plan consultation on behalf of our clients Jelson Homes and Davidsons Homes.

Due to the file size, please find the appendices associated with the attached Riggets Green, Cotes Delivery Statement linked below:
https://gva.box.com/s/9ga962esigetv4ytw3jhuv4e2xgakux8

For completeness our submission includes:

- Completed Response Form
- Regulation 19 Representations
- Riggets Green, Cotes – Delivery Statement (Appendix 1 to the Representations)
- Riggets Green, Cotes – Appendices to the Delivery Statement (as linked)

I would be grateful if you could confirm receipt of this submission by return email.

Should you require any further information or have any issues in accessing the above link, please do not hesitate to contact me.

Kind regards,
Bethany

Bethany Carr MRTPI
Planner
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Charnwood	**Charnwood Local Plan 2021-2037** Publication Stage Representation Form	**Ref:** **(For official use only)**

Please return to Charnwood Borough Council by 5PM on 23rd August 2021 by:

- **Email: localplans@charnwood.gov.uk**
- **Post: Local Plans, Charnwood Borough Council Southfield Road, Loughborough, LE11 2TX**

The Privacy Statement can be found at: www.charnwood.gov.uk/privacy

This form has two parts –
Part A – Personal Details: need only be completed once.
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*		2. Agent's Details (if applicable)
Title		Mr
First Name		Craig
Last Name		Alsbury
Job Title (where relevant)		Principal
Organisation (where relevant)	Avison Young (on behalf of Jelson Homes and Davidsons Developments Ltd)	Avison Young
Address Line 1		3 Brindleyplace
Line 2		Birmingham
Line 3		
Line 4		
Post Code		B1 2JB
Telephone Number		0121 609 8445

If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.

E-mail Address (where relevant) | craig.alsbury@avisonyoung.com

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph | Policy | Policies Map

4. Do you consider the Local Plan is (please tick as appropriate):

4.(1) Legally compliant	Yes		No	
4.(2) Sound	Yes		No	
4 (3) Complies with the Duty to co-operate	Yes		No	

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.
If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the supporting representations and associated documents enclosed within this submission which covers Jelson Ltd's position on all aspects of the Regulation 19 Pre-submission Draft Consultation Plan.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the supporting representations and associated documents enclosed within this submission which covers Jelson Ltd's position on all aspects of the Regulation 19 Pre-submission Draft Consultation Plan.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

	No, I do not wish to participate in hearing session(s)	X	**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Again, please see the supporting representations and associated documents enclosed within this submission.

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

9. Signature: [redacted] Date: 19.08.2021

Guidance Note for Representation Form

1. Introduction

1.1. The plan has been published by the Local Planning Authority [LPA], Charnwood Borough Council, in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The *Planning and Compulsory Purchase Act 2004*, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by the LPA.

1.2. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has made representations on the plan. The LPA will therefore ensure that the names of those making representations can be made available (including publication on the LPA's website) and taken into account by the Inspector.

2. Legal Compliance and Duty to Co-operate

2.1. You should consider the following before making a representation on legal compliance:

- The plan should be included in the LPA's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.

- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement [SCI] (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications.

- The LPA is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

- In London, the plan should be in general conformity with the London Plan (formally known as the Spatial Development Strategy).

- The plan should comply with all other relevant requirements of the PCPA and the *Town and Country Planning (Local Planning) (England) Regulations 2012*, as amended [the Regulations].

2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires the LPA to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. The LPA will be expected to provide evidence of how they have complied with the duty.

- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

3. Soundness

3.1. The tests of soundness are set out in paragraph 35 of the National Planning Policy Framework (NPPF). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or, in London, the London Plan)?

- Is the issue with which you are concerned already covered by another policy in this plan?

- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?

- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in paragraph 3.1 above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

4.2 You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan has been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

4.3. Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4.4. Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.

Delivery Statement

Proposed Residential Development

Riggets Green

Cotes, Loughborough

August 2021

AVISON YOUNG

Contents

1. Introduction, Background and Purpose....2
2. The Site and Surrounding Area....6
3. The Proposed Development....8
4. Technical and Environmental matters....12
5. Sustainability....54
6. Deliverability....58
7. Benefits of the Proposal....65
8. Conclusions....66

Appendices

1. Promotional Document
2. Newsletters 1 – 4
3. Illustrative Masterplan
4. Green Infrastructure Plan
5. Landscape and Visual Appraisal – FPCR
6. Arboricultural Summary – FPCR
7. Agricultural Land and Soils Assessment - LRA
8. Heritage Assessment – RPS
9. Flood Risk and Drainage Sensitivity Modelling Technical Note – PJA
10. Surface Water Drainage Strategy - PJA
11. Transport Assessment – PJA

Prepared By: Craig Alsbury (Principal), Bethany Carr (Planner), and Rose Sanger (Graduate Planner)
Status: Final
Date: August 2021

For and on behalf of Avison Young (UK) Limited

1. Introduction, Background and Purpose

Introduction

1.1 Avison Young is instructed by Jelson Homes ('Jelson') and Davidsons Developments Ltd ('Davidsons') to promote land at Cotes, known as Riggets Green ('the site'), for development with a new sustainable neighbourhood as part of the expansion of Loughborough. Our objective, in the short-term, is to have the land allocated for development in the emerging Charnwood Local Plan.

1.2 The site is owned by the Prestwold Estate ('the Estate'). The Estate has extensive landholdings in this part of Leicestershire and a vested interest in ensuring that what is delivered creates a high quality, sustainable and lasting legacy.

1.3 The development is being promoted by two of the region's leading house builders - Jelson and Davidsons, both of whom are vastly experienced, locally based, and have a proven track record of delivering high quality places in Charnwood Borough.

1.4 This combination of a willing and interested landowner, and experienced housebuilders, means that the site offers an immediate opportunity to deliver an outstanding development in a highly sustainable location just 1km from the Borough's principal town. This is, therefore, a unique proposition and one that will contribute significant to the delivery of homes and sustainable outcomes consistent with the provisions of the NPPF and the Council's planning objectives.

Background and Purpose of Document

1.5 In 2013, Jelson and Davidsons applied for outline planning permission for the development of a similar site with up to 975 dwellings, 5.5ha of employment development, a primary school, local shopping facilities, a sewage treatment facility and green and blue infrastructure (Appn. Ref. P/13/1842/2).

1.6 Planning permission was refused in July 2014 on four grounds relating to:

- flood risk (including the potential impact of flooding on travel between the development and Loughborough);
- the deliverability of the proposed local centre and employment development;
- the sustainability credentials of the proposals in terms of walking and cycle connections into Loughborough; and

- concerns about impacts on heritage assets.

1.7 Since then, Jelson has taken the lead role in promoting the site and has engaged with Council Officers, Members and local people with a view to both further exploring the merits of the proposals and offering the site for allocation in the Local Plan. As part of this engagement Jelson has published a Vision Document and four newsletters which demonstrate how the site can be delivered in sustainable manner. These can be found at **Appendix 1 and 2**.

1.8 Jelson has also undertaken further work on key technical matters (i.e. those that have the potential to impact on deliverability and those that were flagged by the Council back in 2014) and has made appropriate representations at each relevant stage of the Local Plan-making process. In the light of its technical work, Jelson has made some amendments to the masterplan for the site (see below for a detailed description of the proposals).

1.9 Notwithstanding the work that Jelson has done, and the representations it has made through the Plan-making process, it has been unable to persuade the Council to allocate the site. Given the very obvious merits of the site and the proposals, it is not clear why.

1.10 Jelson will continue to engage in the Plan-making process and will continue to press for the site to be allocated. It firmly believes, and will evidence through the Examination in Public, that the Local Plan will not be sound without providing for the development of this land. The Plan needs to contain a spatial strategy that focuses more development on Loughborough, better reflects the Borough's settlement hierarchy and avoids unnecessary environmental and social impacts. Developing the Cotes land will address all three of these issues.

1.11 To assist the Examination of the Local Plan and, in particular, to address any questions that may arise about the contribution that the site can make to the Borough's sustainable growth, Jelson has commissioned this document. Its purpose is to examine and address the reasons why the 2013 planning application was refused and to demonstrate that the proposals for the site are both deliverable and highly sustainable.

Key Findings

1.12 Critically, the Statement and the supporting technical work clearly demonstrates that:

i) the site is in a highly sustainable location. Future residents would be able to access the centre of Loughborough in 30 minutes on foot, in 10 minutes by bicycle and in 7 minutes by bus.

Loughborough train station is even closer and the majority of Loughborough's employers are on the eastern side of the town and so just a stones throw from the site;

ii) the development would be large enough to sustain many of the services and facilities that future residents would need on a day to day basis, including local shops, a Primary School, healthcare facilities, sports, recreation and leisure facilities, and employment development, thus further reducing the need for residents to travel;

iii) this site does not form part of a valued landscape in NPPF terms and is not within a Green Wedge or Area of Separation. The landscape is assessed as being of medium to high sensitivity but has medium to high capacity to accommodate growth (on the Council's own assessment). The proposals are well considered in landscape terms and reflect the context provided by the Soar Valley. The proposals have the ability to successfully integrate into the area without giving rise to any unacceptable adverse effects. Indeed, at year 15 the effects of the proposals are assessed as either moderate or minor adverse only;

iv) the site has relatively little ecological value currently and a carefully designed development, with appropriate green and blue infrastructure could deliver significant gains in terms of biodiversity;

v) the site contains a mixture of Grade 3b, 3a, and Grade 2 agricultural land. The amount of Grade 3a and 2 land that would be lost to the proposed development is not significant in the Charnwood context and is not a factor that should weigh heavily against what is otherwise a highly sustainable proposal;

vi) there are a small number of designated heritage assets close to the site including the earthworks of the former Cotes medieval village (a SAM), the surviving walls of the former Old Hall and its gardens (Grade II listed), two Farmhouses (Grade II listed) and three bridges (Grade II listed). The proposed development would not have a direct, physical impact on any of these assets and would have only a modest impact on their settings. Overall, both Jelson's consultants, and the Council's consultants, have concluded that the proposed development would cause 'less than substantial harm' in heritage terms. In respect of other designated heritage assets that are further afield (including Prestwold Hall, Stanford Hall and Church of St John the Baptist at Stanford, the proposals would cause no harm at all;

vii) the proposed buildings would all be sited within Flood Zone 1 and the proposed development poses no threat in terms of flood risk off site. The adjacent A60 passes through the River Soar floodplain and floods occasionally. If the A60 were to become impassable for a period, future

residents would either rely on the services and facilities provided on site or would access Loughborough or other high order settlements via different routes; and

viii) the has never been an objection to the proposals in traffic / transportation terms and, because of the site's proximity to Loughborough, it has the potential to delivery highly sustainable outcomes in this regard whereby walking, cycling and public transport offer genuine alternatives to the private car

Structure of Statement

1.13 The remainder of this Statement is structured as follows:

- **Section 2** - describes the application site and surrounding area;
- **Section 3** - describes Jelson's proposals for the site;
- **Section 4** – addresses the key technical and environmental matters and provides summaries of recent assessments of the proposals (full details of these assessments are contained within the Appendices);
- **Section 5** – looks at the sustainability credentials of the site and the proposals;
- **Section 6** – considers the matter of deliverability;
- **Section 7** – examines the benefits that the proposed development would deliver; and
- **Section 8** – draws the assessment together and provides a series of conclusions.

2. The Site and Surrounding Area

2.1 The site lies just 1km east of Loughborough, in the hamlet of Cotes. It extends to about 128ha and straddles Stanford Lane to the west and the A60 Loughborough Road to the east.

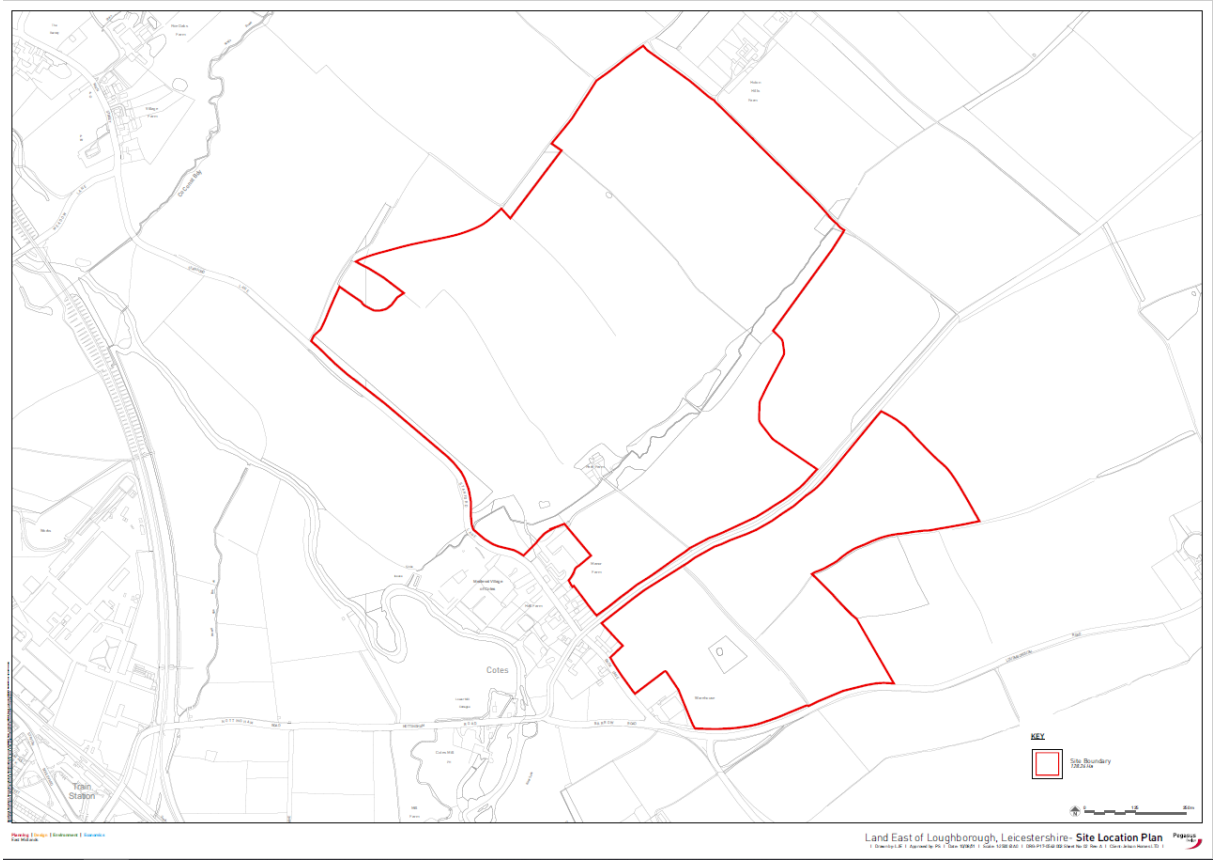


Figure 1: Site Location Plan

2.2 The site is greenfield and consists mainly of intensively farmed arable land, with areas of woodland, hedgerows, a watercourse, a pond, as well as farm buildings associated with Park Farm.

2.3 To the immediate east of Loughborough is the River Soar and beyond the River the land to the east rises to form the valley side, the high point of which is beyond the site. Within the site the topography varies, with some fields being generally flat and others sloping. The Fishpond Spinney Brook carves a shallow valley through the site and the fields to the north west of this rise to a ridge, beyond which views are available over to East Midlands Airport and Ratcliffe on Soar to the north west, and Stanford Hall to the north.

2.4 The settlement of Cotes extends along Stanford Lane and Back Lane and comprises mainly of homes and a small number of business premises. Back Lane is closed to traffic at its junction with the A60.

2.5 The A60 is one of the principal routes into Loughborough from the east and carries two bus services (routes 8 and 9) which link the town to surrounding settlements. A third bus service (route 1) runs from Nottingham to Loughborough with the closest stop located just north west of the site on Meadow Lane. Loughborough train station is located on the eastern side of the town centre and is just a 20-minute walk or a 5-minute cycle ride from the site. Loughborough Station is on the Midland Mainline and so, from here, there are frequent and regular services to the likes of Leicester, Bedford, Luton, London, Derby, Nottingham, Chesterfield and Sheffield.

2.6 Loughborough is the principal settlement in Charnwood and is home to a wide range of services, facilities, shops, businesses and one of the UKs top ranked universities.

3. The Proposed Development

3.1 Jelson has developed an illustrative masterplan for the site which shows a development consisting of approximately 1,450 dwellings homes, a local centre, a primary school, 5.5ha of employment development and significant amounts of green infrastructure. A copy of this is attached at **Appendix 3**.

3.2 The masterplan is underpinned by a detailed assessment of the site's opportunities and constraints as well as an analysis of national and local planning policy requirements. At the heart of the masterplan is a desire to create a development that:

- respects and integrates with Cotes;
- relieves Cotes of traffic related pressures;
- respects its rural setting and is designed and laid out so as to ensure the development nestles into the landscape;
- is landscape and green infrastructure led and, thus, contains a large quantity of natural, semi-natural and formal green spaces that both reflect the site's rural context and also provide future residents with a wide choice of healthy spaces that they can use for leisure and recreation;
- has a fully integrated network of sustainable urban drainage features which take full account of climate change;
- delivers a good range of shopping and community facilities that satisfy the day to day needs of future residents, and together with new employment development, combine to reduce the need for residents to travel;
- is well connected to Loughborough by sustainable modes to of travel, including by walking and cycling routes that are safe and convenient to use; and
- delivers a full range of high quality market and affordable homes, therefore, making a significant contribution to addressing Charnwood's housing needs whilst also creating a great place.

Character Areas

3.3 The masterplan for the site shows a development consisting of four distinctive neighbourhoods, each designed having regard to local topography, views and the character and appearance of its immediate surroundings. The four character areas are:

- Fishers Walk – which sits at the heart of the new community and is the place where the neighbourhoods converge. It is here where the local centre, primary school and employment development will be located;
- Riggets Wood – which occupies the northern part of the site and takes its name from the spinney lying on the north-east boundary. Here, homes will be surrounded by natural green spaces which blend the scheme into the landscape. It is also here where a large percentage of the site's formal playing pitch provision will be made;
- The Hilltop – where Stanford Lane will connect into the site and will divert traffic away from the heart of Cotes. The housing in this part of the site will sit well below the ridgeline to the north and the upper part of the site here will be given over to natural green spaces containing footpaths, leisure routes and nature trails; and
- The Rambles – which will comprise that part of the development which lies closest to and integrates the scheme with Cotes itself. The housing here will be unique and reflective of its proximity to the historic core of the hamlet.

Green and Blue Infrastructure

3.4 The masterplan provides for the creation of 57.96ha of natural and semi natural green spaces including walking and leisure routes, 3.13ha of playing pitches onsite and an additional 4.14ha offsite, 1.42ha of child's play spaces, 0.4ha NEAPs, 0.47ha LEAPS, and 1ha of allotments offsite. These spaces will play a crucial role in creating a healthy, connected community.

3.5 An indicative Green Infrastructure Plan for the site is shown at **Appendix 4**.

3.6 Weaving through the green links and open spaces will be a network of ditches, swales and attenuation features, some of which we would anticipate being permanently wet.

3.7 This extensive network of green and blue infrastructure will be designed to benefit from existing natural features where possible and to maximise habitat creation, thus delivery material gains in terms of biodiversity.

Facilities, Services and Jobs

3.8 Sitting at the heart of the development will be a community hub consisting of: a local centre containing shops, health / care services, leisure facilities, a public house, coffee shops, and a day nursery; a primary school with multi use sports facilities; and a 5.5ha employment park containing premises for businesses within Use Classes E, B2 and B8.

3.9 Also, within this part of the site would be a mobility hub making alternative modes of travel to the car more appealing and easily accessible to the residents. The hub has the potential to act as one-stop location for transport and other related services, potentially including:

- E-Scooters - with docking and charging facilities.
- Car/Van Club - provision of infrastructure and parking spaces (all vehicles required to be
- Electric and all spaces to have active Electric Vehicle Charging Point (EVCP)).
- E-Bikes (for hire and sharing) - with docking and charging facilities.
- Bike Repair Workshop.
- Package Delivery Lockers.
- Ride Hailing (shared taxis).
- "Delivery Hub" - which allows all deliveries to be made to a central point, with deliveries then collected by occupiers by foot, or distributed by cargo or electric bike.
- EV Parking and Charging Infrastructure.
- Ride Hailing (shared taxis).
- Work-hubs - with High-Speed Broadband, Meetings Rooms etc to encourage working on-site.
- A new bus terminus for the proposed extension to the Sprint route which currently terminates at the Rail Station.

3.10 The hub will be architecturally significant and financially robust ensuring it is unique, but at the same time future proofed to meet the accelerated changes in transportation and respond to the predicted changes in car ownership levels.

3.11 Critical to the hub's success will be its location right in the heart of the site, making it within easy walking distance for all the residents to shift the focus away from the private car to deliver public realm spaces that optimise access to and between sustainable transport.

New Homes

3.12 The development would provide a mix of 1 to 5-bedroom properties, across a range of typologies, including apartments, terraced homes, semi-detached and detached homes. It would also contain, accessible homes and bungalows. Critically, the development would also provide a policy-compliant level of affordable homes.

Access and Connections

3.13 The masterplan envisages changing the road network through Cotes including by diverting traffic off Stanford Lane and re-aligning the A60, thereby taking traffic out of the centre of the settlement and away from is heritage assets. The re-aligned A60 would link into Barrow Road to the east of Cotes, before then connecting into its current route to the immediate west of the settlement. The proposed local centre and employment development would be located adjacent to the new A60, enabling these to benefit from direct access and, in the case of the retail uses, passing trade.

3.14 Off site, the intention is to create a number of improvements to walking and cycling connectivity into Loughborough including:

- new shared pedestrian and cycle path between Stanford Lane and the A60 including a new footway/ cycle bridge over the River Soar;
- toucan crossing on A60 Nottingham Road;
- new footway on the southern side of the A60, to tie into the existing footway underneath the railway bridge. This will provide a continuous link from the site between the new toucan crossing and Loughborough Station. The landowner has confirmed that sufficient land could be acquired to accommodate this; and
- upgrading the surface on Allsopp's Lane and Little Moor Lane to be suitable for year-round cycling plus farm access (i.e. a bound surface) plus consideration of appropriate lighting.

4. Technical and Environmental matters

Introduction

4.1 When Jelson and Davidsons applied for planning permission for the development of this site in 2013, the planning application that they compiled was supported by a full suite of technical and environmental studies and a full Environmental Impact Assessment ("EIA"). Given the time that has lapsed since then, and the objections that the Council raised back in 2014, Jelson has commissioned a number of fresh technical and environmental assessments which:

a) have informed the evolution of the masterplan;

b) demonstrate that the proposals are technically sound and policy compliant;

c) demonstrate that the 2014 reasons for refusal do not stand up to scrutiny and are not a sound basis on which to restrict development; and

d) demonstrate that the proposals are deliverable.

4.2 In this part of the Statement, we provide a summary of the assessments that have been undertaken. These cover:

a) landscape and visual impact;

b) ecology and biodiversity;

c) arboriculture;

d) agricultural land quality;

e) heritage;

f) flood risk and drainage;

g) accessibility and transport;

h) air quality and odour; and

i) noise.

4.3 Each topic is addressed in broadly the same way and the majority of the sub-sections below are structured using the following headings:

a) background

b) previous assessments undertaken and conclusions reached by the Council and its consultees;

c) changes in law and policy since 2014 (where relevant);

d) updated assessment and analysis; and

e) conclusions

4.4 Full copies of the relevant reports are attached at **Appendix 5 - 11**.

Landscape and Visual Impact

Background

4.5 A full Landscape and Visual Impact Assessment (LVIA) was submitted with the 2013 planning application and the ES that accompanied the application also addressed landscape effects. Earlier this year, FPCR was commission to produce an up to date Landscape and Visual Appraisal ("LVA") and to contribute to the development of the masterplan for the site.

Previous assessments and conclusions reached by the LPA and Consultees

Assessments

4.6 The 2013 LVIA produced by Pegasus reached the following conclusions:

4.7 In relation to landscape character, the LVIA concludes that The Soar Valley and The Wolds Character Area are of **medium** sensitivity. The central area of the site is identified within the Charnwood Landscape Capacity and Sensitivity appraisal of the CBC Landscape Character Assessment as an area of **medium** to **high** capacity to accommodate development. *"Given the nature of the adjacent village and surrounding roads commercial development would be much less suitable. Residential development could be suitable, subject to mitigation measures."* The LVIA concludes that the "*Overall, the long term significance of effects on landscape character will be **minor adverse**."* This is broadly due to the location of the site, being positioned low and localised in the valley, with the proposed development contained by siting development zones away from the higher ground.

4.8 The report states that there are no likely significant effects on areas or features with landscape related designations.

4.9 In terms of visual effects there are a number of visual receptors which include residential properties, users of the network of PRoW and road users that pass through the site. A number of these will be subject to adverse effects, the most significant of which are the residents at Cotes and the local PRoW network. However, the LVIA concludes that any significant visual effects would be limited by the contained nature of the site, located within the valley between the ridgelines of Moat Hill/Hoton Hill and at Mere Hill/Hoton.

4.10 The assessment of visual effects also states that the proposed green infrastructure is more effective for the proposed residential areas of the development, with the planting forming an effective screen to the residential built form but, with the employment being *"in a slightly more open landform, this area will be more prominent in the long term and structural landscaping will be a less effective screen*."

Conclusions reached by Consultees

4.11 A number of responses were received on the 2013 planning application in relation to landscape and visual matters from consultees, including Burton, Cotes, Prestwold Parish Council, Hoton Parish Council and English Heritage.

4.12 The Burton, Cotes, Prestwold Parish Council objected to the proposals on four key grounds, one being the 'Natural and Historic Environment'. It stated that: *"The development would have a stark appearance and negative impact on this landscape, which could not be disguised with planting… The proposed development would jump the flood plain and take the built form up the hill into the countryside. The development would be incongruous and undesirable in this rural location contrary to paragraphs 7 and 109 of the NPPF."*

4.13 Hoton Parish Council raised similar objections stating that: *"It would change the character of the area and Wolds villages with houses of different character and ages. The land contours increase the prominence of the development, which is unsympathetic to the surrounding landscape or buildings*."

4.14 A number of objections were raised by English Heritage including in relation to landscape character where it stated that: *"The proposals would fundamentally, and irrevocably, alter the character of the landscape setting*."

4.15 Local residents also commented that the proposals were out of character with 'The Wolds' Landscape Character Area and that the visual impact of the development would have a significant effect on local residential properties.

Conclusions reached by the LPA

4.16 The Council concluded that the development would be contrary to the guidance set out in national landscape character areas and would fails to conserve and enhance the Landscape Character Area. As assessed in the Landscape Capacity Assessment, the Council noted that the site could accommodate some residential development on the lower contours of the site but overall the development was considered to be unsatisfactory due to the prominent views of the higher parts of the residential development from local receptors such as public rights of way. Also, it concluded that the proposed employment area would be sited in an *"open undeveloped landscape on the landscape on the valley slopes generally devoid of large scale modern industrial developments."*

Changes in Policy Framework and Guidance since 2014

4.17 There has been little change in landscape related policy and guidance since the 2013 proposals were determined. Indeed, the only material changes have occurred at the local level with the adoption, in 2015, of the Core Strategy, but this will be replaced by the emerging Local Plan. For the avoidance of doubt, the relevant landscape policies within the Core Strategy are CS2: High Quality Design, CS11: Landscape and Countryside, CS12: Green Infrastructure, and CS15: Open Spaces, Sports and Recreation.

Updated Assessment and Analysis

4.18 The following provides a summary of the key findings from the LVA undertaken in March 2021.

4.19 Having appraised the factors of designations, quality, scenic quality, rarity and representativeness, conservation, recreation and perceptual aspects and associations, it is judged that the Site and its immediate landscape context are of medium landscape value.

4.20 At a national level the site is located within the NCA 74 'Leicestershire and Nottingham Wolds' and landscape effects are considered to be **negligible** on completion. The landscape effect at year 15 is also assessed to be **negligible**. At the Borough level the site is located within the 'Soar Valley' LCA. The landscape effect on the LCA at completion is assessed to be **moderate adverse.** This reduces to **minor adverse** at year 15.

4.21 The effect of the proposals on Landscape character areas and types outlined in the Borough of Charnwood LCA and Greater Nottingham Landscape Character Assessment are assessed to be **negligible** on completion and **negligible** at year 15.

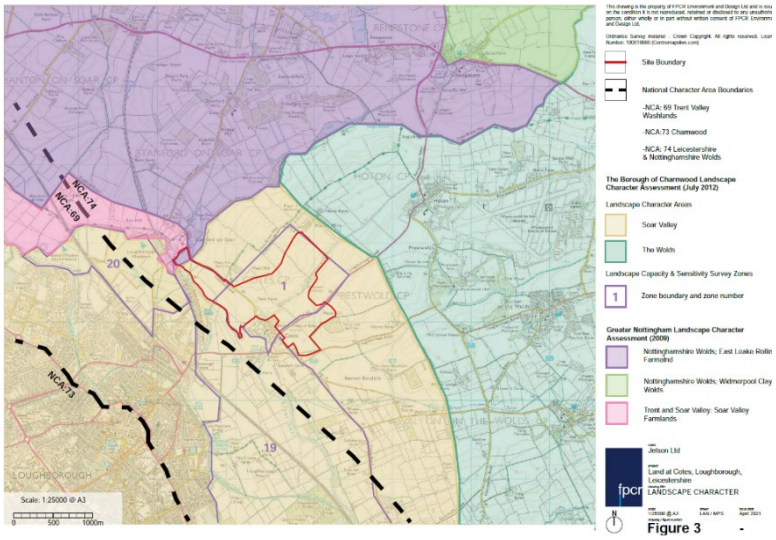


Figure 2: Plan showing Landscape Character Areas in relation to the Site

4.22 A change to the site and the immediate landscape would arise as a result of the replacement of an area of arable land at the edge of the settlement with a mixed used development. The built parts of the development would occupy the lower contours and levels of the site sitting low on the valley side, while the higher ground to the north west would be occupied by public open space.

4.23 The effects upon the site and the immediate landscape arising from the proposals would be no more than **moderate adverse** at completion and **moderate/minor adverse** at year 15.

4.24 Key visual receptors located in the vicinity of the site such as residents located off Stanford Lane, Back Lane and Loughborough Road adjacent to the site to the south are assessed as **major/moderate adverse** at completion and **moderate adverse** at year 15. Views from the residential properties at Hoton Hills such as Hoton Hills Farm and Harts Farm adjacent to the site to the north are assessed as **major/moderate adverse** at completion and **moderate/minor adverse** at year 1

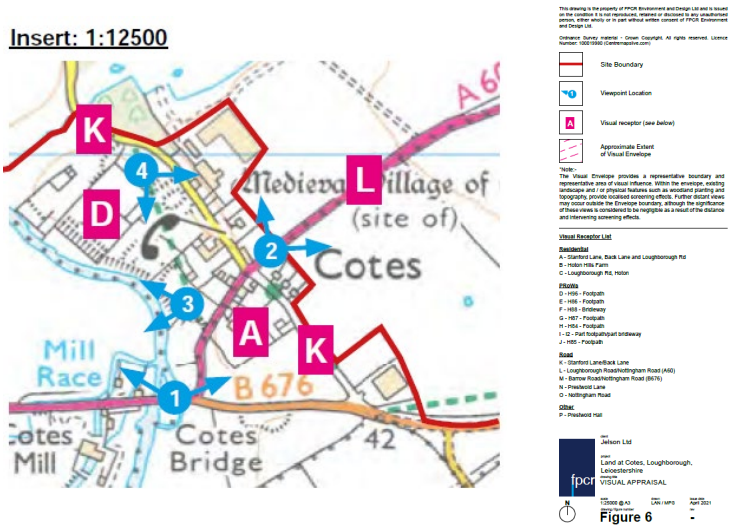


Figure 3: Plan showing Key Landscape Character Area Visual Receptors

4.25 Visual effects from the PRoW receptor PRoW Bridleway H88 (Long Distance Footpath, Cross Britain Way) located to the north is assessed as **major/moderate adverse** at completion and **moderate adverse** at year 15. Visual effects from PRoW receptors PRoW H87 to the north east is assessed as **major/moderate adverse** at completion and **moderate/minor adverse** at year 15. The PRoW H84 and H85 that pass through the site to the south east are assessed as **major/moderate** at completion and **moderate adverse** at year 15.

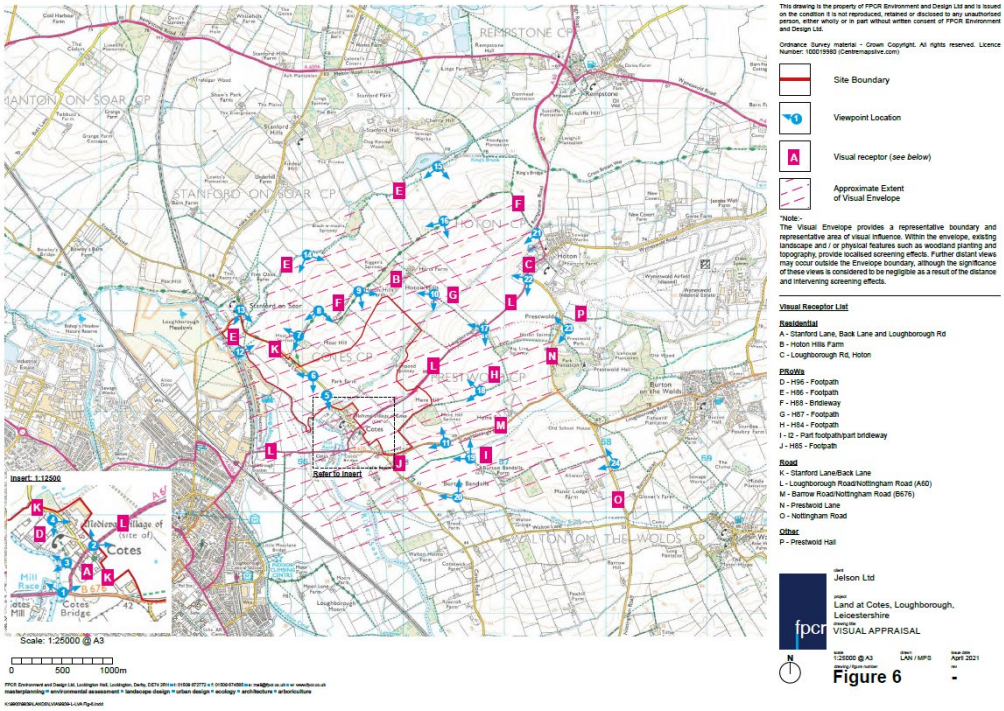


Figure 4: Plan showing Landscape Character Area Visual Receptors

4.26 Visual effects from road users such as the A60 Loughborough Road and B676 Barrow Road/Loughborough Road would be **major/moderate adverse** at completion and **moderate adverse** at year 15.

Conclusions

4.27 The masterplan has been amended since 2013 to address the concerns that consultees and the Council had about development occurring on the higher ground. Views across the western extent of the site would be focused on an open parkland setting, while distant views towards the site would also be focussed across the open space.

4.28 Receptors of the employment area would be limited to PRoW and vehicular routes located in close proximity to the area, while close and mid-range views of the proposed employment area from these receptors would replace existing distant views of commercial units located within Loughborough.

4.29 Overall, the proposals are well-considered in terms of landscape and reflect the context created by the Soar valley. The proposals are appropriate to the site have the ability to successfully integrate into the local surroundings without any unacceptable landscape or visual effects.

Ecology and Biodiversity

Background

4.30 The site was previously subject to a desk study, Extended Phase I Habitat survey and species-specific faunal surveys, all completed by Ecology Solutions. In February this year, FPCR carried out a fresh Extended Phase 1 Habitat Survey to ensure that future development at Riggets Green can be compliant with local and national planning policy for biodiversity, mitigation and compensation measures.

Previous assessments and conclusions reached by the LPA and Consultees

Assessments

4.31 The desk study noted that Cotes Grassland and Loughborough Meadows, both designated as Sites of Special Scientific Interest (SSSI) are located adjacent to the southern boundary of the site and approximately 100m to the west of the site respectively (as shown on **Figure 5**). A number of locally designated sites including the River Soar Local Wildlife Site (LWS), Cotes Grassland LWS, King's Brook and Spinneys potential LWS (pLWS), Fishpond Spinneys pLWS and Mere Hill Spinneys pLWS are located within and adjacent to the site boundary.

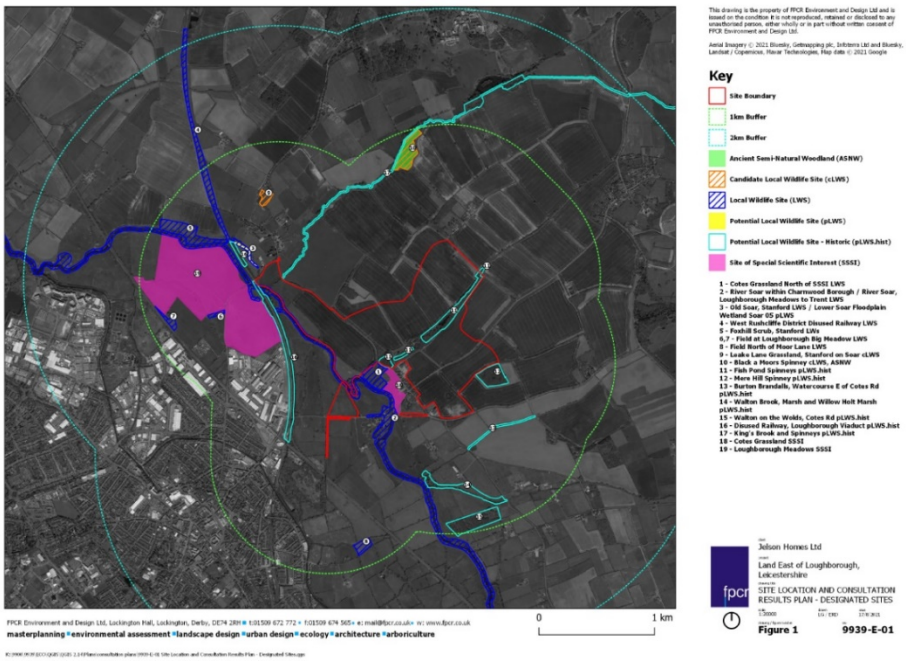


Figure 5: Location of ecological assets

4.32 The 2013 Habitat Survey found the majority of the site to be cultivated arable fields of limited conversation value. Habitats associated largely with the peripheries of the arable fields were of greater value, including watercourses, ponds, woodlands, mature trees and hedgerows.

4.33 Faunal surveys recorded low activity levels of common and widespread bat species using the site for foraging and commuting. Opportunities for roosting bats were limited to mature trees, however no roosts were recorded. Badger setts were recorded within the site and wider area. No evidence of otter, white-clawed crayfish or water vole was recorded however suitable habitat was present within and adjacent to the site boundary for these species. Common toad was the only notable species recorded during surveys for reptiles and amphibians. Breeding bird surveys identified that the site was used by a limited range of farmland species, however the impact on birds was predicted to be minor beneficial at the local level following mitigation.

Conclusions reached by Consultees

4.34 Natural England had no objection to the proposals in 2014, subject to certain planning conditions being imposed in respect of Cotes Grassland and Loughborough Meadows SSSI. Natural England also concluded that the proposed development would be unlikely to affect bats, otters and great crested newts but referred the Council to their (now superseded) Standing Advice in relation to bat surveys.

Conclusions reached by the LPA

4.35 The final comments from the Head of Planning and Regeneration concluded that there were outstanding issues in relation to inadequate bat surveys, potential detrimental impact on protected species and the loss of ecological networks which had not been satisfactorily addressed. Also mentioned was a lack of habitat creation and linked up biodiversity network to compensate for the loss and fragmentation of bat foraging grounds and commuting routes.

Updated Assessment and Analysis

4.36 The 2021 desk study found no changes in the condition or extent of Cotes Grassland and Loughborough Meadows SSSI since previously reported in the 2013 ES. Given the work undertaken in 2013, it is considered that the proposed development could ensure no likely significant effects on these designated sites, subject to the appropriate design of mitigation measures (such as appropriate drainage, dust and pollution control measures and provision of adequate public open space to provide alternative recreational opportunities within the development) and implementation of appropriate planning conditions (such as a Construction and Environmental Management Plan to guide site works), as per Natural England's previous requests.

4.37 The 2021 Phase I Habitat survey found the site to be largely unchanged since 2013. Since this time, updates to the National Planning Policy Framework (NPPF) have included the following:

> *174. Planning policies and decisions should contribute to and enhance the natural and local environment by: … d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
>
> *179. To protect and enhance biodiversity and geodiversity, plans should: … b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*
>
> *180. When determining planning applications, local planning authorities should apply the following principles: … d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

4.38 Furthermore, the inclusion of Biodiversity Net Gain (BNG) within the proposed Environment Bill (due to be given Royal Ascent in 2021) and more widespread use of the Defra BNG Metric has resulted in some local authorities (including Charnwood) requesting these assessments to inform planning decisions. Therefore, prior to the submission of any future planning application, further habitat survey would be undertaken during the optimal period to fully assess their value and enable a Biodiversity Net Gain assessment to be undertaken. Given that development is largely located on arable land of low ecological value with habitats of conversation value retained throughout the development where feasible, and that extensive areas of open space are proposed in the north and west of the site, it is considered likely that there will be sufficient opportunities to off-set any losses in Biodiversity as a result of development in accordance with the NPPF. However, should any shortfalls be identified, a suitable Biodiversity Offsetting scheme such as the inclusion and enhancement of off-site land within the immediate area of the site (under the landowner's control), could be agreed with the LPA to ensure compliance.

4.39 As indicated above, consultation comments from the Head of Planning and Regeneration to the 2013 application noted the lack of habitat creation and loss of ecological networks as a result of the development. However, the above Biodiversity Net Gain assessment would ensure that all habitat creation, including those forming ecological networks is of an appropriate nature to off-set any losses from development. Such measures would include the retention and positive management of existing features and enhancement through supplementary planting.

4.40 As indicated on the Illustrative Masterplan, the creation of new woodland planting along the northern site boundary would strengthen connections between existing woodland blocks, and the retention and creation of hedgerows and linear woodland/tree planting would provide ecological networks

throughout the development. This new habitat creation would also link to habitats that exist on-site currently, such as Fishpond Spinney.

4.41 The extensive area of public open space in the north of the site, as well as those within the development, would also provide opportunities for significant tree planting and grassland creation, and the inclusion of waterbodies as part of the SuDS scheme would support additional habitat creation through native marginal planting and wet grasslands. These open spaces would also form green buffers to existing habitats on-site such as ponds, hedgerows and the woodlands and watercourse of Fishpond Spinney. Within the built development, areas of play and green routes would also provide opportunities for habitats creation including formal tree planting and grasslands.

4.42 The Preliminary Protected Species survey undertaken during the Extended Phase I Habitat Survey in February 2021 noted that suitable habitat for those species identified within the 2013 ES was still present. Therefore, further survey for badger, bats, breeding and wintering birds, great crested newt, reptiles, water vole, otter and white-clawed crayfish (as a minimum) would be undertaken prior to the submission of any planning application for the site, to inform the application and suitable mitigation strategies where appropriate. Given that extensive areas of open space are proposed as part of the scheme, it is considered that these will be sufficient scope to provide alternative habitat within the new development to compensate for any losses of existing suitable habitats and to ensure no change in the conservation status of any species that may be present on site.

4.43 Consultation comments to the 2013 application requested further information in relation to bats, as the level of survey was not considered to be sufficient. It is therefore proposed that monthly bat activity surveys would be undertaken (in line with current survey guidance from the Bat Conservation Trust (2016) prior to the submission of a planning application, increasing the level of previous survey work. To address previous concerns regarding the loss of biodiversity networks and fragmentation of bat foraging grounds and commuting routes, additional planting such as the extensive woodland creation shown on the Illustrative Masterplan along the north-western and eastern edges of the development would provide new connective corridors. In addition, wildflower grassland, native shrub and tree planting within the extensive area of open space in the north of the site would provide new foraging grounds. A SuDS scheme throughout the development and would provide opportunities for native planting that would offer an increased microhabitat diversity for local fauna. The attenuation facilities would also filter pollutants from surface water prior to discharge to the existing watercourses which will reduce any potential impacts, such as those from road run off. The lighting scheme would aim to minimise illumination of habitat corridors, such as newly created footpath and road links through Fishpond Spinney, through implementation of measures in accordance with guidance from The Bat Conservation Trust & The Institute of Lighting Professionals (2018).

Conclusions

4.44 Due to the size and scale of the site, the proposed development would provide significant opportunities to create extensive areas of new habitats, such as linear tree and woodland planting along the northern and eastern boundaries, maintaining and establishing green connective corridors through and around the site. A scheme for habitat creation would be designed through a Biodiversity Net Gain assessment to ensure that development of the site results in a net gain for biodiversity. Appropriate sensitive long-term management of retained and created habitats would ensure that these habitats reach and maintain their full potential value for biodiversity in the long-term.

Arboriculture

Background

4.45 A full Arboricultural Assessment was prepared for the site, in accordance with BS5837:2012 Trees in Relation to Design Demolition and Construction, in 2014. A fresh assessment has been carried out this year in order to ensure that the site is promoted for development in the light of the most up to date information possible. This latest assessment has been carried out in accordance with the criteria set out in Chapter 4 of BS5837.

Changes in Policy Framework and Guidance since 2014

4.46 Since the original assessment was carried out in 2014 the National Planning Policy Framework has been updated. In relation to arboriculture, the NPPF states that:

> *Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists* (Paragraph 175(c))

4.47 It then goes on to state that:

> *Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity* (Paragraph 175(d))

4.48 Examples of what is deemed to be 'wholly exceptional' are included within Footnote 58 and include '*infrastructure projects (including nationally significant infrastructure projects, orders under the Transport*

and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat'.

Updated Assessment and Analysis

Summary of the trees on site

4.49 Across the site, nine individual trees, one group and all three woodlands are considered to be high in arboricultural/landscape value and graded as category A. Sixteen trees and nine groups of trees are recorded as moderate value and graded category B. Six trees and one group are considered unsuitable for retention and graded category U.

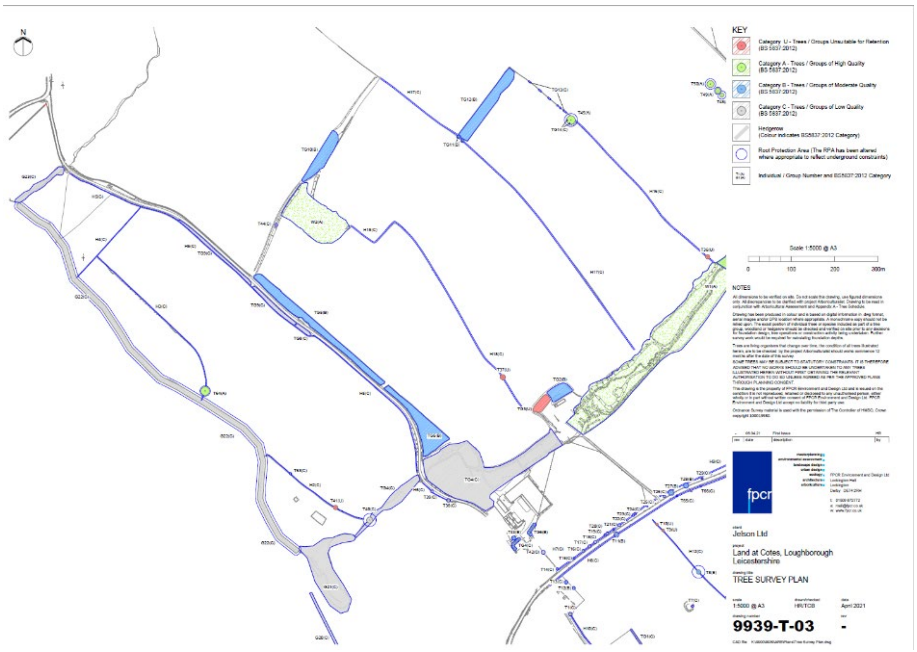


Figure 6: Plan showing Tree Categorisation

Arboricultural Implications

4.50 The proposals will directly impact upon individual trees T2, T3, T4, T7, T8, T25 T32, T45 and T68. Groups TG14, along with sections of TG5 and TG15 will also require removal to facilitate the alignment of the proposals. Hedgerow groups H7, H8, H12, H17 and H18 will also be affected by the proposals and require sections to be removed.

4.51 Although some trees will be affected by the proposed development, the majority of trees can be retained and incorporated into the overall design. These retained trees will also aid the sites incorporation into the local landscape.

Conclusions

4.52 In spite of the tree and hedgerow losses that are likely to occur as a consequence of the proposed development, the proposals meet the aims and objectives of national policy through careful consideration of the design and retention of a high proportion of the existing tree cover. The proposals also provide for significant levels of new planting which will more than compensate for the losses anticipated.

Agricultural Land Quality

Background

4.53 The site extends to approximately 127.9ha, with a proportion of the land currently in agricultural use. Some of the site was surveyed by ADAS in 1993 as part of the Charnwood District Local Plan. The soils and Agricultural Land Classification (ALC) survey found there to be a combination of coarse loamy, medium loamy and heavy slowly permeable soils within the site. These soils give a mixture of grade 2, subgrade 3a and subgrade 3b agricultural quality land limited primarily by wetness with smaller areas limited by topsoil stoniness and droughtiness.

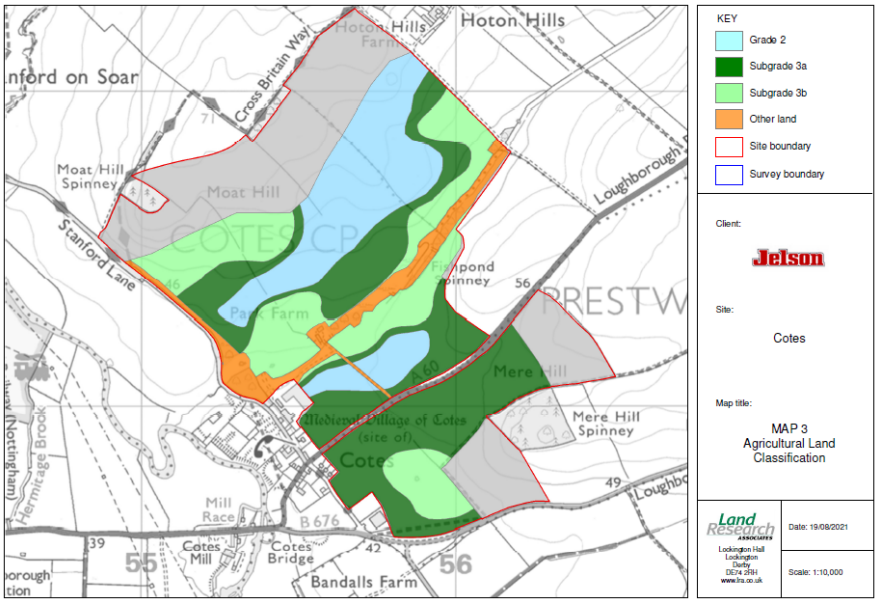


Figure 7: Plan showing distribution of Grade 2, 3a and 3b land

Changes in Policy Framework and Guidance since 2014

4.54 The National Planning Policy Framework (NPPF, 2021) has relevant policy to the protection of soil and agricultural land resources. It states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) …protecting and enhancing soils (in a manner commensurate with their… identified quality in the development plan)

b)…recognising the economic and other benefits of the best and most versatile agricultural land"

Plans should:… "allocate land with the least environmental…value, where consistent with other policies in this Framework…Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality." (Paragraphs 174 and 175)

4.55 The NPPG (updated July 2019) states that:

"Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land"

4.56 The NPPG also highlights that the Defra Code of Practice for the Sustainable Use of Soils on Construction Sites:

"may be helpful when setting planning conditions for development sites"

Updated Assessment and Analysis

4.57 A detailed soils and ALC survey of 91.9ha of the 127.9ha site has been undertaken by Land Research Associates Ltd (LRA) at a density of one observation per hectare, to Natural England (TIN049) and MAFF post 1988 ALC guidelines.

Conclusions

4.58 The detailed soils and ALC survey show that the site is a combination of best and most versatile (grade 2 and subgrade 3a) and lower quality subgrade 3b land. Soil resources within the site are also a mix of high quality permeable loams and low quality slowly permeable soils.

4.59 The quality of those parts of the site that have not been surveyed (the western slope and pockets of land adjacent to the eastern boundary) is expected to be broadly typical of the survey area (i.e. a mixture of grade 2, subgrade 3a and subgrade 3b quality).

Grade/subgrade	*Area (ha)*	*% of the land*
Grade 2	22.6	18
Subgrade 3a	36.2	28
Subgrade 3b	25.4	20
Other land	7.7	6
Not surveyed	36.0	28
Total	127.9	100

Table 1: LRA Survey (2021) – Areas occupied by the different land grades

4.60 On the basis of the above analysis, it is possible that the proposed development would result in the loss of approximately 59ha of agricultural land of the best and most versatile quality. There is no policy or guidance which indicates precisely how this level of loss should be weighed in the planning balance. As indicated above, the NPPF goes no further than stating that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land and that, in cases where significant development of agricultural land is demonstrated to be necessary (as is the case in Charnwood), areas of poorer quality land should be preferred to those of a higher quality.

4.61 We are assured by the land owner (the farmer) that the loss of this site to development will not have a demonstrable adverse effect on its agricultural business and so the economic effects of developing this area of best and most versatile land are likely to be neutral. As far as preferring land of poorer quality is concerned, this objective must only be pursued if it results in a sustainable pattern of development. If preferring development on agricultural land of a lower quality would result in less sustainable patterns of development, as we assert would be the case in Charnwood, then strict adherence to this particular NPPF policy would be inappropriate. The loss of agricultural land of the best and most versatile quality must therefore be weighed in the overall balance but should not be the determining factor unless against all other metrics, sites proposed for allocation in the Local Plan score equally (which of course they do not).

4.62 It is also relevant to note that, as we understand it, Charnwood contains 6,172ha of Grade 2 agricultural land and 15,772ha of Grade 3 land, a proportion of which will be Grade 3a. In this context, the loss of some 59ha of best and most versatile land in order to facilitate what would be a highly sustainable, mixed use development, should not weigh heavily on the negative side of the planning balance.

Heritage

Background

4.63 The 2013 planning application was accompanied by a Heritage Assessment produced by CgMS. This showed that, despite the proposed changes to the landscape, the effect of the proposed development on the historic environment would be at a level of less than substantial harm. RPS have produced a fresh Heritage Statement which brings the analysis fully up to date and reflects the latest version of the masterplan for the site. The Statement illustrates how the potential impact of the proposed development on below ground archaeology can be accommodated within the development parameters of current policy and how the impact on heritage assets due to construction or development within their settings can be reduced to the point at which the benefits of the scheme outweigh any perceived harm.

4.64 Evidence has been examined at archive sources in Leicestershire and Nottinghamshire, as well as the National Heritage List, published and other material. The evidence has been interpreted to determine the pattern of historic development of the landscape and to establish the baseline from which to assess the visual and perceived impact of development.

4.65 The area within which the proposed development could be seen and experienced was assessed during field visits in March and April 2021.

Previous assessments and conclusions reached by the LPA and Consultees

4.66 The 2013 Assessment reviewed the potential direct impact on below ground heritage assets (archaeology) and above ground heritage assets (including Scheduled Ancient Monuments, Parks and Gardens and Listed Buildings).

4.67 The assessment concluded that, in respect to below ground archaeology, although there was high potential for some surviving archaeological evidence[1] within the development area no significant or designated assets lay within the site boundary. In considering the effect of development within the settings of Cotes Deserted Medieval Village (SAM) and Old Hall (II) the Assessment concluded that the visual and perceived impact of development would be moderate adverse defined as “Partial Loss or alteration of the assets or change in its setting leading to the partial loss or reduction in the significance of the asset.” The impact on Manor Farm (II) and Hall Farm (II) was also considered to be moderately adverse. Further consideration given to Cotes bridges (II) concluded that the development would

[1] NPPF 2012, paragraph 128

constitute a distant change in their setting, but would lead only to a slight loss or reduction in their significance. Further afield no harm was identified to either Prestwold Hall (II) or Stanford Hall (II) or their respective parklands. The Heritage Assessment concluded the impact of development would constitute less than substantial harm.

4.68 English Heritage (now Historic England) responded as consultee on two occasions (24/1/14 and 17/4/14). It concluded that the proposals would give rise to 'substantial harm'. In January 2014 the correspondent, Tim Allen, Inspector of Ancient Monuments, stated that "*We are concerned here with a landscape in which the closes, meadows, and field strips of peasants gave way with the desertion of the medieval village to grounds in a more singular relationship with Cotes Hall and its enclosed Park. Once the Hall had been destroyed by fire the focus of the landscape re-formed around the present farmsteads and in the elaborated landscape context of Prestwold Hall*."

4.69 In light of the English Heritage, advice Charnwood Borough Council commissioned an independent Cultural Heritage Assessment Review from CFA Archaeology to examine the impact of the proposal. CFA concluded that "*the change to the baseline setting of Cotes DMV would not, on our view, be sufficient to be considered to cause substantial harm to the significance of Cotes DMV*".

4.70 The CgMs and CFA assessments were consistent in their findings as regards less-than-substantial-harm. However, the Council went on to refuse planning permission for reasons including that "*the benefits secured by the additional supply of housing land does not outweigh the cumulative detrimental impacts of the development considered to be those to the setting of heritage assets known as Cotes Scheduled Ancient Monument, Cotes Old Hall, Manor Farmhouse and Hall Farm*".

4.71 No specific level of harm was referred to in the Decision but in the Report to the Planning Committee (para 8 page 47), the Case Officer stated that "*The proposal would detrimentally impact historic buildings in Cotes*". The buildings cited included Prestwold Hall (II) and Stanford Hall (II*), though no specific impacts were identified in relation to these houses. Cotes Bridge (II) was considered to be substantially affected whilst the setting of Old Hall (II), perhaps associated with fishponds, was considered to be severely harmed. Widening the road and providing the roundabout at Stanford was considered to '*detrimentally affect'* the setting of Stanford Church (I).

4.72 In relation to the cumulative effect of the proposed development the Officers Report argued that: "*The landscape of interconnected features would be dissected and in part destroyed by the development. The close proximity of the development would constitute a harmful visual effect on the setting of the Scheduled Monument* [Cotes Deserted Medieval Village SAM]. *The historical setting has been agricultural use and would be changed to housing being in the background and the backdrop to the setting of the asset. This includes the areas where the football pitches are planned and up to Moat Hill and Mere Hill. The landscape*

would be irrevocably altered. The development would therefore infill the setting. The new roundabout would affect the setting of Stanford Church, a Grade 1 listed building."

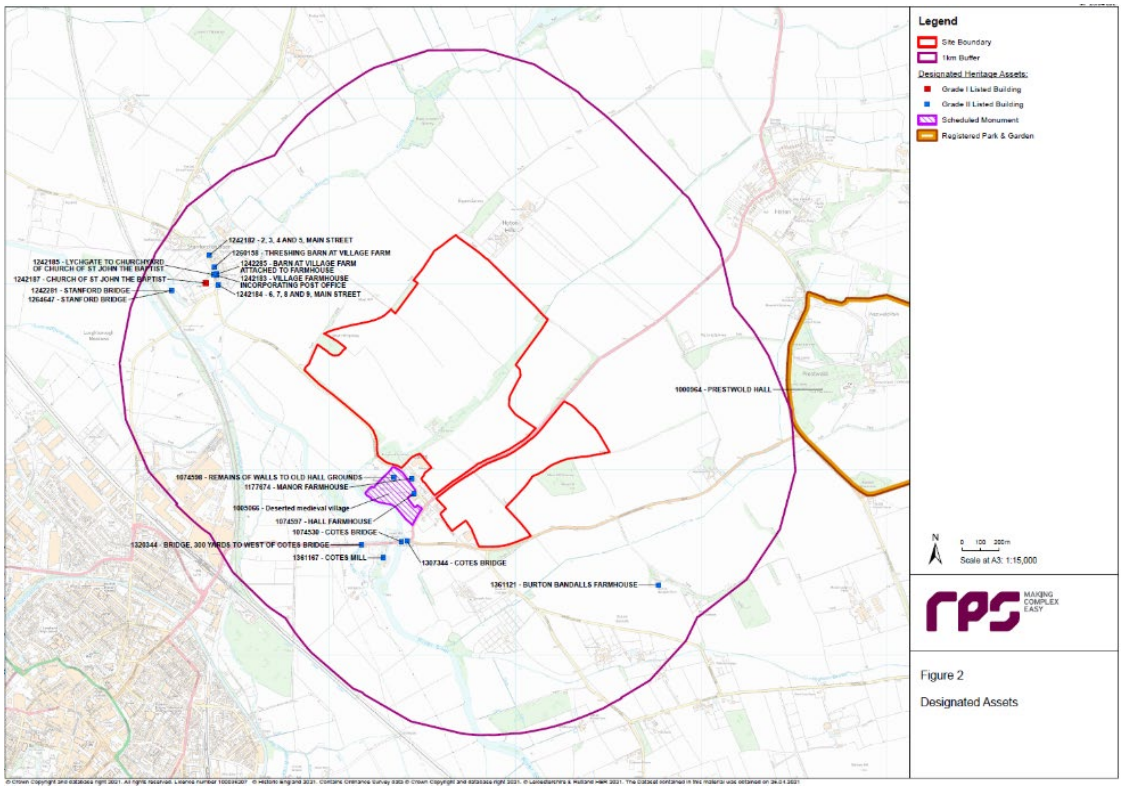


Figure 8: – Plan showing the location of Heritage Assets

Changes in Policy Framework and Guidance since 2014

4.73 In 2013, heritage practice was set by the 1979 Ancient Monuments and Archaeological Areas Act and the Planning (Listed Buildings and Archaeological Areas) Act 1990. Policy was set out in the National Planning Policy framework (NPPF 2012), which today is in its fourth iteration published in 2021, and is supported by the NPPG last updated on 23 July 2019.

4.74 The statutory requirements remain in place and the key requirement of the 1990 Act is that in considering whether to grant planning permission the authority should "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*."[2] This provision has been considered by the courts confirming that Section 66 of the 1990 Act requires the decision maker to give considerable importance and weight to the desirability of preserving the setting of listed buildings when balancing harm against benefits. The Court of Appeal also emphasised the importance of adequately articulating of how the assessment of harm has been arrived at,[3] though in a later case the judge cautioned against taking an over-zealous approach to demonstrating compliance. As a general rule, a decision-maker who works through the relevant

[2] Section 66 of the 1990 Act(1)

[3] Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137

paragraphs in the NPPF in accordance with their terms will have done enough to demonstrate compliance with the statutory duty.[4]

4.75 Of particular relevance to the proposals for this site is the distinction made in the NPPF between "*substantial harm*" and "*less than substantial harm*" (NPPF paragraph 201). In addition, the NPPG makes plain that the threshold of "*substantial harm*" is a high one.[5] Case law has clarified the distinction: "*…in the context of physical harm,* [substantial harm] *would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*."[6]

Updated Assessment and Analysis

Archaeology

4.76 In 2013 the proposed development site was subject to desk based survey to determine the potential impact of development on archaeology. No known designated or significant archaeology was identified within the area likely to be physically affected by the proposals, though the potential of the area to yield archaeology was acknowledged. The desk based work indicated there was high potential for prehistoric archaeology probably surviving as artifact assemblages within the topsoil, slight potential for archaeology associated with activity during the Roman period, but that archaeology of early medieval and medieval date was probably limited to agricultural features.[7]

4.77 These conclusions were reviewed for this Statement and a new Historic Environment Record search undertaken. The results of the 2021 survey confirm that no significant new discoveries have been made within the proposed allocation area since 2014. Documentary search also confirms that no advances in scholarship have occurred which might increase the significance of heritage assets cited in the reasons for refusal (P/13/1842/2). The survey results are summarised as follows:

Period:	Identified Archaeological Potential	Identified Archaeological Significance
Early Prehistoric	Low potential for archaeology of any significance	Low (Local)

[4] Aidan Jones v (1) Jane Margaret Mordue (2) Secretary of State for Communities and Local Government (3) South Northamptonshire Council [2015] EWCA CIV v 1243 in the Court of Appeal (Sales LJ)
[5] see NPPG 18a-017-20140306
[6] Bedford Borough Council v SSCLG and Nuon UK Ltd [2013] EWHC 2847 (Admin) Jay J at paragraph 25
[7] Dawson M 2013 *Heritage Assessment, Land at Cotes*, 16th September 2013 CgMs Report JAC14778

Later Prehistoric	Low potential for archaeology of any significance	Low (Local)
Roman	Low potential for archaeology of any significance	Low (local)
Saxon and Early Medieval	Low potential for archaeology of any significance	Low (local)
Medieval	High Potential for house platforms (MLE561) associated with Cotes village along the southern boundary of the site area	High (local/regional)
Post Medieval	Low potential for archaeology of any significance (the area of the fishponds MLE554 is excluded from development)	Low (local)
Modern	No potential for archaeology of any significance	None

Table 2: Shows the potential and possible significance of archaeology within the development area at Riggets Green.

Designated Heritage Assets

4.78 In 2014 the Council concluded that "*the benefits secured by the additional supply of housing land does not outweigh the cumulative detrimental impacts of the development considered to be those to the setting of heritage assets known as Cotes Scheduled Ancient Monument, Cotes Old Hall, Manor Farmhouse and Hall Farm*". English Heritage (now Historic England) in contrast had concluded that the development would give rise to '*substantial harm'* because of its effects on Cotes Hall and its Park.

4.79 In light of these statements the following section summarises the potential effect of development within the setting of Cotes deserted medieval village[8] (HER 555) and the remains of walls which were part of the gardens and house of the Old Hall (HER 557). These both lie to the west of the development area. We also examine the likely effect of the proposed development on the two listed buildings (Hall Farmhouse (II) (HER 14541) and Manor Farmhouse (II) (HER 14452)) which flank Stanford Lane.

4.80 A more detailed assessment which accompanies this Statement also demonstrates the effect of development on the remaining heritage assets within visual and perceptual range of the proposed development. These include St John the Baptist, Stanford on Soar, Stanford Hall and parkland, and Prestwold Hall and parkland and the three listed bridges over the River Soar, cited by English Heritage in the consultation response to the 2013 application[9] but not cited in the reasons for refusal by the Council.

[8] Scheduled Ancient Monument 1005066

[9] English Heritage (now Historic England) responded as consultee on two occasions, 24/1/14, 17/4/14.

Cotes Deserted Medieval Village (SAM) together with walls at Old Hall (SAM & LB Grade II)

4.81 **Significance and Special Interest**: The SAM comprises the remains of a deserted medieval village and consists of earthworks (house platforms) and the remains of the medieval manor house and its walled gardens ('The Hall'), (MLE556). The historic significance of the deserted medieval village lies in its origin, perhaps as early as the 8th century settlement at a river crossing. The lands at Cotes were acquired by Sir William Skipwith in 1585 and he was probably responsible for building Cotes Park House (Old Hall)[10] and laying out the large garden which surrounded it. The house burnt down in c.1700. The significance of the house and village lie in their evidential potential, aesthetic contribution to the modern landscape and as part of a group of medieval and post medieval monuments. Their **setting** is a complex of modern and historic buildings, farmland and infrastructure on a terrace which overlooks the river to the west. Those elements of the **setting** of the SAM / Old Hall which contribute to their significance are their position in the River Soar valley, and their relationship to the river crossing, to nearby agricultural land and the historic parkland of Cotes Park-house (Old Hall). Such relationships provide the basis for an assessment of impact. This is not an unaltered setting from a previous age and the proposed development will not significantly impact on the broad legibility of this landscape. In addition, the masterplan proposes further planting in addition to the already extensive screening offered by current tree belts. Although the proposed development will constitute a change in the setting of Cotes (SAM) and the walls of Old Hall (LB), in the context of the designation this constitutes less than substantial harm.

Cotes Manor Farm (II) and Hall Farm (II), Cotes (Listed Buildings)

4.82 **Significance and Special Interest:** The historic significance of the two farmhouses lies in their surviving architecture. Hall Farm probably originated in the 17th century - part of a timber framed house is visible in 1st floor partition walls. It was refaced with a new façade in the mid-18th century and extended to the north east. The house has replacement windows and a concrete tiled roof. Manor Farm dates to the start of the 19th century, it is brick built with a Swithiland slate roof. The main north west range has three bays and the south wing, two bays with an axial chimney stack. There are some replaced windows and the roof appears original. Neither farmhouse is mentioned by Pevsner. The significance of the houses reflects their association with the development of Cotes. Their **setting** is a complex of modern and historic farm buildings and farmland. The farms lie within the village of Cotes both successors to earlier farms Key aspects of the relationship between the farms and their setting may be considered to include their location on the periphery of the medieval village core, and their

[10] Listed Grade (II) 1074598

visual contribution to the village-scape. The potential **impact** of the proposed development is to introduce a new area of settlement to the east of the two houses. The proposed development will be screened behind structural planting and landscaping and screened by the large sheds of Manor Farm. There are no views of the farms from the east beyond the immediate garden areas of the two houses and the principal views of the farms will still retain their sense of position within the village. The street frontage and individual buildings will not change, though there will be some change in traffic flows along Loughborough Road. Although the proposed development will constitute a change in their setting when considered in the context of the designation this constitutes very limited harm for the purposes of the NPPF, and considerably less than substantial harm.

Heritage Assett:	Designationn Status	Effect of Development
Cotes Deserted Medieval Village	Sheduled Ancient Monument	Less than substantial harm
Old Hall	Listed Grade II	Less than substantial harm
Cotes Manor Farm, Cotes	Listed Grade II	Less than substantial harm
Hall Farm, Cotes	Listed Grade II	Less than substantial harm
St John the Baptist, Stanford on Soar,	Listed Grade I	No harm
Stanford Hall and parkland,	Listed house Grade II; Registered Park and Garden II	No harm
Prestwold Hall and parkland	Listed house Grade II; Registered Park and Garden II	No harm
Bridge over the River Soar	Listed Grade II (1307344)	Less than substantial harm
Bridge over the River Soar	Listed Grade II (HER 13905 - 1074530)	Less than substantial harm
Bridge over the River Soar	Listed Grade II (HER 13414-1320344)	Less than substantial harm

Table 3: Shows the designated status of above ground heritage assets and the effect of development.

Conclusions

4.83 The Heritage Statement accompanying this document records the current condition of the site and the surrounding heritage assets in a study area extending to 1km from the site's boundaries. The Statement confirms the absence of more than locally significant archaeology within the proposed development area.

4.84 The Heritage Statement also assesses the potential effect of development on above ground heritage assets (listed buildings, Scheduled Ancient Monuments), including by way of impact on their settings. No evidence has been found to suggest that the effect of the development would be to cause more than '*less than substantial harm*' to any heritage assets and that with judicious and well-designed

landscape planting statutory duty and national policy requirements can all be satisfied. Importantly, the Statement re-confirms the findings of the CgMs and CFA assessments that the development of the site would not cause substantial harm in heritage terms.

Flood Risk and Drainage

Introduction

4.85 The NPPF advocates a risk-based approach to flood risk management in terms of appraising, managing and reducing the consequences of flooding both to and from development sites.

4.86 In accordance with the NPPF, the proposals implement a sequential approach to development, directing inappropriate development away from areas at highest risk, and locating all built development outside of the identified fluvial and surface water flood extents.

Background

4.87 The 2013 planning application was supported by flood risk work undertaken by Weetwood as follows:

- Flood Risk Assessment V1.1, Weetwood (April 2014)
- Flood Risk Briefing Note, Weetwood (March 2013)
- Environment Statement; Hydrology, Flood Risk and Drainage Chapter

4.88 This has been reviewed and the assessment updated by PJA.

4.89 The Site is greenfield with the River Soar (a Main River, classified by the Environment Agency) flowing in a south-easterly direction parallel to the south western boundary of the site. The Spinney Brook (an ordinary watercourse) flows in a south-westerly direction through the centre of the site. Given the nature of these watercourses, there are localised areas identified to be at potential flood risk as shown in **Figure 9**.

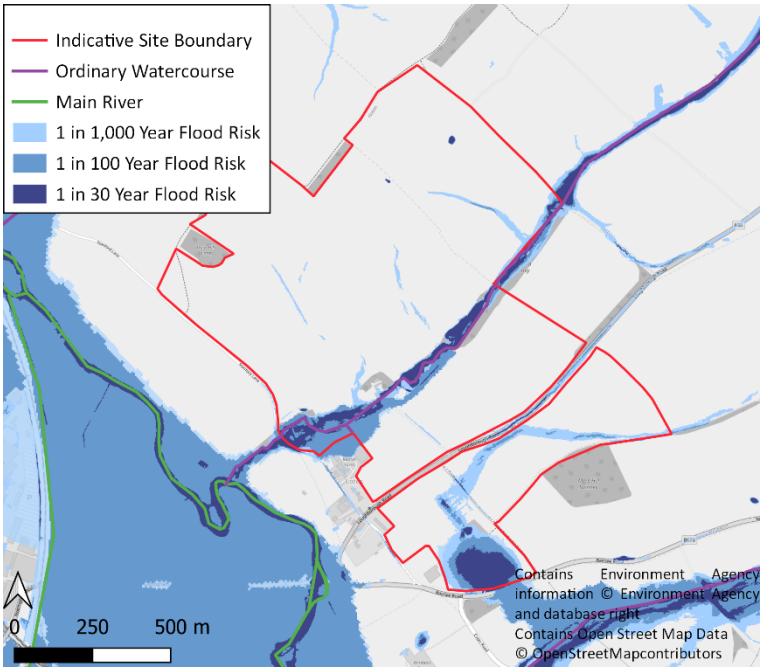


Figure 9: Plan showing Existing Watercourses and Composite Potential Flood Risk

Previous assessments and conclusions reached by the LPA and Consultees

Flood Risk

4.90 The Weetwood FRA contained a detailed assessment of likely sources of flood risk, focusing predominantly on the potential fluvial flood risk from the River Soar and associated tributaries. This confirmed that the overwhelming majority of the site lay within Flood Zone 1 and was not at potential flood risk from fluvial sources. In addition, a detailed hydraulic modelling study was undertaken, primarily focused on ensuring safe and dry access and egress to the Site. These assessments demonstrated that the proposed development was acceptable in principle, with the following key points to note:

- all built development (comprising residential and commercial uses) will be located outside of the maximum modelled fluvial flood extents, above the 1 in 1,000 year maximum water level, of the River Soar, the Spinney Brook and unnamed tributary.
- all built development (comprising residential and commercial uses) will be located outside of the identified maximum potential flood risk from surface water.
- safe and dry access and egress to the site may be provided in all events, up to and including the 1 in 100 year plus climate change event, pending implementation of the following measures:

- elevation of the A60 Nottingham Road between the railway underpass and Barrow Road, with provision of new culverts.
- re-alignment and elevation of Cotes Road, with provision of compensatory floodplain storage.

Surface Water Management

4.91 Largely in accordance with National and Local Policy and Guidance, the following key principles were embedded within the proposed sustainable surface water management strategy for the proposed development:

- Sustainable management of surface water runoff for all events greater than the 1 in 2 year event.
- Assessment of surface water in accordance with the drainage hierarchy, with proposed discharge to the existing watercourses.
- Use of sustainable drainage systems (SuDS) to improve water quality, attenuate water quantity and provide amenity and biodiversity value.

Stakeholder Engagement

4.92 While it is understood that the Environment Agency raised initial objection to the proposals, prior to the completion of the detailed assessments summarised above, this was later withdrawn subject to the imposition of standard planning conditions.

Changes in Policy Framework and Guidance since 2014

4.93 Since 2014 there have been a number of important changes in relation to residential development regarding flood risk and surface water management, primarily comprising:

- Statutory role of the Lead Local Flood Authority (LLFA)
- Climate Change Guidance
- National Planning Policy Framework (NPPF)

Statutory Role of the Lead Local Flood Authority (LLFA)

4.94 In April 2015, following a ministerial statement in December 2014[11], the LLFA became a Statutory Consultee on the management of surface water for all '*Major*' development. The LLFA is required '*to ensure that sustainable drainage systems for the management of run-off are put in place, unless*

[11] https://questions-statements.parliament.uk/written-statements/detail/2014-12-18/HCWS161

demonstrated to be inappropriate' and *'that there are clear arrangements in place for ongoing maintenance over the lifetime of the development*.'

4.95 As such, the surface water drainage aspects of the proposed development will now be reviewed by the LLFA, in this instance Leicestershire County Council.

Climate Change Guidance

4.96 In 2016, the Environment Agency updated their Climate Change Guidance with revisions to the recommended allowances applied to peak rainfall intensity and fluvial (river) flows.

4.97 In the context of the Site, this requires the proposed residential development to assess a potential increase in peak rainfall intensity of 40% in the 1 in 100 year event, an uplift from the previously recommended allowance of 30%.

4.98 Furthermore, given the Site's location close to the River Soar, an assessment of climate change allowance with regard to fluvial (river) flows will be required. An extract of the climate change allowances for the Humber River Basin District, in accordance with the 2016 guidance, is provided in **Table 4**.

Allowance category	Total potential change anticipated for the '2020s' (2015 to 2039)	Total potential change anticipated for the '2050s' (2040 to 2069)	Total potential change anticipated for the '2080s' (2070 to 2115)
H++	20%	35%	65%
Upper end	20%	30%	50%
Higher central	15%	20%	30%
Central	10%	15%	20%

Table 4: Extract from Peak river flow allowances by river basin district (based on a 1961 to 1990 baseline) – Humber River Basin District[12]

4.99 Further to this, the Environmental Agency recently updated their 2016 Climate Change Guidance on 27 July 2021 to a 'management catchment' approach, with 'management catchments' being sub-catchments of river basin districts. An extract of the climate change allowances for the Soar

[12] https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

Management Catchment, Humber River Basin District, in accordance with the 2021 guidance, is provided in **Table 5**.

Allowance category	2020s	2050s	2080s
Upper end	28%	35%	60%
Higher central	18%	21%	37%
Central	14%	16%	28%

Table 5: Extract from Peak river flow climate change allowances by management catchment (based on a 1981 to 2000 baseline) – Soar Management Catchment, Humber River Basin District[13]

4.100 Based on the latest 2021 guidance and in the context of development, given that all built development will be located wholly within Flood Zone 1, an assessment of the central allowance is considered appropriate.

4.101 Given the changes in climate change guidance since the previous assessments, sensitivity testing of the potential impact of the climate change has been undertaken. This sensitivity testing demonstrates that the proposed development will be located wholly outside of the maximum peak flood extents, including climate change allowances of 30% and 50%, of the Spinney Brook, as required by the 2016 guidance and exceeding the requirements of the latest 2021 guidance. This is further outlined in the appended Sensitivity Modelling Technical Note (Ref. 05424-TN002-Sensitivity Modelling Rv1, dated 17.08.21) (**Appendix 9)**.

National Planning Policy Framework (NPPF)

4.102 The NPPF was first published in March 2012 and most recently updated in July 2021. This emphasises the importance of both the Sequential and Exception Test in determining the most appropriate location for development and states that development *"incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate"*.

4.103 With regard to the Site, the flood risk vulnerability classification of the proposals remains unchanged (*'More Vulnerable'*) and the associated flood zone compatibility remains unchanged. It should be noted that while the Site comprises Flood Zones 1, 2 and 3, built development (comprising residential and

[13] https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances

commercial uses and site-specific access) is proposed in Flood Zone 1 only where it is considered 'appropriate' in accordance with the NPPF, as shown in **Table 6**.

Flood Zone	Essential Infrastructure	Highly Vulnerable	More Vulnerable	Less Vulnerable	Water Compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test Required	✓	✓	✓
Zone 3a	Exception Test Required	X	Exception Test Required	✓	✓
Zone 3b	Exception Test Required*	X	X	X	✓*

Table 6: Flood Risk Vulnerability Classification

Updated Proposals

4.104 The updated proposals incorporate the following key elements, from a flood risk and drainage perspective:

- Incorporation of a sequential approach to development, whereby all built development (comprising residential and commercial uses and site-specific access) will be located outside of areas identified to be at potential fluvial flood risk.
- All built development (comprising residential and commercial uses and site-specific access) will be located outside of the identified maximum potential flood risk from surface water.
- Re-alignment of site-specific access to Loughborough Road to be located outside of the identified Flood Zone 2 and 3 extents, as shown in the Flood Map for Planning.

Flood Risk

4.105 An updated appraisal of likely sources of flood risk has been undertaken, predominantly focused on the potential fluvial flood risk from the River Soar and Spinney Brook and potential surface water flood risk. This identifies the majority of the site to not be at potential flood risk from fluvial sources, located predominantly within Flood Zone 1, and outside of areas identified to be at potential surface water flood risk.

4.106 The proposals meet the requirements of the latest National and Local Policy and Guidance, in terms of flood risk requirements.

Surface Water Management

4.107 Given the legislative changes associated with sustainable surface water management, the previously proposed surface water drainage strategy has been reviewed and updated in accordance with the latest National and Local Policy and Guidance, largely following key principles:

- Implementation of sustainable drainage systems (SuDS), in accordance with the drainage hierarchy, to achieve multifunctional benefits (quantity control, water quality improvement, biodiversity and amenity value).
- Maintain existing, site-specific, greenfield conditions with regard to maximum peak discharge and outfalls to existing watercourses.
- Sustainable management of all events up to, and including, the 1 in 100 year plus 40% climate change.

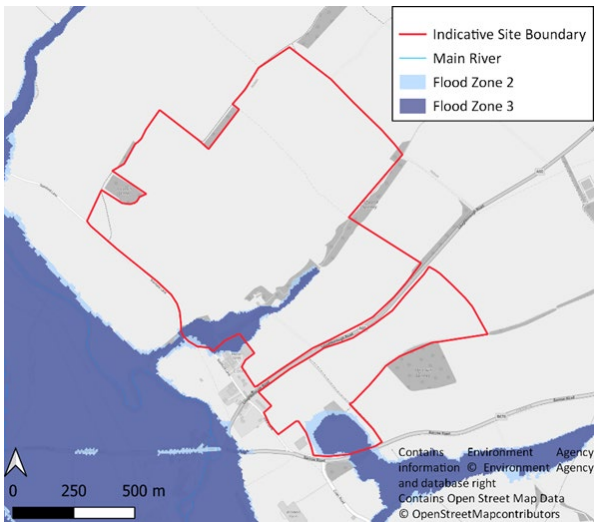
4.108 The proposals meet the requirements of the latest National and Local Policy and Guidance, in terms of surface water management.

Updated Assessment and Analysis

Flood Risk

Fluvial (River) Sources

4.109 From review of the publicly available Flood Map for Planning, the Site is identified to lie predominantly within Flood Zone 1, outside of the River Soar floodplain, with localised areas in the south of the site identified to lie within Flood Zones 2 and 3. An extract of the Flood Map for Planning is included below in **Figure 10.**



4.110 The masterplan proposes to locate all built development outside of the identified fluvial flood extents of the River Soar and associated tributaries (within Flood Zone 1 only), in accordance with National and Local Policy and Guidance.

Surface Water

4.111 From review of the Long-Term Flood Risk Information, Flood Risk from Surface Water Mapping, there is a predominant surface water flow route through the centre of the Site, associated with the Spinney Brook (an ordinary watercourse), a tributary of the River Soar which runs from north-east to south-west through the centre of the Site. A large area of surface water ponding is also identified in the south east of the site, with a surface water flow route running through the centre of the southern area of the site, ponding against the B676 Barrow Road. This area of ponding is consistent with the area identified as Flood Zones 2 and 3 as shown in the Flood Map for Planning.

4.112 An extract of the Long-Term Surface Water Flood Risk Mapping is included below in **Figure 11**.

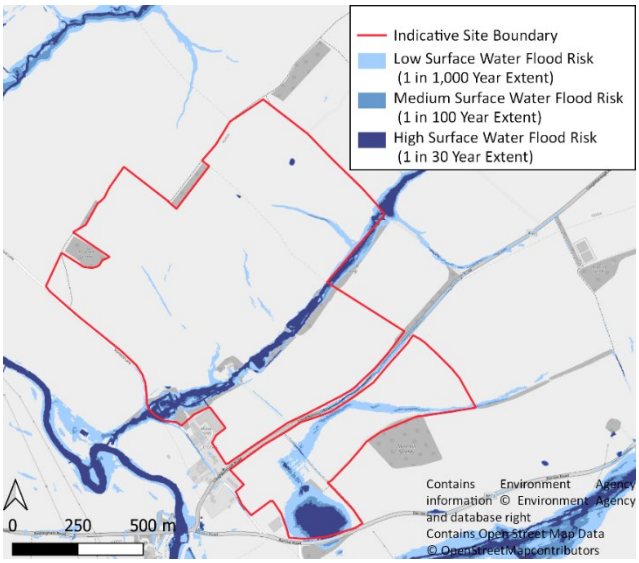


Figure 11: Long Term Flood Risk Information, Flood Risk from Surface Water Map Extract

4.113 The masterplan shows all built development located outside of the identified surface water flood extents, in accordance with National and Local Policy and Guidance.

Safe and Dry Access and Egress

4.114 It is our understanding that the concerns previously raised by the Environment Agency were primarily associated with safe and dry access and egress. Given the nature of the current updated proposals, the site-specific access to Loughborough Road has been relocated to be wholly within Flood Zone 1 and

outside of any area identified to be at flood risk from surface water. Given this, safe and dry access and egress to the site can be provided.

Surface Water Management

4.115 A surface water drainage strategy (Ref: 05424-A-0101-P2), demonstrating that surface water from the proposed development will be sustainably managed has been appended to this Delivery Statement (**Appendix 10**). This strategy aims to capture surface water runoff within above, ground attenuation features (e.g. basins, ponds) and largely mimic existing greenfield discharge rates to the surrounding watercourses, in accordance with the following key principles:

- Implementation of sustainable drainage systems (SuDS), in accordance with the drainage hierarchy, to achieve multifunctional benefits (quantity control, water quality improvement, biodiversity and amenity value)
- Maintain existing, site-specific, greenfield conditions with regard to maximum peak discharge and outfalls to existing watercourses.
- Sustainable management of all events up to, and including, the 1 in 100 year plus 40% climate change.

4.116 The updated surface water drainage strategy demonstrates that there is no proposed built development, nor any proposed SuDS features within the maximum peak flood extents of the Spinney Brook, including the latest climate change allowances.

Stakeholder Engagement

4.117 The Environment Agency have been reconsulted by PJA. It has referred PJA to its Standing Advice and Planning Practice Guidance for information, and has provided the latest available hydraulic model data for the River Soar which comprises the same Environment Agency Middle Lower Soar Model and associated 'Lower Soar and Tributaries Hazard Mapping Study (January 2012) used to inform the previous Weetwood assessments.

4.118 Leicestershire County Council as the Lead Local Flood Authority and Severn Trent Water were also consulted for any historic flood records they may hold; however, at the time of writing no response has been received.

Conclusions

4.119 This chapter demonstrates that, based on previously completed detailed assessments and updated recent technical works undertaken, the development proposals are deliverable in accordance with National and Local Policy and Guidance.

4.120 In accordance with the NPPF, and associated National and Local Policy and Guidance, the updated proposals:

- Implement a sequential approach to development, whereby all built development (comprising residential and commercial uses and site-specific access) will be located outside of areas identified to be at potential flood risk.
- Provide site-specific access to Loughborough Road located wholly with Flood Zone 1 and outside of any area identified to be at flood risk from surface water thereby ensuring safe and dry access and egress to the site.
- Implement sustainable drainage systems (SuDS) in accordance with the drainage hierarchy, to achieve multifunctional benefits (quantity control, water quality improvement, biodiversity and amenity value) to maintain existing, site-specific, greenfield conditions.

4.121 Further technical assessment of the potential impact of climate change has been undertaken. This assessment demonstrates that all built development (comprising residential and commercial uses and site-specific access) will be wholly located outside of the maximum peak flood extents of the Spinney Brook, including Climate Change allowances of 30% and 50%, as required by the 2016 guidance and exceeding the requirements of the latest 2021 guidance.

Accessibility and Transport

Introduction

4.122 This section provides a summary of the revised Transport Strategy for the proposed development, as recently undertaken by PJA.

Purpose and Scope of Assessment

4.123 The Strategy comprises the following elements:

- A Travel Demand Model (TDM), which estimates the number of trips generated by the development and the potential for these trips to be undertaken by modes other than the private car.
- A walking and cycling strategy which assesses the existing routes from the sites against current guidance, and then in turn identifies new routes and upgrades to existing routes where necessary.
- A public transport strategy which sets out a number of enhancements to existing bus services to improve access to the site by public transport.
- A mobility strategy which considers a number of innovative measures to ensure that sustainable modes of transport are attractive.
- A review of the highway strategy that was put forward as part of the original planning application.

Background

4.124 Both travel behaviour and the development proposals have changed since the 2013 planning application was determined. It has therefore been necessary to prepare an updated Transport Strategy which reassesses the revised development proposals, and takes account of updates to local and national transport policies.

Previous assessments and conclusions reached by the LPA and Consultees

4.125 The 2013 planning application was supported by a Transport Assessment and Travel Plan prepared by PJA.

4.126 The content of both reports was agreed with Leicestershire County Council (LCC) at the time of the submission, with the exception of the accessibility of the site to services by walking and cycling. The issues that were raised by LCC included:

- the ability to deliver sufficient on-site facilities in order to provide a genuine mixed-use development;
- the proximity of the site to key services in Loughborough; and
- concerns that high quality walk/cycle routes to Loughborough could not be provided.

Changes in Policy Framework and Guidance since 2014

Gear Change and LTN 1/20

4.127 The national policy context for active travel has changed significantly since the original planning application was submitted with the publication of 'Gear Change' and the revised Local Transport Note 1/20 'Cycle Infrastructure Design' in 2020. These two polices outline significant changes for the future of transport planning and design in the UK and the prioritisation of measures that encourage increased levels of walking and cycling.

4.128 The Cycling and Walking Plan for England, 'Gear change: a bold vision for cycling and walking', was published on 27 July 2020. The plan sets out the government's shift in transport policy: to prioritise active travel over single-occupancy private vehicles.

4.129 In support of this, the Department for Transport's recently published Cycle Infrastructure Design - Local Transport Note 1/20 establishes much higher standards for cycling infrastructure including geometric requirements.

4.130 The cycling and walking strategy for the site has been revised in accordance with both documents, to ensure a high standard of walking and cycling infrastructure both within the site and external to the site.

Bus Back Better

4.131 The Government's new national bus strategy paper "bus back better" was published in March 2021 and has changed the landscape for bus operations in England. This requires local authorities to take a far more proactive role in the development of the bus network.

4.132 The public transport strategy has been revised in light of this new document.

Updated Assessment and Analysis

Travel Demand

4.133 A revised Travel Demand Model (TDM) has been prepared to assess the impact of the revised development proposals. The aim of the TDM was also to calculate the potential for mode shift, and how this might impact the number of car trips from the development. The revised travel demand calculations presented the following key findings:

- the development would generate 578 two-way vehicular trips during the AM peak hour and 524 vehicular trips during the PM peak hour;
- the provision of a school and employment opportunities on site means that a high number of trips can be "internalised", meaning there is less of an impact on the local highway network;

- the calculations predict a high level of demand for cycling and walking trips into Loughborough. This highlights the importance of providing a good quality route into the town; and
- if the measures proposed as part of the revised transport strategy are implemented, the number of car trips generated by the development could be reduced by as many as 108 two-way trips.

Cycling and Walking Strategy

4.134 A full review of the walking and cycling strategy for the site has been undertaken to ensure that the proposals are fully compliant with LTN 1/20.

Internal Site Layout

4.135 First, an audit of the site layout was undertaken against the principles set out in LTN 1/20. This confirmed the following:

- the site layout prioritises pedestrians and cyclists, to create an exemplar development where walking and cycling are the main modes of transport within the site;
- the mix of uses within the site will reduce the need for residents to travel outside of the development for their everyday needs; and
- the connections to public rights of way outside of the site will encourage leisure trips and enable residents to enjoy the countryside on their doorsteps.

4.136 The site layout therefore conforms with the five core principles of LTN 1/20:

- it's low traffic nature ensures that cyclists can move between off-road infrastructure and quiet residential streets in a cohesive manner.
- routes through the site are direct and provide links between neighbourhoods.
- the realignment of the A60 creates a low-traffic environment within the site, which alongside the off-road routes proposed will ensure the safety of pedestrians and cyclists.
- comfort for users is ensured through the extensive network of routes proposed.
- routes are provided in attractive, landscaped areas throughout the site.

Routes to Loughborough

4.137 The key local facilities in Loughborough were identified to determine the desire lines from the development. From this analysis, key routes from the site were identified and then audited by PJA in April 2021. A series of improvements were identified which are required in order to ensure that each of these key routes are compliant with the core principles of LTN 1/20.

4.138 The resultant pedestrian and cycle strategy for the development is presented on the plan overleaf. This plan demonstrates the new infrastructure and improvements to existing infrastructure proposed.

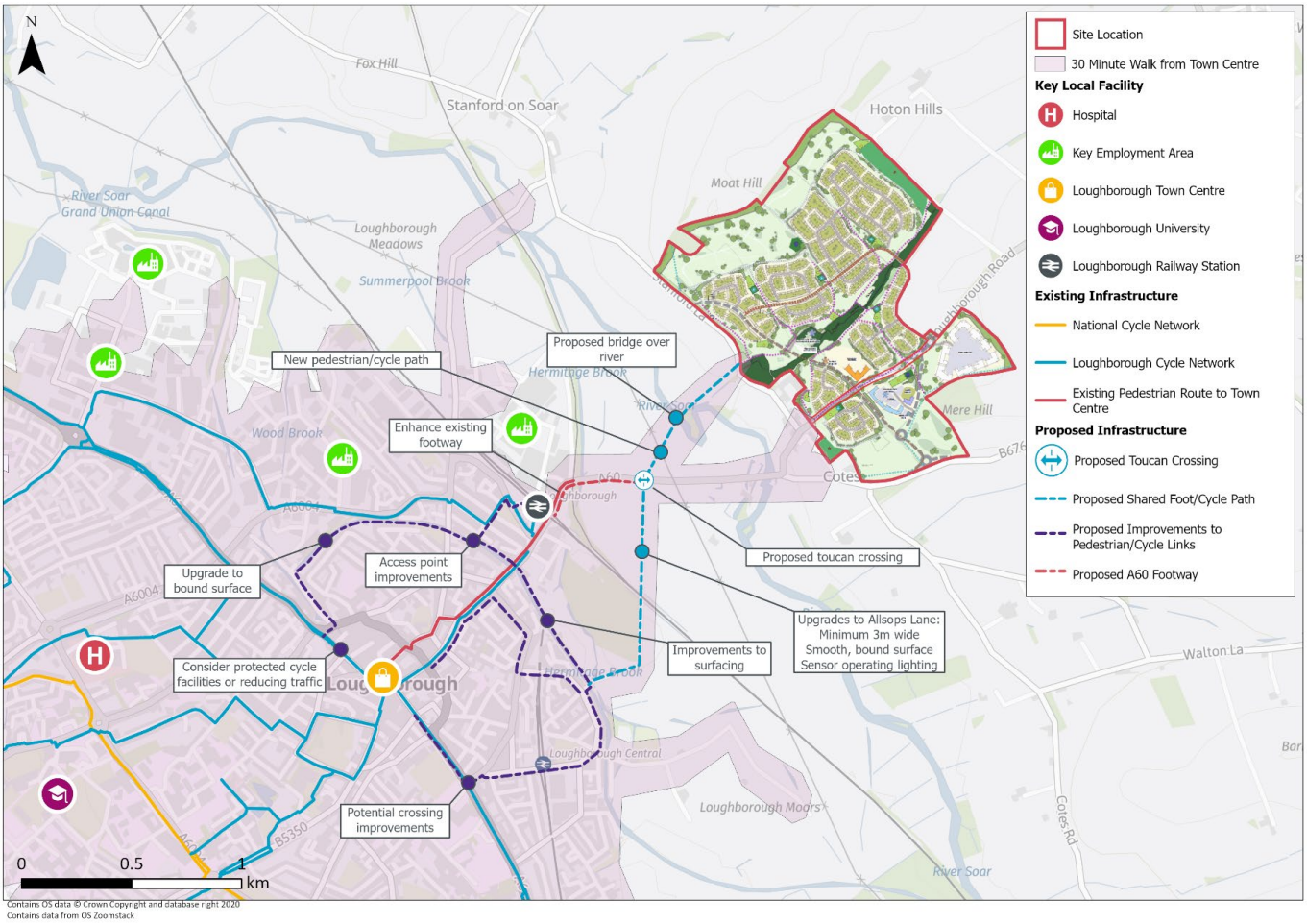


Figure 12: Pedestrian and Cycle Strategy

4.139 As shown in **Figure 12**, the following improvements are proposed:

a) currently, there is no traffic-free route for cyclists from the development into Loughborough. Therefore, a new traffic-free shared-use footway/cycleway is proposed, which will extend from the site to the edge of Loughborough. This is highlighted by the dashed blue line on the plan. The southern section of this route will be an upgrade to the existing bridleway along Allsop's Lane, which is currently unsurfaced and unsuitable for cyclists. Upon completion, this will provide a lit, fully surfaced high-quality route designed in accordance with the geometric requirements of LTN 1/20. (**Figure 13**)

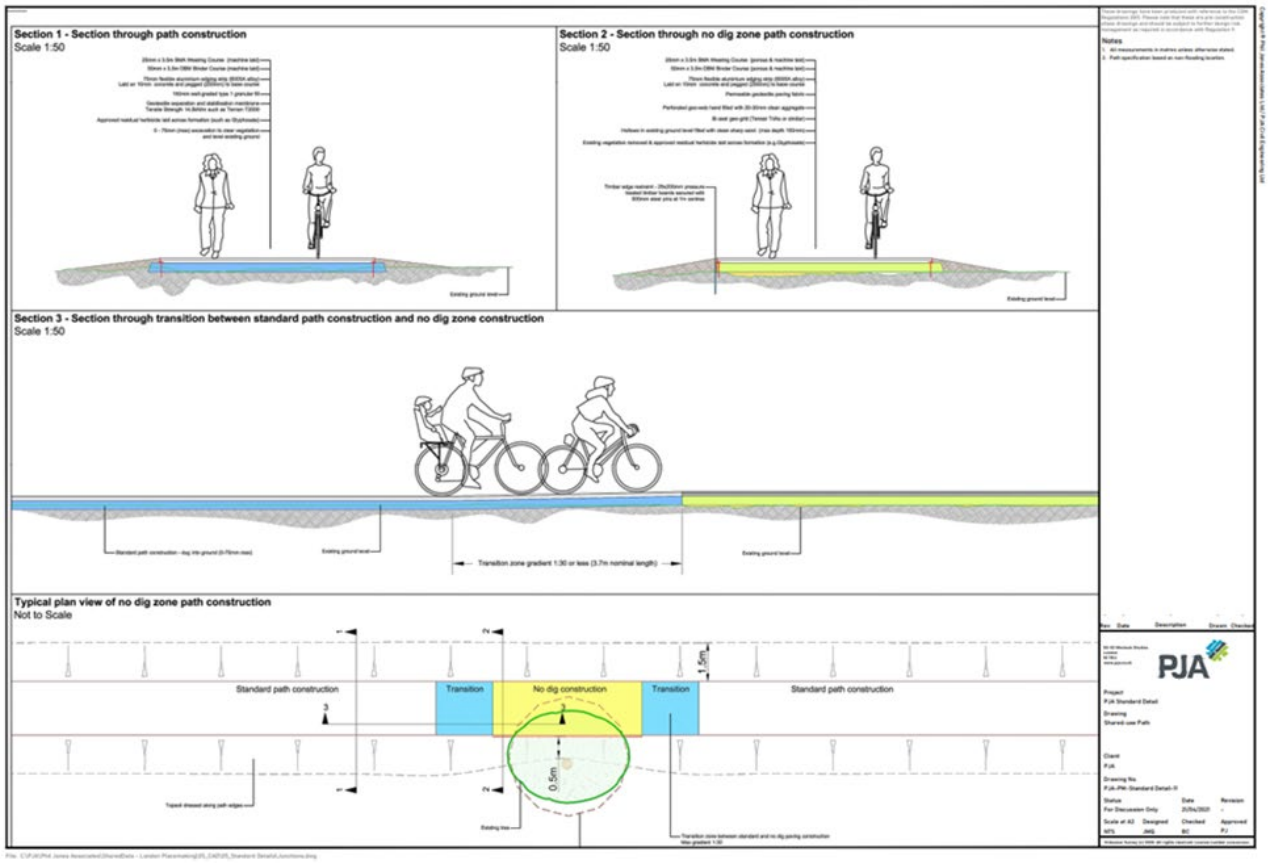


Figure 13: Shared-use Path

b) at present there are no crossing facilities on this section of the A60 and therefore a new toucan crossing will be provided to facilitate the proposed shared use route as shown below.

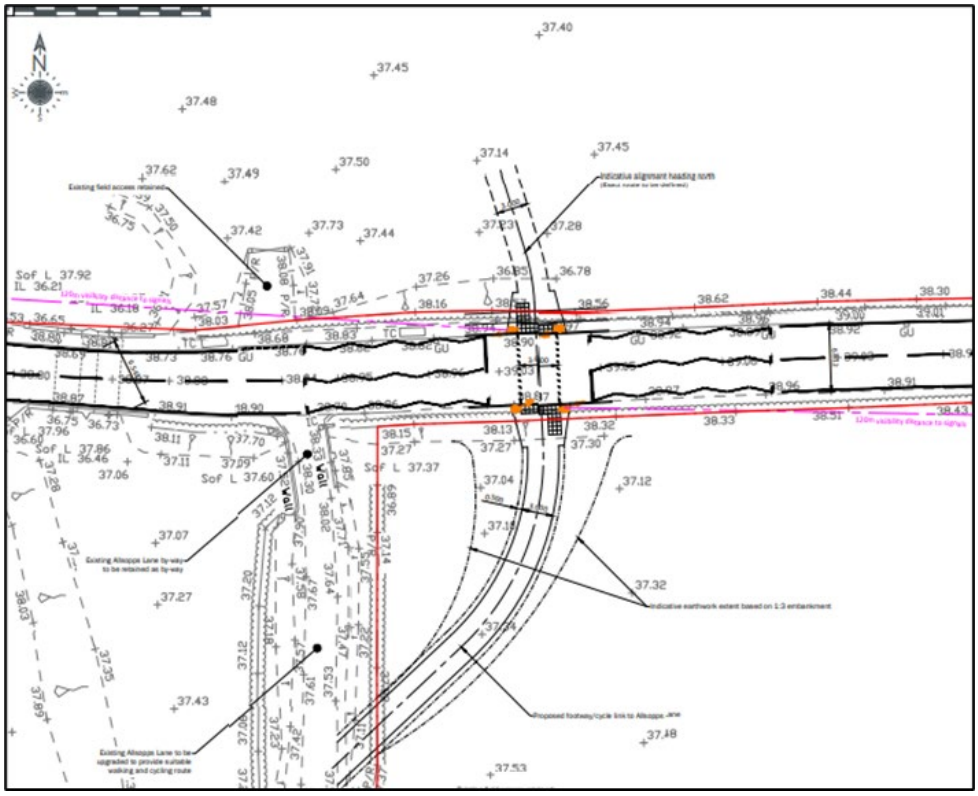


Figure 14: Proposed Toucan Crossing – A60

c) the site benefits from its proximity to Loughborough Railway Station, which is situated within a circa 15-minute walk from the site's southern boundary. However, at present there is not a continuous pedestrian route provided. Therefore, it is proposed to construct a new footway along the southern side of the A60, which will tie in with the existing footway underneath the railway bridge. The section of footway between the railway bridge and the station will be upgraded and widened for the comfort of pedestrians. This will provide a direct, continuous pedestrian route from the site to Loughborough Station and beyond to the town centre; and

d) within Loughborough, existing walking and cycling routes to the Station and to the town centre have been identified, as shown on the pedestrian and cycle strategy plan (**Figure 12**). Through the audits, various improvements were identified which will be required in order to bring these routes up to standard with LTN 1/20. These improvements are highlighted on the plan and include providing new crossing points, improvements to surfacing and lighting, reducing traffic volumes and providing protected cycling infrastructure where required.

4.140 Through the implementation of this strategy, it has been demonstrated that the five core principles of LTN 1/20 can be satisfied:

- **Cohesive** – the new shared-use route provides a clear and convenient route from the development into Loughborough. Within Loughborough, the proposed upgrades to existing routes, including the improvement of existing access points and improvements to crossing provision, will ensure that routes are legible and cohesive for cyclists.

- **Direct** – there are multiple direct routes from the development to Loughborough for both pedestrians and cyclists. Each route has been planned to specifically align with the key desire lines from the development.

- **Safety** – the safety of pedestrians and cyclists will be significantly improved through the provision of a new toucan crossing on the A60, and the crossing improvements identified on the routes into Loughborough town centre. Furthermore, by providing a traffic-free route into Loughborough, cyclists will not need to mix with traffic on the A60.

- **Comfort** – The comfort of existing routes within Loughborough will be vastly improved by upgrading surfacing where it is currently substandard. In addition, it will be ensured that new routes are designed in accordance with LTN 1/20 geometric requirements.

- **Attractive** – the proposed shared use route will provide an attractive, traffic-free route through a rural area. Moreover, sensor operated lighting will ensure that the route does not detract from its rural surroundings.

Public Transport

4.141 The site is currently well served by existing bus routes, which stop on the A60 directly adjacent to the site. These provide frequent services to Nottingham and Melton Mowbray. Nevertheless, there are various improvements which could be made to improve bus access to the site, as it is built out and demand increases.

4.142 The proposed bus strategy for the site can be summarised as follows and is shown on **Figure 15** below:

- Phase 1 (up to circa 750 dwellings) – the site will be served by the existing services, providing three buses per hour. When possible, these services will be diverted into the site where they will turn via an internal loop.

- Phase 2 (750 - 1,500 dwellings) – an enhancement to the bus service provision, based on either the extension of the Sprint bus to the site every 20 minutes from the rail station or the deployment of an additional vehicle on either route 8 or route 9 to allow the chosen route to operate across the town centre to the University.

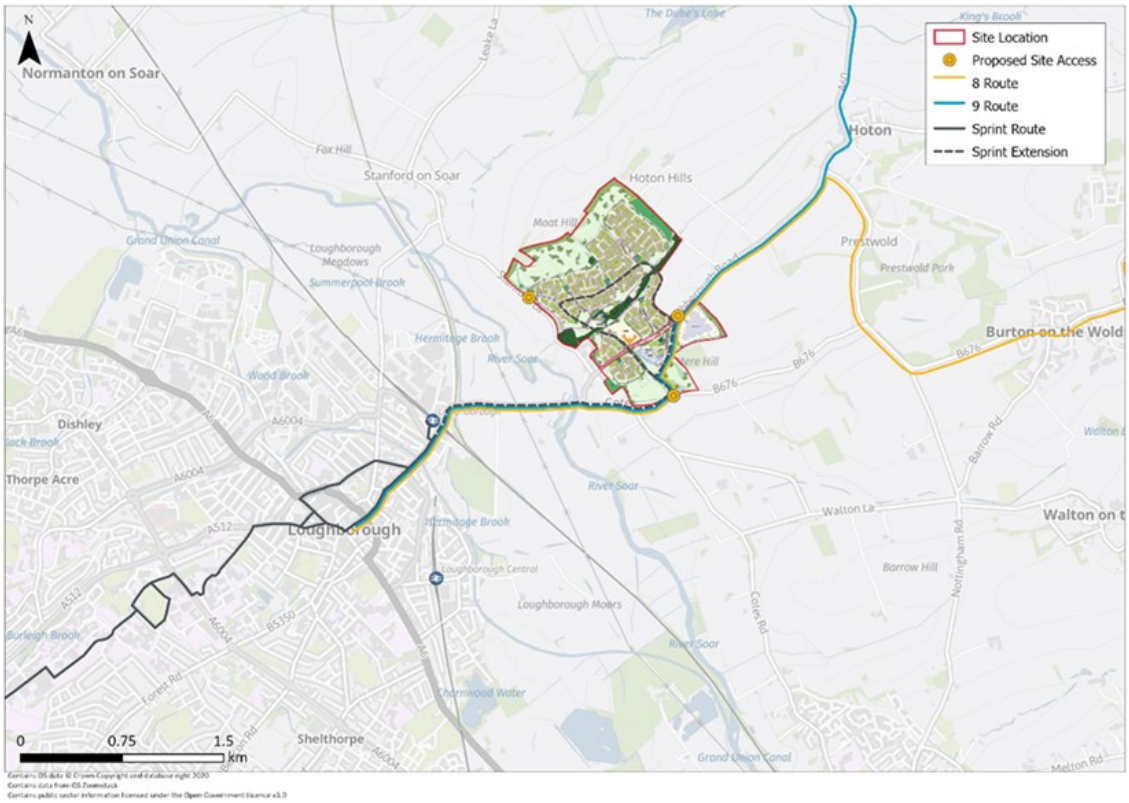


Figure 15: Bus Strategy

4.143 Based on income calculations, this strategy is considered to be financially viable and can be implemented gradually as the development is built out.

Mobility Strategy

4.144 Since the 2013 application was submitted, innovative mobility solutions have been increasingly seen as realistic solutions to creating sustainable developments. This is highlighted in particular by the increased emphasis on walking and cycling through the Gear Change document, and the rise in "micro-mobility" modes, such as E-scooters and E-bikes.

4.145 Therefore, the mobility strategy for the site has been revised to take account of current industry best practice.

4.146 Crucial to this strategy will be a mobility hub, located in a central location within the site. A mobility hub is defined as "a recognisable place with an offer of different and connected transport modes supplemented with enhanced facilities and information features to both attract and benefit the traveller."

4.147 From this hub, services such as E-scooter and E-bike hire, car club spaces, a delivery hub, a working hub and a bike repair workshop will be offered.

4.148 In summary, the key points to note from the mobility strategy are as follows:

- the site will be designed such that the focus is not placed on the private car, rather on providing attractive spaces that optimise access to and between sustainable transport modes;
- there will be a mobility hub on site, which will provide access to a range of sustainable modes of transport and reduce the need to travel; and
- a robust Travel Plan will be implemented, including a series of innovative measures to encourage uptake of sustainable transport and a rigorous monitoring strategy.

Highway Strategy

4.149 The previously prepared highway strategy has also been reviewed. The strategy included the following key components:

- diversion of the A60 from its current alignment.
- provision of new 4-arm roundabouts to access the east and west of the development site.

- provision of a new highway link between the A60 and the junction between Barrow Road and Cotes Road.
- stopping up of Back Lane, Stanford Lane and the A60 / Barrow Road junction.

4.150 It is concluded that the benefits of this highway strategy are still valid, and that if implemented there will be a number of benefits surrounding network capacity, congestion, and improved highway safety.

Conclusions

4.151 The transport strategy for this development has been revised in accordance with the latest transport policy, taking account of current baseline conditions and with the aim of addressing the concerns raised by LCC for the previous application.

4.152 The strategy has outlined a number of walking and cycling proposals, which will provide the opportunity to achieve modal shift away from car trips into Loughborough.

4.153 There is also opportunity to enhance the existing bus routes to the site to accommodate the increasing demand as the development is built out. This has been demonstrated to be financially viable.

4.154 A mobility strategy has been proposed, which outlines a number of innovative measures that will ensure the development is at the cutting edge of sustainable transport.

4.155 Finally, a review of the highway strategy for the site demonstrates that a number of benefits will be provided by the proposed approach, including improvements to congestion and safety.

4.156 In conclusion, therefore, it is considered that the implementation of this strategy will provide the necessary measures and infrastructure required to make the proposed development acceptable from a highways perspective, therefore addressing the concerns originally raised by LCC at the time of the previous application.

Air Quality and Odour

4.157 BWB Consulting is providing advice on air quality matters and notes the following.

4.158 The proposed development is not located within an existing Air Quality Management Area (AQMA) and the redline boundary is not located adjacent to any significant sources of air pollution such as A roads or motorways, with the exception of the small section of southern boundary which lies adjacent to the A60.

4.159 The closest AQMA to the site is on the north eastern edge of Loughborough; however all monitored nitrogen dioxide concentrations within Loughborough were predicted to be below the relevant annual mean air quality objective in 2019.

4.160 The proposed development is located in a less urban setting than Loughborough and therefore baseline concentrations are anticipated to be below the relevant annual mean air quality objectives and therefore the site is likely to be suitable for the proposed residential use with regard to road traffic emissions.

4.161 The proposed development is located in close proximity to the Loughborough railway station and therefore there are alternative sustainable means of transport available to future residents.

4.162 No significant sources of odour have been identified in the vicinity of the site, with the closest Sewage Treatment Works situated approximately 1.5km to the west. Neither air quality nor odour present any form of constraint to development in this location.

Noise

4.163 BWB is also advising on noise matters and notes the following.

4.164 The proposed development is not located adjacent to any significant road traffic sources, such as motorways or A Roads, with the exception of the small section of southern boundary which lies adjacent to the A60. The nearest railway line is approximately 650m to the west of the nearest proposed home. Industrial noise sources are located to the west of the railway line.

4.165 With no significant noise generators close to the site, noise is most unlikely to present any form of constraint.

5. Sustainability

5.1 The NPPF makes it clear at paragraph 8 that, in the context of proposals such as those being promoted by Jelson here, achieving sustainable development means:

a) ensuring that sufficient land of the right types is available in the right places and at the right time to support growth;

b) ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations;

c) fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

d) protecting and enhancing our natural, built and historic environment;

e) making effective use of land;

f) helping to improve biodiversity;

g) minimising waste and pollution; and

h) mitigating and adapting to climate change, including moving to a low carbon economy.

5.2 The NPPF goes on, at paragraph 73, to state that the supply of large numbers of new homes can often be best achieved "*through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities*".

5.3 The Jelson proposals address all of these objectives as follows:

Available at the Right Time

5.4 The site is being promoted and made available for development at precisely the right time – a time when it is required to help Charnwood deliver homes to satisfy its OAN, to address affordability issues, to support planned jobs growth and to help address unmet housing needs arising in Leicester.

5.5 As we will be demonstrating through our engagement in the Local Plan Examination in Public, the emerging Plan makes insufficient provision for housing and as a consequence will not be sound unless the land at Cotes is allocated for development.

The Right Type of Site

5.6 The site is also the right type for housing development. In addition, and crucially, is in the right location. The site is largely unconstrained, is very well contained in landscape and visual terms its development would not give rise to any significant adverse environmental or other effects. Importantly, it is located just 1km from Loughborough, the Borough's principal town.

5.7 The centre of Loughborough is only a 7-minute bus ride, a 10 minute cycle, or a 30 minute walk away. Loughborough train station, which provides regular and frequent connections to the likes of Leicester, Derby, Nottingham and London is closer still.

5.8 By comparison, journeys from other locations into the centre of Loughborough by sustainable means take considerably longer as indicated in the table below:

Location	Journey Time to Loughborough (Centre) by Bus (Minutes)	Journey Time to Loughborough (Centre) by Cycle
Loughborough (South)	17	14
Shepshed (West)	29	30
Barrow upon Soar (Centre)	17	22
Sileby (Centre)	26	30
Rothley (Centre)	26	33
Kegworth (Centre)	16	30

5.9 So, the site is in a highly sustainable location and one that is superior in locational terms to a large number of the other sites that are being proposed for development by the Council.

Delivering at Scale and Delivering Choice

5.10 As indicated earlier in this document, the site has the capacity to deliver some 1,450 new homes and thus make a significant contribution towards satisfying the housing need of present and future generations. In addition, it has the ability to offer (and Jelson and Davidsons have a track record in delivering) a wide range and choice of homes, from 1 and 2 bedroom apartments through to 5 bedroom detached homes and everything in between. It also has the ability to accommodate a range of house

typologies, including accessible homes and bungalows. Critically, it would deliver the policy compliant level of affordable homes in line with emerging Local Plan policy H4 (30%) which, on large sites is largely unheard of in Charnwood. The addition of some 435 affordable homes will make a significant contribution to satisfying the affordable OAN in Charnwood, which currently stands at 476 dpa.

Well Designed, Accessible, Safe and Healthy

5.11 Matters of design, safety and healthy living will all be addressed in full detail at the planning application stage, but it is clear from the work that has been undertaken so far that the site is perfectly capable of accommodating, and Jelson and Davidsons are capable of delivering, a development of the highest quality with extensive areas of green and blue infrastructure, thus creating a genuinely healthy, balanced and integrated community.

5.12 Moreover, because the site is so close to Loughborough it offers superb accessibility, by non-car modes, to all of the services, facilities, shops, and job opportunities that future residents are likely to require. Of course, the development itself will also contain a local centre, primary school and 5.5ha of employment development, ensuring that the majority of people's day to day needs will be catered for on-site, reducing significantly the need for them to travel even the short distance into Loughborough.

Heritage Assets

5.13 There are some heritage assets in the vicinity of the site but as the various heritage assessments have demonstrated, the development of this site would cause no more than 'less than substantial harm' to any of them. Such harm would very clearly be outweighed by the significant public benefits that the proposals would deliver.

Making the Best Use of Land

5.14 It is a matter of fact, and the Council fully acknowledges, that the overwhelming majority of the homes that need to be delivered during the next Plan-period will have to be constructed on land that has not been developed previously. Accordingly, its objective must be to ensure that the sites that are selected for development are in the most sustainable locations where the need to travel, and journey times to essential services, facilities and jobs are minimised. The Jelson site is the only site in the north of the Borough that can boast the level of proximity and accessibility that it does. No other site is as well located relative to Loughborough town centre and Loughborough train station.

Improving Biodiversity

5.15 The masterplan for the site provides for the delivery of some 57.96ha of natural and semi-natural greenspace and a fully integrated SUDS system. These features, coupled with the ecological features that can and should be designed into buildings, domestic gardens and more formal areas for recreation, provide a very clear opportunity deliver significant gains in terms of biodiversity.

Minimising Waste and Pollution and Adapting to Climate Change

5.16 The site's location and Jelson's proposals for sustainable travel will minimise pollution and waste. Moreover, its compliance with Building Regulations and the Council's emerging policies in respect of energy and renewables will deliver on key objectives in respect of climate change.

5.17 As mentioned, Jelson and Davidsons are both local housebuilders. Jelson in particular has a directly employed local workforce based just 11 miles away in Leicester. Jelson is also fairly unique for a volume builder as the manufacturing for building supplies such as windows, stairs and kitchens takes place in Leicester which avoids the need to source and ship these from other part of the country. They also have an extensive supply relationship with local companies for items such as bricks, roof trusses and other essential construction materials. These factors enable Jelson to minimise waste throughout the building process.

5.18 Overall, it is clear that this site offers an excellent opportunity to achieve significant levels of highly sustainable and much needed growth, delivered by local housebuilders.

6. Deliverability

6.1 The NPPF defines a deliverable site as one which should be available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within five years.

6.2 The site is very clearly available for development. Its availability has been communicated to the Council through several calls for sites and through the planning application that Jelson and Davidsons promoted back in 2013. As evidenced in this document, it is also a suitable location for development. It presents no insurmountable constraints, is not 'sensitive' in any way, and is located just 1km from the Borough's main town. Finally, development here is very much achievable. The site is in the hands of highly experienced housebuilders with a track record of delivering new homes in Charnwood and other parts of Leicestershire. They have a comprehensive consultant team appointed and would expect to be able to obtain an implementable planning permission within 12 months of confirmation that the site has been allocated in the Local Plan. There would be no delay or uncertainty arising from any disposal / acquisition processes and the site would be straightforward to prepare. There are no major or abnormal infrastructure requirements arising from the masterplan and nothing that would delay the delivery of the first homes on site. Housing completions could certainly be achieved here within 5 years.

6.3 Notwithstanding the above, we note that, when the 2013 planning application was determined, the Council raised concerns about the deliverability of the proposed local centre and employment development and, thus, concerns about the sustainability of the proposals. We have no doubt that both are feasible and viable and would be delivered, but to provide added comfort in this regard Jelson have sought input from Innes England. Innes England is a privately owned multi-discipline firm of Chartered Surveyors with detailed knowledge of the property market within the Borough, particularly in terms of the supply of industrial property onto the market and the demand that can be expected both from the local market, and the more regional and national sectors. It is their view that the incorporation of employment into this site would provide the foundation for viable and deliverable development. Innes England note the following in particular:

General Locational Characteristics

6.4 Riggets Green is located just 1km from the edge of Loughborough, on the side of the town that is dominated by the railway station and industrial / employment development.

6.5 The site lies adjacent to the A60 trunk road providing swift access to Loughborough itself and in a north-easterly direction to Nottingham and the A46 trunk road via Wymeswold. The A60 provides access

within Loughborough itself to the northern perimeter ring road that facilitates access to the railway station, though more particularly the northern industrial areas of the town and the M1 at Junction 23 via the A512 between Loughborough and Shepshed.

6.6 The current proposals for the site allow for the development of a local centre that will provide everyday retail and other welfare amenities. Loughborough town centre is only a short distance away, with substantial retail and other tertiary facilities commensurate with a town of this size.

6.7 The wider area to the north and east of Leicester is characterised by a number of important mixed residential and employment settlements, such as Wymeswold, Barrow upon Soar, Sileby and East Goscote, each providing reasonably significant employment capacity alongside residential and smaller scale retail uses. The development of Riggets Green would not be out of keeping with similar developments within the immediate area that have proved to be successful and sustainable over time.

6.8 It is acknowledged that the site cannot be regarded as a strategic employment location, and one that would necessarily attract a national distribution operation, primarily in view of its location away from the national motorway network. However, such provision is adequately catered for elsewhere within the Borough and the wider region generally, which will be helped by further strategic allocations within the new Local Plan.

6.9 The employment element of the proposals is only a relatively small part of the overall development with the intention being that this provides employment opportunities for the residents of the development, thus reducing the need for extensive journey times to work, or even to Loughborough itself. This has worked very satisfactorily north of Birstall for example, where the developer built out Interchange, a similar sized development alongside the provision of 900 homes, helping to facilitate a more sustainable long-term community.

Meeting Market Demand

6.10 Whilst the current Covid-19 pandemic has caused a significant upheaval to our general way of life, the property market continues to perform exceptionally well in the circumstances and particularly within certain sectors, notably the industrial and warehouse markets. The office market more so than the retail market shows signs of the greatest long-term structural change, primarily in view of the likely growth in agile working and the adoption of more flexible working practices. This will undoubtedly have an effect upon future office take up, availability and values. The industrial sector by comparison has remained remarkably resilient, to the effect that there is a continuing shortage of industrial premises on the market or under construction. This includes the availability of larger distribution units needed by the major retailers and 3PLs, but in addition to this, smaller scale development to suit more local

and regional warehouse and manufacturing operations. This lack of supply has caused competition for buildings, both to rent and purchase, with the effect that values have risen, thereby justifying further new development from a viability perspective, but also to satisfy demand.

6.11 Innes England has provided, at **Table 7**, the levels of take up and availability overall within Leicestershire over the last 3 years, demonstrating that even last year during the height of the pandemic that demand was still strong, emphasising the shortage in supply. Below this, at **Table 8**, the profile for Charnwood is shown, where a similar dynamic is evident.

Year	Take Up (Sq Ft)	Availability (Sq Ft)
2021	2,224,205	3,115,099
2020	3,048,000	3,216,000
2019	2,269,000	3,544,000

Table 7: Industrial take up and availability within Leicestershire

Year	Take Up (Sq Ft)	Availability (Sq Ft)
2021	147,000 (to July 2021)	325,000
2020	316,000	377,000
2019	295,000	415,000

Table 8: Industrial take up and availability within Charnwood

6.12 **Table 8** provides the evidence behind the assertion of a strong employment sector and therefore the need for the adequate provision of modern well-located industrial development that should not necessarily be limited only to strategic sites aimed towards one particular market. In reality the local economy is sustained by a wide variety and interconnecting businesses who have, due to their versatility and flexibility, managed to adapt and in many cases expand their operations over the course of the pandemic. As such, many who are in older poorer quality buildings are now seeking an opportunity to expand into better quality or new industrial accommodation offering a better quality working environment and corporate profile. The size of unit commonly being sought varies enormously, but would typically be between 2,500 sq ft and 25,000 sq ft, as can be clearly demonstrated by the success in the disposal of similar sized accommodation at Interchange, Birstall. In addition to this, **Table 9** shows an indication of the unit sized demand profile over the last 3 years, clearly demonstrating on a quantitative basis where demand lies. Furthermore, if the provision of accommodation on estates such as The Warren and The Burrows at East Goscote, the Hayhill Industrial Estate and Sileby Road Estate in Barrow, and developments within Sileby on Albion Road and Manor

Drive are considered, the take up and provision of accommodation is aligned with present market demand, between these two sizes. These estates are effectively now at a point where there is no availability, making the clear case for further and similar development elsewhere.

	Take Up 2021	**Total**	**No**
<5000		104,334	40
5001-10000		169,236	23
10001-20000		236,898	16
20001-30000		97,751	4
30001-50000		73,033	2
>50000		1,542,953	7
TOTAL TAKE UP		**2,224,205**	**92**
	Take Up 2020	**Total**	**No**
<5000		154,578	55
5001-10000		198,085	27
10001-20000		200,103	15
20001-30000		102,981	4
30001-50000		185,139	5
>50000		2,207,114	10
TOTAL TAKE UP		**3,048,000**	**116**
	Take Up 2019	**Total**	**No**
<5000		90,813	32
5001-10000		188,862	27
10001-20000		281,206	20
20001-30000		141,373	6
30001-50000		75,566	2
>50000		1,491,180	10
TOTAL TAKE UP		**2,269,000**	**97**

Table 9: Unit sized demand profile over the past 3-year period

6.13 Riggets Green is similar in many ways to these existing estates in terms of its location, and would be developed out on a phased basis, to provide local supply of this approximate size and nature. In addition to this, the site benefits greatly from its proximity to Loughborough, particularly the eastern and northern areas of the town where extensive industrial development has already taken place, although availability is once again, very low.

6.14 As a corollary to this, in Innes England's experience, local organisations are to a great extent parochial in their attitude towards industrial locations, preferring to be close to either their existing markets or within close proximity to their labour force who likely will live within the immediate catchment area. The development of the subject site will therefore allow for the logical extension to the wider industrial sector within this part of Loughborough facilitating the provision of future stock to allow organisations the ability to relocate locally.

6.15 At **Table 10**, Innes England outline the extent of development on similar industrial estates, together with the immediate availability of accommodation, which clearly shows current levels of demand and a lack of supply.

Location	Total Area (Sq Ft)	Availability (Sq Ft)
Sileby Road, Barrow upon Soar	425,000	Zero
Hayhill, Barrow upon Soar	140,408	Zero
Interchange, Birstall	219,495	Zero
Manor Drive, Sileby	55,555	Zero
Albion Road, Sileby	25,592	Zero
The Warren, The Burrows, East Goscote	300,043	Zero

Table 10: Extent of development on similar industrial estates

Nature of Supply

6.16 The HEDNA Assessment in January 2017 identified a need for a further 39 hectares of employment land within Charnwood to take into account future levels of growth and demand within the borough. This calculation was subsequently challenged by the Charnwood Borough Council Employment Land Review undertaken in March 2018, which suggested that there was scope to increase this provision to 44.5 hectares, in view of greater levels of envisaged growth in the borough and the county as a whole when compared to other regions and completions. Proposed allocations were suggested as being adequate to cater for this demand, but the Charnwood Borough Council Employment Land Review made the

important point that whilst the existing and new allocations proposed were justified in meeting the HEDNA demand scenario for future industrial land use and allow a small contingency in supply, it caveated this to the point that the policy should be flexible enough to allow further land to come forward that would be available for small and medium sized freehold units, as distinct from development only being available to rent. On this basis, there is a strong case to exceed the minimum figure should land on this basis come forward. In addition, it suggests that there is some scope to release a number of poorer quality existing sites for alternative uses. For example, Earls Way, Thurmaston, which if this was lost for employment purposes, would potentially put pressure on the overall employment land supply, making the case for additional allocations, such as that proposed at Riggets Green.

6.17 It is Innes England's opinion that many of the proposed allocations and existing employment areas with the Borough relate to areas that rely upon demand from the 'Leicester' industrial catchment area and are not sites that help to redress the supply issues within Loughborough itself. Riggets Green would help this to a great extent.

6.18 In relation to the freehold versus leasehold argument, whilst many smaller owner managed businesses would appreciate greater opportunity to acquire a freehold interest where there is certainly a lack of supply at present, many organisations do not share this view, either due to their financial position or merely a greater need to invest in plant and machinery rather than property. They still require good quality, appropriately located accommodation, however. The availability of mixed tenure is useful but considering the level of demand that is currently being shown in mainly leasehold property, due to the lack of freehold alternatives, Innes England do not believe that it would be economically prudent to restrict development on this basis. Overall, the marketplace will dictate the tenure required and developers will react accordingly to maintain continuity. Of greater importance is the need to provide appropriate accommodation that appeals to a broad industrial and warehousing base that exists within the Borough overall.

6.19 In view of the location of the site away from the major motorway network, it enhances the view that the site will be developed out to accommodate smaller units primarily of benefit to local occupiers, which would not potentially be the case on some of the more strategically located sites where larger facilities would be envisaged.

Office Market

6.20 It is theoretically likely that on a very local basis there may be limited interest in the site from office occupiers, although it is much more likely that greater demand for offices will be seen within

Loughborough town centre and on the nearby business parks where there is already provision. The Council's Employment Land Review concluded that even in areas of the borough achieving the greatest rents, development is not viable and as a result, evidence does not support allocating new land for office development in Charnwood. The focus for office growth should be on the refurbishment of existing stock and the continuation of new office development on existing business parks such as Watermead.

Summary and Conclusions

6.21 The anticipated levels of land supply are expected to be sufficient to cover the plan period, but need to be flexible enough to allow for the inclusion of sites that would provide replacement stock when existing employment supply is taken over for alternative uses. In view of the lack of recent development and therefore an aging stock this is increasingly the case.

6.22 The demand for smaller industrial units on both a freehold and leasehold basis is presently very good and has been for a number of years since the end of the Financial Crisis that began in 2007/8. This will likely continue in view of the growth forecasts within the HEDNA Report that suggests that Charnwood is likely to experience higher levels of growth compared to other comparable locations. As a result of this there will need to be sufficient land supply to support the development and expansion of national, regional and local businesses.

6.23 The site is not regarded as a strategic development site, in view of its location away from the national motorway network, and therefore is unlikely to appeal to the national and regional distribution market. The impact that this would create on the local transport networks need not be considered particularly relevant or contentious, therefore.

6.24 The provision of industrial supply within the Borough is currently very low, as it is within the county generally. This is the result of limited development outside of the provision of large distribution orientated development. Land for the supply of products aimed at the local market is as important but will only occur if land is allocated outside of those areas which would be traditionally regarded as mainstream distribution locations, primarily those close to the national motorway network. The site has this characteristic being located away from the motorway network but in close proximity to the northern and eastern environs of Loughborough and significant areas of employment within the town currently. As a result, there would seem to be logical synergy in developing the subject site particularly when it is proposed to dis-allocate the Dishley Grange employment site nearby, due to delivery difficulties.

6.25 The success of mixed-use sustainable schemes is already well-established within the Borough by Jelson, as has been evidenced by the development at Interchange near Birstall.

7. Benefits of the Proposal

7.1 The Jelson proposals would deliver significant economic, social and environmental benefits. These include:

a) a significant number of new homes, including approximately 435 affordable homes;

b) homes for all, with a full range of dwelling types and sizes, including homes for first time buyers, couples, families and the elderly;

c) the provision of a new Primary School on-site, at the heart of the new community and within easy walking distance of all of the new homes proposed;

d) the provision on site of local shops, café's, leisure and medical facilities;

e) the construction of buildings for businesses, creating jobs for future residents;

f) the provision of 57.96ha of natural and semi natural green spaces including walking and leisure routes, 3.13ha of playing pitches onsite and an additional 4.14ha offsite, 1.42ha of child's play spaces, 0.4ha NEAPs, 0.47ha LEAPS, and 1ha of allotments offsite;

g) footpath and cycle route enhancements between the site and Loughborough;

h) the diversion of the A60 and re-prioritisation of Stanford Lane, taking traffic out of the centre of Cotes;

i) bus service enhancements and the provision of a mobility hub, driving sustainable travel choices;

j) the creation of 300 construction related jobs supported each year over a 15-year build programme;

k) the generation of £207m GVA through the construction period;

l) the creation of 800 jobs on-site, within the local centre, school and employment development and £33m of economic output from these jobs per annum;

m) the provision of homes for 1,800 economically active adults, 49% of whom would be expected to work in higher value / higher income occupations;

n) £42m of annual household expenditure generated immediately adjacent to Loughborough; and

o) £2.7m of additional Council Tax revenue per annum.

8. Conclusions

8.1 This document has been produced as a supplement to the Representations that Jelson is making in respect of the Pre-Submission Draft of the Charnwood Local Plan 2021-2-37. Its purpose is to demonstrate that its site at Cotes is suitable and available for housing development, that a development here would be highly sustainable, and to demonstrate that there are no technical, environmental or other obstacles to its delivery. It is not intended to fulfil the role of a Planning Statement and the technical assessments that are appended are not designed to provide a fully comprehensive analysis of the likely effects of the proposals. Instead, they are a response to the reasons for refusal cited by the Council back in 2014 and are designed to address potential 'showstopper' type issues.

8.2 The document does precisely what it set out to do. It describes a cogent set of proposals that would lead to the creation of a balanced, inclusive and healthy community where homes are available to all and jobs, services and facilities are provided on site. Moreover, and critically in the context of the spatial planning that is required through the Local Plan-making process, it demonstrates that the site is arguably the best located of all of the major sites that are available beyond the Leicester urban area. Its proximity to Loughborough's services, facilities, jobs and transport hubs is a genuine 'unique selling point' and one that will leverage significant social, economic and environmental gains.

8.3 This is a site that benefits from having a willing seller and the involvement of two of the region's most experienced housebuilders. It is available now, suitable for development now, and is a location where new homes could be completed within 5 years. It is capable of making a significant contribution to addressing Charnwood's housing needs, and doing so in a highly sustainable location. It is precisely the kind of site that should be allocated and released for development now.

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Charnwood Local Plan 2021-2037 Pre-Submission Draft (Regulation 19)

Representations of

Jelson Homes and Davidsons Homes

August 2021

Contents

1. Background and Instructions 1
2. Housing Need and Housing Requirement 3
3. Development Strategy 7
4. Housing Site Selection 17
5. Housing Delivery 23
6. Conclusions and Modifications Required to Make the Plan Sound 25

Appendices

Appendix I Riggets Green, Cotes - Delivery Statement

Appendix 2 Riggets Green Site Assessments (SA Framework and CBC Scenario Testing Tables)

Prepared By: Craig Alsbury
Status: Final
Date: 19 August 2021

For and on behalf of Avison Young (UK) Limited

1. Background and Instructions

Background

1.1 Jelson Homes ("Jelson") and Davidsons Homes ("Davidsons") have controlling interests in land owned by the Prestwold Estate at Cotes and have been promoting the land for housing development since 2012. The site was the subject of an unsuccessful planning application in 2013 but the promotion of the site has continued since, including through engagement with local people and key stakeholders. In addition, the suitability and availability of the site has continued to be highlighted for the benefit of Charnwood Borough Council ("the Council") at all relevant points in the plan-making process.

1.2 The site, known as 'Cotes' or 'Riggets Green', extends to some 120ha and lies just 1km to the east of Loughborough. The masterplan for the site illustrates a development consisting of: 1,450 new homes; 65ha of open space for play, sport and recreation; a local centre comprising shops, health facilities, community facilities and leisure facilities; a primary school; and 5.5ha of employment development. The masterplan also shows the realignment of the A60 as it passes through the site. The A60 is a main route into Loughborough from the east. The effect of the realignment is to take through traffic away from the centre of Cotes.

1.3 Riggets Green is so close to the edge of Loughborough that it takes just 6 minutes to get to the town centre from the site by bus, 9 minutes by bicycle and 30 minutes on foot. Loughborough Railway Station is closer to the site than the town centre and so that can be reached even more quickly.

1.4 The 2013 planning application for Riggets Green was refused on several grounds. These are addressed in a Delivery Statement which demonstrates that there are no technical or environmental obstacles to the site's development. Indeed, the site is largely free of constraints. The Delivery Statement is attached at **Appendix 1.** This also includes a copy of the masterplan for the site.

1.5 It is not clear why Riggets Green is not proposed to be allocated for development in the Local Plan when it is plainly more sustainable and more suitable than a large number of the sites that are listed under Local Plan Policy DS3, and when the development of it would be entirely consistent with the Council's vision, settlement hierarchy and would help deliver a sustainable pattern of development.

Instructions

1.6 Avison Young ("AY") is instructed by Jelson and Davidsons to examine the Pre-Submission Draft Local Plan, and its evidence base, and to reach conclusions on whether the Plan as it currently stands is

sound. If we conclude that it is not sound, we are instructed to offer views on the types of Modifications that are required in order to make it sound. Our findings are set out in these Representations.

1.7 It should be noted that AY is advising Jelson on a number of other sites that it owns or controls in the Borough and its wider interests are being addressed in separate Representations. Where relevant and appropriate, we cross refer to those other Representations to avoid duplication.

Soundness

1.8 For the Local Plan to be sound it must be:

a) **Positively prepared** – provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) **Justified** – that is, an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) **Effective** – it must be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

1.9 For reasons that we explain in subsequent Sections of these Representations, the Pre-Submission Draft Local Plan is not sound as currently prepared but it is capable of being made sound with modifications.

2. Housing Need and Housing Requirement

2.1 The NPPF states that:

> *"strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless*
>
> - *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
> - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."* (NPPF paragraph 11)

2.2 It goes on to state that:

> *" Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans."*
>
> *"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy."*
>
> *"In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these."*
>
> *"In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."* (NPPF paragraphs 25 – 27 and 61)

2.3 Moreover, the NPPF makes it clear that, for the Local Plan to be sound, it must be "*deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters <u>that have been dealt with rather than deferred</u>..*". (our emphasis)

Local Housing Need

2.4 Jelson is satisfied that the Council has correctly calculated its local housing need applying the standard method and that the correct starting point in terms of housing need is, therefore, 1,111 dwellings per

annum (17,776 over the Plan period). It also agreed that there is currently no evidence to suggest that there should be upward adjustments made for economic or affordability factors.

Leicester's Unmet Need

2.5 The Council acknowledges that Leicester City Council is not going to be able to accommodate the housing needs arising in its area and that a very substantial number of new homes are going to have to be delivered in neighbouring authority areas in order to address what would otherwise be unmet needs. As thing currently stand, the scale of Leicester's unmet need looks set to amount to at least 17,400 dwellings (and probably more) over the period 2020 to 2036.

2.6 However, the Council is refusing to address this issue now and, instead, is proposing that it is deferred to a partial or complete review of the Plan in accordance with proposed Policy DS2. Policy DS2 would commit the Council to commencing a review of the Plan within 6 months of the 'partners' agreeing a Statement of Common Ground for the apportionment of Leicester's unmet need. It goes on to commit the Council to further timescales in respect of plan preparation. There are several fundamental issues with this approach.

2.7 First, deferring tackling this issue is wholly inappropriate and in direct conflict with the provisions of the NPPF. The NPPF requires the Local Plan to address strategic cross-boundary issues and to be underpinned by one or more Statements of Common Ground on relevant issues. Critically, it also requires strategic cross-boundary matters to be addressed within the Plan and not deferred. Leicester has unmet needs arising now and these must be addressed now. A Plan that does not make provision for meeting an appropriate proportion of Leicester's unmet need over the Plan-period, in a sustainable way, is simply not sound.

2.8 Secondly, as noted above, Policy DS2 would commit the Council to reviewing the Local Plan within 6 months of a Statement of Common Ground being agreed for the apportionment of Leicester's unmet need. But there is no telling how long it will take the authorities to agree a Statement of Common Ground. There is absolutely no commitment in this respect. The Local Plan asserts that there is a long history of collaboration across the Leicestershire authorities but the matter unmet need within Leicester is not a new issue and yet it is a matter on which the authorities have repeatedly failed to reach agreement. Leicester first declared that it would have unmet housing needs back in 2017, when the Leicestershire authorities produced a joint Housing and Economic Needs Assessment. This was re-confirmed when the Standard Method was introduced and local housing needs were calculated applying the 2014-based household projections. It then looked like it might go away when the authorities applied the erroneous 2016-based household projections to the Standard Method but then

increased quite significantly when the Government introduced into the Standard Method a 35% uplift to the post-cap generated by the Method in Greater London and the other 19 most populated cities and urban centres in England. This included Leicester. During the entire period since 2017, the authorities have not once agreed how Leicester's unmet needs should be addressed within the surrounding Districts. So far as we can tell, there has not even been any form of agreement reached on matters of principle such as where unmet needs would, in theory, be best satisfied. So the track record of the 'partners' is not good and they will continue to drag their heels unless they are somehow compelled to work together and to work at pace. Once way of achieving this is to make it clear that the preparation and adoption of this Local Plan will be delayed until the matter is resolved, and resolved in a robust manner.

2.9 Thirdly, the timetable described within Policy DS2 is ridiculous and suggests that the Council would be unlikely to have a new Local Plan in place (one that addresses the unmet need issue) for at least 5 years from now and probably more. This is simply not acceptable when Leicester has unmet needs arising now.

2.10 To allow the Council to defer this critical issue to a review of the Plan would not only be contrary to key provisions of the NPPF but it would inevitably result in at least 5 years' worth of under-delivery in housing terms. Such under-delivery would have significant social and economic consequences for the people of Leicester and would create significant uncertainty for the people of Charnwood. In a time when we continue to fail to deliver the number of homes that the Country needs, this is simply not acceptable planning practice.

2.11 Unless an appropriate quantum of Leicester's unmet need is addressed by this Local Plan, the Plan will not be sound and will not be legally compliant.

The Housing Requirement

2.12 The Council calculates that it needs to make provision in this Local Plan for the delivery of at least 19,554 homes (in addition to sites that are already committed to housing) in order to satisfy the Borough's need for new homes during the Plan period. This includes an uplift of 10% on its OAN (17,776) which it has added for flexibility. After deducting from the overall requirements allowances for homes that have already been built, are under construction or are already committed, the Council has concluded that the Local Plan needs to make allocations that are capable of delivering 8,951 net new homes in the Plan period. However, the Plan does not make provision for the delivery of 8,951 new homes, it allocates land for 8,858 new homes (93 less than it says are required).

2.13 We note that the Council proposes to plan for the delivery of more homes than might strictly be required in order to satisfy the area's locally assessed need. We agree that it is appropriate to do so. This is because there can be no guarantee that all sites with planning permission, or all sites that are allocated, will be developed in the Plan-period, or at all. The SUEs to the west of Loughborough and the north of Leicester are good examples of how housing delivery dos not always go to plan. The Council has been basing its housing delivery strategy around these three sites for at least the last 15 years but they have so far failed to deliver any of the homes that they have promised. Housing start and completion dates have repeatedly been pushed back. This has led to issues in respect of housing land supply that, in turn, have resulted in developers and landowners making of a large number of speculative planning applications. To avoid situations like this recurring, the Plan definitely needs to have some in built flexibility. However, the 10% uplift that the Council is proposing is woefully inadequate, particularly bearing in mind that the Plan strategy continues to rely very heavily on the delivery of housing from just three sites (the three SUEs are being relied upon to deliver 8,355 homes, or 47%, of the homes the Borough needs). If these sites continue to fail to deliver, or deliver at a slower rate than forecast (something we consider very likely and return to below), there will be no prospect at all of the Borough's housing needs being satisfied, even with the 10% cushion the Council is proposing to build in. Given the way the Plan's strategy is so heavily reliant on a small number of very large sites, the uplift for flexibility should be increased to 20% and additional land should be allocated to address this.

3. Development Strategy

3.1 The Council's development strategy (how it proposes to distribute development and thus accommodate growth) should promote a sustainable pattern of development that: aligns growth and infrastructure; improves the environment; mitigates climate change and adapts to its effects[1].

3.2 A sustainable pattern of development is almost always the one that focusses the majority of growth in and around the settlements that have the infrastructure to support it, and have the greatest range of services, facilities, shops and employers. The outcome of such a strategy is that (i) new residents do not have to rely on the private car to access jobs, services and facilities or, if they continue to use their cars, the journeys that they are required to make are substantially shorted and less polluting than would otherwise be the case; and (ii) new businesses have direct access to a larger local workforce, and the economic benefits that flow from the clustering of industries. This is reflected in the Plan at paragraph 2.4 where it states that the Council's strategy: "*aims to direct development to locations that provide access to jobs, services, infrastructure and where there are alternatives to the private car.*"

3.3 The development strategy articulated within the Local Plan is built primarily on the results of the Sustainability Appraisal ("SA"), which is exactly what we would expect. However, there are issues with the SA which mean that the Plan is proposing a strategy that is inappropriate. This is evidenced by the fact that:

a) the strategy does not properly reflect or align to the settlement hierarchy, or what the Council says it aims to do in paragraph 2.4 of the Plan as quoted above. The Plan states that the strategy "*is built on an understanding of our settlement hierarchy. We have assessed the services and facilities available within our settlements and the relationship each settlement has with the urban centres of Loughborough and Leicester. This has helped us to understand each settlement's role and function and which settlements might be capable of supporting new development.*" The Plan's settlement hierarchy[2] has Loughborough at the top, as the most sustainable settlement, then settlements on the edge of Leicester next, Service Centres below those and so on. Yet the pattern of development proposed in the Plan would result in development being distributed as follows:

- 37.8% to the edge of Leicester;
- 31.1% to Loughborough (within and on the edge of the town); and

[1] NPPF paragraph 11
[2] See Local Plan Table 4; page 24

- 30.9% to the rest of the Borough (including 11.9% to Shepshed)

There needs to be a greater focus on Loughborough and, for reasons we come on to below, the technical evidence supports a pattern of growth that focusses more on the main town;

b) the strategy that has been adopted has resulted in the Council proposing to allocate land for housing that is not the most sustainable and in a large number of cases will give rise to significant adverse environmental and other effects that can be avoided. We return to this later; and

c) the strategy will not, therefore, deliver a sustainable pattern of development in accordance with the provisions of the NPPF.

3.4 To understand where the flaws in the strategy arise, and how they can be corrected, it is necessary to examine the SA.

Issues with the SA

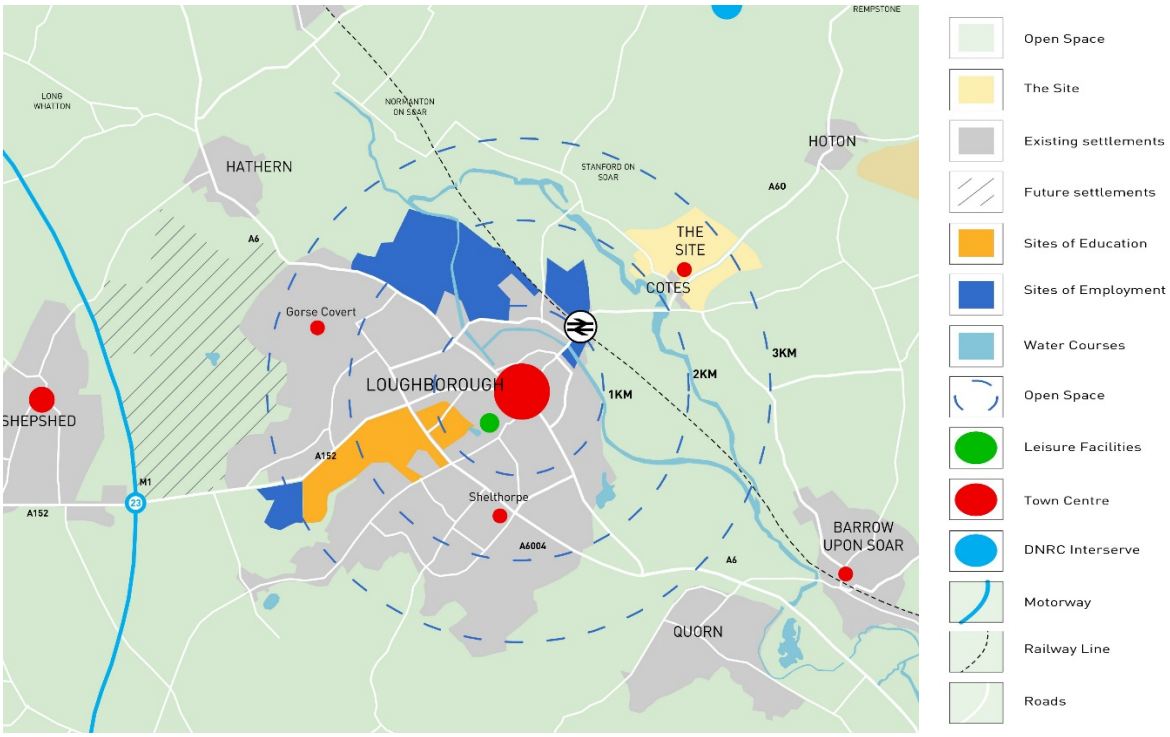
3.5 SAs are notoriously complex, high level (often having no regard to available technical evidence on sites or the ability of a site to mitigate potential adverse effects) and sensitive to (i) the inputs they receive and (ii) the judgements that the authors make when assessing how options and sites perform against the SA Framework. As a consequence, errors are common and what may appear, on the surface, to be relatively minor issues can skew the results of the SA quite considerably as their effects get compounded through the various stages of SA assessment. For example, an error in stage one of the assessment can follow through into subsequent stages and result in a wholly inappropriate course of action being taken. It is critical, therefore, that more detailed (non-SA) assessments of options and sites are undertaken at relevant stages and / or the outcomes of the SA are 'sense checked' at relevant points to ensure that the SA is not generating perverse outcomes.

3.6 So far as we can tell, there has been no sense checking undertaken by the Council whilst developing its spatial strategy and it is plain from an inspection of the SA that errors that have been made in respect of the way that our Client's land at Cotes has been categorised, and then assessed in the SA. This has resulted in the Council ultimately preferring what has been referred to as the Hybrid approach to the distribution of development, rather than a much more sustainable model of urban concentration which includes Cotes as a 'new settlement' adjacent to Loughborough.

3.7 The main issues with the SA may be summarised as follows:

a) the SA began by assessing 11 distribution scenarios and two levels of growth. Three of these options included so called 'new settlements', one of which is our Client's scheme at Cotes. It is not clear why

Cotes has been categorised as a new settlement, as opposed to one of the sites that forms part of the Loughborough Urban Centre. As the diagram below illustrates, our Client's site is closer to the centre of Loughborough, the train station and employment uses on the eastern side of the town, than any of the sites that are being proposed for allocation to the south and west of Loughborough and would have a superior functional relationship with town's services and facilities than these more peripheral locations. Indeed, the site is only separated from the town centre by the River Soar floodplain. The site also has very different characteristics to the other sites that were included in the 'new settlement' category. Cotes should not have been regarded as a new settlement and instead should have been included in the various Loughborough distribution scenarios;



b) for the purposes of testing the spatial options, the SA made assumptions about how much development each location within each option should accommodate. These quanta were never themselves explained, or tested and were not based, so far as we can tell, on any form of robust analysis of settlement sustainability or site capacity. Yet they went on to play an important part in the SA process. The SA should have started by assessing settlement sustainability and then gone on to assess how, through developing sites that are suitable and available for development, growth could be aligned with this. By starting with an assumed settlement capacity (which reflected what the Council thought might be available in terms of land, rather than the sustainability of the settlement), all subsequent stages of the assessment were to an unhealthy extent pre-determined;

c) the SA has tested its various distribution scenarios against the Leicestershire Strategic Growth Plan which is not a development plan document, has never been subject to any form of independent

examination and, in the light of the fact that it is heavily reliant on the delivery of a new southern A46 which has since been cancelled, is wholly inappropriate;

d) the SA then assessed a refined list of 9 options, including two referred to as 'Hybrid'. Options 1 – 4 were low growth options (which best reflect the level of growth now being planned for) and Options 5-8 were high growth options. Hybrid was tested for both low growth and high growth. Cotes was the only 'new settlement' that made it through to this stage of the assessment and it featured in Options 4 and 7. There were only two noteworthy differences between Option 4 and Hybrid (Low Growth) and they were: (i) Option 4 contained Cotes, whereas Hybrid did not; and (ii) Hybrid assumed the delivery of 800 homes in 'Other Settlements' (settlements that are considerably less sustainable than Loughborough and the proposals at Cotes). The SA concluded that, from a 'wider environmental perspective' the Hybrid (Low Growth) option performed better than any of the other options and it was the Hybrid option that the Council, therefore, went on to build its strategy around;

e) in the SA, the Hybrid option performed better than Option 4 in respect of: landscape; historic environment; healthy lifestyles; and housing. Option 4 performed better than Hybrid in terms of accessibility. But the SAs assessment of these and other matters was not sound;

f) for example, within Option 4, Cotes was scored wrongly in the following respects:

- Landscape: scored uncertain significant negative – yet the SA had previously concluded that landscape effects would not be significant at Cotes and certainly would be of a lower order of magnitude than at Thurcaston and Barkby. It was previously given a score of minor negative. The LVA work undertaken for the 2013 planning application and more recently for the attached Delivery Statement confirms that a major development at Cotes would not give rise to significant negative effects in terms of landscape;

- Biodiversity: scored minor negative – even though the SA notes that the effects of the development could be neutral over time (and with other sites and options the SA attributed scores based on what was expected over time) and appears to have had no regard to the evidence that is available in respect of this site which confirms that it is not in anyway constrained, and will likely deliver benefits in terms of biodiversity;

- Water Quality: scored neutral in the main body the text – yet the SA goes on say: *the effects are mostly neutral for settlements across the borough, but there would be potential effects associated with a new settlement, and also due to the scale of growth in Shepshed* and Cotes is actually then scored 'uncertain minor negative / uncertain minor positive', rather than neutral;

- Flooding: scored uncertain minor negative – yet the SA had previously scored Cotes neutral for flood risk and quite rightly notes that the entirety of the proposed development can be located within Flood Zone 1;

- Historic Environment: scored significant negative effect – the SA reaches this conclusion based not on the technical evidence, which all indicates that the development of Cotes would not give rise to anything more than 'less than substantial harm' (see the Delivery Statement for a full explanation of the history of the assessment of the site) but instead on the Council's decision to refuse planning permission which went against the advice it had received from its own heritage consultants;

- Minerals: scored minor negative effect – yet the developable part of the site does not contain any workable mineral reserves;

- Housing: scored minor positive in the main body of the text – but then goes on later to score the site 'uncertain minor positive'. The SA appears to only score the site 'minor' positive because, it says, "*the delivery of growth may be affected by the reliance on infrastructure required to support this level of growth*". There is no major infrastructure required to support the development of Cotes;

- Local Economy: scored minor positive – the SA states that "*whilst a new settlement would provide accommodation for the working age population, the benefits for existing communities would be limited, and the location is not ideally related to jobs (without access to a car)"*. The bulk of Loughborough's employers are located to the east of the town and Cotes is closer to these than any of the other sites that are proposed to be allocated at Loughborough (and closer to a main employment area than the vast majority of the sites that were assumed to be developable when the SA tested the Hybrid option). As the Delivery Statement demonstrates, better public transport links can be provided into Loughborough from Cotes than from most other locations; and

- Accessibility: scored uncertain negative – the SA misjudges and underplays the site's location relative to Loughborough and takes an inappropriately pessimistic view of the likelihood of the development being able to (i) enhance public transport links into Loughborough and (ii) contain a primary school and local shops and services when it has been clear from the very outset that this is exactly what the development will deliver;

e) there are also obvious issues with the way in which the overall scores for Option 4 and the Hybrid option compare. These include:

- landscape character – it cannot be right that a more compact development strategy (Option 4) would have a greater adverse effect on the landscape than a significantly more dispersed strategy which envisages 800 homes being delivered across a large number of small villages (Hybrid);

- climate change – likewise, it must the case that a strategy that focusses more development on the main settlements (and locations immediately adjacent to these) will deliver better outcomes for climate change than a more dispersed pattern of development by reducing the need to travel by private car and / or reducing the length of the journeys that are made by car (increasing the ability to rely on electric vehicles with shorter ranges and reducing levels of pollution);

- healthy lifestyles and active lifestyles – Option 4 scores worse than the Hybrid option. For the Hybrid option, the SA states that this is: *likely to generate positive effects in the majority of settlements, ranging from minor benefits in the service centres to potentially significant positive effects at Loughborough and Shepshed. This is related primarily to good accessibility with regards to health care, and opportunities to promote active living and recreation. However, negative effects are predicted in relation to the loss of land that may be considered locally important for recreation, and also where access to health care might be poor (for example in the 'other settlements'). On balance, the overall trend for the borough ought to be an improvement against the baseline position, despite some areas / people perhaps experiencing negative effects. Consequently, a potentially significant positive effect is predicted.* With Option 4 focussing a greater proportion of development in locations where residents would have the best access to healthcare and facilities that promote healthy living, and having a lesser propensity to impact on land that residents value for recreation (because of its more focussed / compact nature), it is difficult to understand how it would perform worse than the Hybrid option in this regard;

- housing – Option 4 scores worse than the Hybrid option in spite of it delivering more housing and more housing in those parts of the Borough where the need arises (Loughborough, the edge of Leicester and the Service Centres); and

- accessibility – overall, these two options score similarly in respect of accessibility but, again, this cannot be right when Option 4 focusses more development in the most accessible parts of the Borough.

f) because the low growth Hybrid option only considered a scenario in which land needed to be found for 7,800 new homes (rather than 8,951 now targeted), the Council conducted a sensitivity test to

determine at what point growth within and adjacent to settlements at the different levels of the hierarchy would give rise to significant adverse effects. As in earlier rounds of the SA, Cotes, wrongly, was not assessed as part of Loughborough but, instead, as an opportunity for a new settlement. Its proximity to Loughborough and, in particular, the town centre, railway station and employment on the town's eastern side were not acknowledged. However, for Cotes, the SA only highlighted concerns in respect of soils, heritage and landscape and noted that effects as regards the latter two could be mitigated. The reality is that Cotes could add 1,500 homes to Loughborough's capacity without giving rise to any significant adverse effects. Yet its potential contribution to sustainable growth appears not to have been properly examined.

3.8 Ultimately, we suspect that it is the erroneous categorisation and scoring of Cotes that resulted in a downgraded assessment for Option 4, although there are plainly also issues with consistency of scoring across the options and a clear and inappropriate bias towards the Hybrid option. Were the categorisation and scoring issues to be corrected (and they could be corrected relatively simply), Option 4 would be proven to be by far and away the most sustainable of the options, and the delivery of development at Cotes a necessary component of a sustainable pattern of growth. Further, or alternatively, even if the Council were to maintain the Hybrid approach but select the most sustainable sites and delete sites where significant adverse effects can be avoided, Cotes would be allocated in the Plan.

Consequential Issues for Settlement Hierarchy and Sites

3.9 The Council's decision to build is development strategy around the Hybrid option has, as indicated above, resulted in it proposing a pattern of growth that does not properly reflect the Borough's settlement hierarchy, and proposing the allocation of a large number of sites that give rise to environmental, technical and strategic policy issues. Both the settlement hierarchy issue, and the sites related issues could be addressed by adapting the development strategy such that it aligns with Option 4.

3.10 Allocating Cotes without making other adjustments to the Plan (e.g. deleting proposed allocations) would immediately bring the overall distribution of development more into line with the settlement hierarchy as follows:

- 35.1% to the edge of Leicester;
- 36.1% to Loughborough (within and on the edge of the town); and
- 28.8% to the rest of the Borough (including 11.1% to Shepshed)

3.11 Greater shifts, that bring the distribution of development even more in line with the settlement hierarchy and achieve a properly sustainable pattern of development, could be achieved by substituting Cotes for less sustainable sites and / or sites where the Council is proposing to compromise long held strategic objectives to preserve gaps that prevent settlements from merging and are important for settlement identity, maintaining healthy lifestyles, landscape quality or visual amenity. A large number of the sites that are proposed to be allocated present either strategic policy issues, such as gap erosion, environmental constraints or accessibility issues (being adjacent, for example, to small settlements with relatively poor accessibility). However, the sites listed below appear to present the greatest compromises from a spatial planning perspective and, of the large number of sites that are proposed to be developed in sensitive locations, those highlighted green would give rise to the greatest levels of harm:

Site	Capacity	Issue
HA1	960	Green Wedge and Area of Separation
HA4	132	Area of Separation and Flood Risk
HA7	105	Green Wedge
HA12	260	Green Wedge, Flood Risk and Isolated
HA13	30	Green Wedge and Isolated
HA14	35	Green Wedge
HA15	723	Important for Separation and Strategic Wildlife Link
HA16	422	Valued Landscape, Strategic Wildlife Link and Flood Risk
HA17	205	Valued Landscape and Strategic Wildlife Link

HA43	600	Area of Separation and Green Wedge
HA54	55	Important for Settlement Identity
HA60	223	Area of Separation
HA61	29	Important for Settlement Identity
HA64	100	Area of Separation
HA65	55	Area of Separation

3.12 The Local Plan argues that the need to satisfy the Borough's housing requirement outweighs the harm that would be caused by developing these sites. Whilst we completely agree that the need for housing is significant and must be satisfied, it is absolutely not necessary and therefore not appropriate to incur the level of environmental and other harm that would be caused by developing all of the above sites in order to satisfy the Borough's local housing needs. The correct approach would be to substitute Cotes into the Plan for several of the most harmful allocations listed above. Doing so would significantly reduce the environmental effects of growth and deliver a sustainable pattern of development in accordance with the NPPF.

Conclusions on Development Strategy

3.13 The development strategy as currently articulated is not appropriate and is not sound. The evidence underpinning it is flawed and the resulting pattern of development would give rise to unnecessary and considerable adverse effects. The NPPF is clear that only where significant adverse effects are unavoidable should they be contemplated and only then where suitable mitigation can be agreed. The adverse effects that would arise from this Local Plan could and should be avoided where possible.

3.14 The development strategy must be adjusted to better reflect the settlement hierarchy and to generate a pattern of development that is genuinely sustainable. This means, as a minimum:

a) adopting an urban concentration with new settlement model (Option 4);

b) increasing the amount of development proposed within and around Loughborough, including allocating Cotes in line with Option 4 for a new neighbourhood on the edge of Loughborough consisting of 1,500 new homes, a primary school, local shops, health and leisure facilities and new employment development; and

c) reducing the amount of development planned on the edge of Leicester by deleting a number of sites which should be kept open to preserve settlement identify and prevent Leicester from further merging with adjacent villages.

4. Housing Site Selection

4.1 The approach that the Council has taken to selecting sites for allocation is not easy to understand but the Council has attempted to explain it in its Development Strategy and Site Selection Topic Paper. This suggests that:

a) it began by identifying sites that are available for development, having regard to the results of the SHELAA;

b) all available sites, less those with planning permission, were then subject to an assessment under the SA Framework. A proforma was completed for each site. Although these were compiled some time ago, they have not been made available until now;

c) sites without a willing land owner were then discounted and not considered further;

d) it then developed a series of 'rules' that it used to turn the assessment results into an indication as to whether sites were suitable for development. The Council states that these rules were devised having regard to "*the NPPF approach of first seeking to avoid significant adverse effects*" before turning to sites where it would be possible to mitigate such impacts. Each assessment result was converted into either an A, B or C rating, with 'A' equating to no significant adverse effects, and 'B' and 'C' being adverse effects that would be mitigated. If an adverse effect could not be mitigated, the criterion was categorised 'X';

e) sites were then rated based on their worst ranking criterion. For example, a site with 12 category A indicators, 1 B and 1 C was rated 'Category C'. Sites were categorised as follows:

- Scenario A: sites which avoid significant adverse impacts altogether (i.e. sites with 12 'A' ratings);
- Scenario B: sites where it was considered possible to mitigate impacts (i.e. sites with a combination of 'A' and 'B' ratings);
- Scenario C: sites where it was considered possible to mitigate impacts if a lower accessibility threshold were used, accepting that some negative effect on accessibility is unavoidable; and
- Discounted: sites where significant adverse impacts cannot be mitigated (i.e. sites with at least 1 'X' rating);

f) either before of after (e) above (it is not clear from the Topic Paper), the Council discounted from its assessment sites that would result in a loss of open space that could not be mitigated, the loss

of protected employment land, failed the sequential test for flood risk, or would result in impacts on biodiversity that could not be mitigated;

g) it also then discounted sites that fell outside of the Hybrid model, that is to say it discounted the new settlement options (including Cotes) and sites within small villages and hamlets;

h) it then appears that the Council took the assumed distribution of development from the Hybrid model (i.e. 2,000 homes to the edge of Leicester; 2,000 homes to Loughborough; 2,000 homes to Shepshed etc), together with the extra work it did on settlement capacity (see para 3.6(f) above) and looked to see whether there were sufficient 'A' graded sites within the various tiers of the settlement hierarchy to match the levels of growth that had been assumed. Where this was not the case, it looked to the Category B sites within that tier / area and then Category C sites, until it had enough sites to align overall site capacity with the level of growth assumed for Hybrid model purposes;

i) in circumstances where, in any particular tier or settlement, there were more sites than were needed, a planning judgement was made on which of the candidate sites should be allocated;

j) in the Service Centres, other factors were introduced to the site selection process which were not dictated by the Hybrid model. For example, at Anstey and Barrow, it was decided that the Council should target growing the villages by 700 homes each in order to support the delivery of new primary schools;

k) within the 'Other Settlements' the Council began by discounting sites that failed to meet the criteria for good bus access and then focussed its assessment on potentially suitable sites within the most appropriate villages. These were subject to further assessment and some ruled in and others out; and

l) overall, the process has resulted in a total of 69 sites being proposed for allocation, in addition to the thee SUEs which are already committed.

4.2 There are a number of major issues with the approach that the Council has taken to selecting sites. These include:

a) its assessment of Cotes against the SA Framework is flawed. We have attached at **Appendix 2**, a series of tables which show how the Council has appraised Cotes and how the site should have been appraised having regard to the available technical evidence. We have then gone on to replicate the Council's application of its Category A, B and C rules. This confirms that only in respect of 1 SA criterion is a significant adverse effect forecast and that is in respect of soils. However, as

far as soils are concerned, the Council has assumed that a significant adverse effect arises as soon as a proposed development would result in the loss of more than 20ha of best and most versatile land. The NPPF does not say that a significant adverse effect arises when this happens. The NPPF merely states that planning policies should contribute to and enhance the natural and local environment by "*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land*" (NPPF paragraph 74). Moreover, the Council it has made this rule without, apparently, having any regard whatsoever to whether a 20ha loss is significant in the context of agricultural land supply across the Borough as a whole. As we understand it, the Borough contains 6,172ha of Grade 2 agricultural land and 15,772ha of Grade 3 land, a proportion of which will be Grade 3a. In this context, the loss of 20ha of land in the BMV category is not significant and certainly should not be held against otherwise sustainable development. Of course, the existence of BMV land within potential development sites has not stopped the Council making major allocations previously (West of Loughborough contains a significant amount of BMV) and it is not preventing it from doing so currently (a number of the proposed housing allocations are on BMV). If the assessment in respect of soils were to be corrected, Cotes would have 16 Category A ratings and 2 category B ratings;

b) the Council has, it seems, attempted to apply a form of weighting to the SA assessment criteria, and the results of the SA assessment of sites, through the 'rules' that it has devised (see para 4.1(d) above). But these have generated perverse outcomes. For example, a site can be: 1.2km from a GP surgery; 1.2km from a Primary School; 3.2km from a Secondary School; 1.2km from a convenience store; and 1.2km from more than 1 leisure facility (and so not very well located relative to services and facilities at all), as long as the site is within 200m of a bus stop which does not have to provide public transport links to any of the above, yet a site that is much better located and is well served by public transport, but which would cause minor harm in terms of heritage, or would result in the loss of more than 20ha of BMV agricultural land, is discounted from possible selection unless the Council happens to need more land in a particular area (to meet its arbitrary Hybrid model capacity targets) than can be satisfied by those sites available within Category A. This cannot be right;

c) there is no clear rationale for, or evidence underpinning, the criteria which sit within the Scenarios that the Council has devised. It is not clear for example why a site that might cause minor harm (i.e. less than substantial harm) in heritage terms is assumed to have a significant adverse effect. This, certainly, is not consistent with the provisions of the NPPF. It is also not clear how the Council has defined its distance thresholds for accessibility to services and facilities, or its criteria for soils and flood risk;

d) the approach that the Council has taken assumes that a site that gives rise to a significant adverse effect in respect of one SA criterion, but would generate positive outcomes against all others, is less suitable for development than a site that gives rise to no significant adverse effects but might cause moderate or minor harm across all areas of measurement. This also cannot be right;

e) the sites that offer the ability to deliver 'new settlements' such, as Cotes, were ruled out of consideration before the Council got to the stage of comparing sites, simply because they didn't fit precisely with the Council's Hybrid model. This is completely inappropriate and, as eluded to earlier, has resulted in the Council allocating Scenario C sites when it could and should have conducted a wider comparison of sites and then allocated better performing and better located sites instead;

f) so far as we can tell, there has been no cross comparison of sites between different levels of the settlement hierarchy. For example, there has been no view taken on whether an additional but Category C site in Loughborough or on the edge of Leicester should be allocated over a Category A or B site adjacent to a Service Centre or a lower order settlement. The Council has simply relied on the original settlement capacity assumed for testing of the Hybrid model, with some tweaks around local school provision, and has then looked to fit supply to those numbers, rather than using its site analysis as a means of checking whether its approach is generating genuinely sustainable outcomes. Instinctively, it feels wrong to be allocating sites within Areas of Separation and Green Wedges on the northern edge of Leicester, and sites on the edges of villages with relatively few facilities and relatively poor access to higher order centres, over sites such as Cotes which are largely unconstrained and highly sustainable;

g) the distribution of sites that the Council has included in the Plan results in it departing in a material way from the Hybrid model that the Council (wrongly) concluded would deliver the most sustainable outcomes. For example, the Hybrid model was tested in the SA on the basis that it would deliver 1,000 homes in the Service Centres. The Local Plan proposes nearly double that because, it seems, a large number of new homes are required in certain settlements in order to support the delivery of new Primary Schools. But these new schools are only required if major new developments are proposed within and adjacent to these settlements. These are inherently less sustainable locations than Loughborough, the edge of Leicester and Shepshed, yet we see no evidence of the Council having tested the effect of allocating additional sites in these locations, instead; and

h) the approach that the Council has taken has failed at any point to include a balanced assessment of available sites as required by the NPPF. The balanced approach described in the NPPF makes it clear that a site that may give rise to negative effects in once sense is not automatically ruled out

as unsuitable. All of its advantages and disadvantages must be considered in the round and a balanced judgement formed of whether it would deliver sustainable development. The Council, in trying to find a way to add structure and consistency to its assessment, has created an overly mechanistic approach that (i) has omitted the essential balancing exercise required by the NPPF; (ii) has resulted in sites being allocated that are unsustainable; and (ii) has resulted in sustainable sites not being discounted.

4.3 The Council's site selection process has resulted in it proposing for allocation the following:

Leicester Urban Area and Potential Leicester Urban Area

a) 4 Scenario B sites (517 homes) (there are no Scenario A sites in this area);

b) 7 Scenario C sites (1,600 homes);

c) 3 Scenario X sites (where significant adverse effects could not be mitigated) (504 homes)

Loughborough Urban Centre and Potential Loughborough Urban Centre (within which Cotes should rightly sit)

d) 1 Scenario A site (33 homes);

e) 5 Scenario B sites (626 homes);

f) 9 Scenario C sites (1,583 homes)

The Council did not look any further at Loughborough because the above would deliver more growth than the Hybrid model assumes Loughborough needs to provide.

Shepshed

g) 1 Scenario A site (394 homes);

h) 1 Scenario B site (15 homes);

i) 8 Scenario C sites (1,347 homes);

j) 3 Scenario X sites (122 homes);

Service Centres

k) 1 Scenario A site (18 homes);

l) 1 Scenario B site (350 homes);

m) 13 Scenario C sites (1,114 homes);

n) 3 Scenario X sites (337 homes)

Other Settlements

o) 8 Scenario sites (634 homes)

4.4 As the assessments within **Appendix 2** indicate, even if Cotes is assessed in accordance with the Council's Framework, but simple adjustments are made to correct basic errors and reflect the available evidence[3], it is clear that Cotes is at least a Scenario B site (it has 14 Scenario A ratings and 2 Scenario B ratings). This means it performs better, and probably substantially better, than at least **54** of the sites that the Council is proposing to allocate. But because Cotes was not assessed when it came to the final stage of identifying sites for allocation, and because the Council has failed to compare sites across settlements or conduct any form of over-arching sense check, it has simply not featured in the latter and critical stages of the Council's thinking. This is a fundamental flaw in the plan-making process.

4.5 When, in addition to looking at the Scenario based assessment above, one also then takes a step back and considers where Cotes is located relative to the Borough's principal town and all of the services, facilities, shops and employers that it has, it is simply perverse that the site has not been allocated.

4.6 Without Cotes, the Plan is proposing a pattern of development that will cause significantly more environmental and social harm that it is necessary to accommodate the level of growth required. As a consequence, the pattern of development that the site selection methodology as generated is not sustainable, is not consistent with the provisions of the NPPF and its not sound.

[3] i.e. without going so far as to correct errors in the Framework itself, to bring it in line with the provisions of the NPPF

5. Housing Delivery

5.1 In order for the Local Plan to be sound it must provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period. Because the Council must also identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, the Plan is also required to identify specific, deliverable sites for years one to five of the plan period and then sufficient developable sites, or broad areas of growth, for the remainder of the plan period.

5.2 The Council has taken the view that, in order to guard against housing land supply related risks, it should identify specific sites to satisfy the entirety of its housing requirement. We agree that this is appropriate and necessary. However, there are issues with (i) some of the sites that it has identified; (ii) the blend of sites that it is proposing to allocate; and (iii) serious issues with the lead in times and delivery rates that it has assumed. We provide a more detailed analysis of the housing land supply provided for in the Plan in our other Representations for Jelson, but the main points arising can be summarised as follows:

a) a number of the sites that are proposed to be allocated are not deliverable and are not demonstrably developable either. As a consequence, there can be little confidence in their ability to make a positive contribution to housing delivery through the plan period. The most obviously challenged sites in this regard are HA4 (132 dwellings); HA26 (138 dwellings); and HA62 (6 dwellings). These sites should be removed from the Plan and the trajectory and alternatives substituted in;

b) apart from the SUEs, and sites HA1, HA17, HA15, HA34, there are no sites that are expected to deliver homes deep into the plan period. This results in a situation where, by 2029, the Council is expecting not to have 5 years' worth of deliverable housing sites. This is not acceptable. The Plan should be capable of supporting an appropriate (5 years') supply of deliverable housing sites throughout its life;

c) the blend of sites that the Council is proposing to allocate will result in the bulk of Loughborough's growth not occurring until very late in the Plan period. This is not acceptable given that a significant proportion of the Borough's need for housing arises in this, the area's main town. In order to correct this (and (b) above), the Plan should be identifying a number of additional, large housing sites within and adjacent to Loughborough that deliver homes over a longer period and into the final years of the Plan;

d) as noted earlier in these Representations, the Council is relying on its three main SUEs to deliver 47% of the new homes that the Borough needs. Given the history of these sites, and the fact that none of them are yet close to delivering a significant number of new homes, this comprises an inherently risky housing strategy. Of equal concern is the rate at which the Council is assuming that these sites will deliver new housing once they get to the point that homes are being completed. At both West of Loughborough and North East Leicester, the Council is asserting that these sites will, at their peak, deliver 250 to 275 dwellings per annum ("dpa"). At West of Loughborough, it is assuming that a delivery rate of 250 dpa will be maintained for 11 years. At North East Leicester, it is assuming 275 dpa for one year, 250 dpa for 4 years and 200 dpa for 8 years. We consider these estimates to be wildly optimistic. They far exceed anything ever achieved in Leicestershire before and there is no evidence to suggest that such rates will ever be achieved on these sites[4]. There is, for example, no evidence in respect of the number of developer outlets that could sensibly be provided for (given layout, infrastructure and phasing constraints) and no analysis of the impact of absorption rates in the specific markets being targeted. If the quoted delivery rates are not achieved, the Plan simply will not deliver the new homes that the Borough needs. By way of illustration of the potential scale of the issue, if West of Loughborough and North East Leicester both deliver at a maximum rate of 200 dpa (which would still be a major achievement and is probably still overly optimistic), the Plan would fall short of its forecast total number of new homes by 835. Moreover, if housing delivery within the three SUEs is delayed by just another year (which given their history and the fact that none of them have in place the planning approvals that they need to deliver housing in line with the Council's trajectory, is entirely possible), 555 homes would be lost from the Plan's forecast out-turn. If a two year delay were experienced, the shortfall would increase to almost 1,300 dwellings (more than a year's worth of housing need). This risk in respect of housing delivery is a major soundness issue and must be addressed by allocating additional land in sustainable locations; and

e) on the basis of the analysis that we have conducted, the Plan will not give the Council 5 years worth of deliverable housing sites at the point of adoption. This is a major soundness issue which also needs to be addressed by allocating additional land for housing in sustainable locations.

[4] We note that Leicestershire's largest SUE at Lubbesthorpe (Blaby District) has 4 developers on site and has not yet managed to deliver more than 177 dwellings in a single year

6. Conclusions and Modifications Required to Make the Plan Sound

6.1 When a Local Plan is submitted for Examination, the plan-making authority must be satisfied that it is sound. It must not submit a Plan for Examination that it knows to be unsound, in the hope or expectation that the Examination will highlight the modifications that need to be made to make it sound.

6.2 It is clear from the analysis that we have conducted that the Local Plan is not sound in its current form. It will, therefore, need to be amended before it is submitted for Examination. The changes that need to be made to the Plan, and the key elements of its evidence base, are as follows:

Leicester's Unmet Housing Needs

6.3 The Local Plan must be underpinned by a Statement of Common Ground with Leicester City Council (and other HMA authorities as necessary) which confirms the extent of Leicester's unmet need and specifies how this is to be accommodated by the Leicestershire authorities. The calculation of Leicester's unmet need must be evidence based, as must the decisions taken in respect of how the unmet need should be accommodated. All relevant evidence must be made available as part of the plan-making process. Critically, the Local Plan must be clear about how Leicester's unmet needs are to be addressed and the role that Charnwood is to play in this. Charnwood will have to play a part in addressing Leicester's unmet needs, and likely a significant part given its physical and functional relationship to the City and the land it has available for development. This will mean that the housing requirement specified in the Plan will need to increase and probably in a substantial way. This is not a matter that can be deferred in the way that the Plan suggests. To defer addressing this issue renders the Plan unsound.

Flexibility in Housing Delivery

6.4 The Local Plan must be capable of enduring and ensuring that 5 years' worth of deliverable housing sites are available at all times. It must be designed to avoid the type of housing land supply issue that the Council is currently facing (and is facing simply because the strategy embedded in the Core Strategy is not robust). To guard against housing land supply issues, the Local Plan must be capable of responding to significant changes in circumstances, including the continuing failure of its major SUEs to deliver new homes, or to deliver them at the rate the Council is forecasting. This means building in an appropriate degree of flexibility and, in the circumstances faced by Charnwood, adding 20%, rather

than 10%, to the Councils OAN for housing (plus any uplift that is made to the OAN to address unmet needs).

The SA and Development Strategy Evidence

6.5 The Council must correct the errors in the SA that we have identified above, including: how Cotes is classified (it should never have been categorised as a new settlement but, instead, as a site within Loughborough Urban Centre); how Cotes is scored; and how the spatial strategy Options are assessed overall. Option 4 s plainly the most sustainable of the Options that have been tested and is the strategy that should be pursued.

6.6 There are clear errors in the way in which Cotes has been scored in the Development Strategy matrix. These must be corrected.

6.7 There must be a sense-check applied to the proposed housing allocations, including by way of a cross-comparison which examines the relative sustainability credentials of sites in different settlements. This will highlight that the Council has not selected the most sustainable sites and has not identified a collection of proposed allocations that would deliver a pattern of development that is sustainable and reflective of the Borough's settlement hierarchy. Following this 'sense-check' adjustments will need to be made to the proposed allocations.

Housing Site Allocations

6.8 Our Client's land at Cotes should be allocated for a housing-led mixed-use development of about 1,450 homes and 5ha of employment development. Allocating this site will adjust the balance of growth across the Borough, making it genuinely sustainable and reflective of the Borough's settlement hierarchy.

6.9 In the light of the need for the Plan to (i) address the issue of unmet needs arising in Leicester; (ii) be more flexible (and so identify 20% more land for housing than is needed to address the Borough's OAN and its share of Leicester's unmet need), (iii) address identified housing needs in full during the Plan period; and (iv) provide 5 years' worth of deliverable housing sites at the point of adoption, it is unlikely that the Council will have the luxury of being able to substitute other sites out when allocating Cotes but, if it is able to do that, then we have highlighted at paragraph 3.11 above a number of sites which are plainly less sustainable and, if developed, would give rise to significantly more harm than Cotes would.

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Appendix 1

Riggets Green Delivery Statement – Please see separate submission

Appendix 2

Riggets Green Site Assessment (SA Framework and CBC Scenario Testing Table)

Charnwood Local Plan Pre-Submission SA Report May 2021		
SA Framework Catagories	Council Assessment	AY Assessement
Landscape	The key characteristics and qualities of the landscape are sensitive to change	Medium Sensitivity
Biodiversity	B Rating. Mainly arable land of limited biodiversity value bisected by King's Brook with some species poor semi improved grassland and broadleaved plantations. The site is also adjacent to Cotes SSSI and thus is of ecological connectivity importance and to which disturbances as a result of development are likely.	Limited biodiversity value. Net gains achievable. No adverse effects on Cotes SSSI likely.
Water Pollution	Not within 50m of a watercourse	Neutral
Water Quality/Nitrates	Active agricultural land within Nitrate vunerable zone	Active agricultural land within Nitrate vunerable zone
Flood Risk	Site more than 70% within flood zone 1	Site more than 70% within Flood Zone 1
Land and Soil	Loss of over 20ha of grade 2 land	Loss of 25ha of best and most versatile land (1, 2 and 3)
Air Quality	Site does not intersect AQMA	Site does not intersect AQMA
Transport	The site is within 200m of a bus stop with good service	The site is within 200m of a bus stop with good service. Journey time to the centre of Loughborough is 6 minutes by bus. Service currently runs every 30 minutes. Development of site would improve the current services to at least every 20 minutes. Council's assessment framework assumes that a site that is 30 minutes away from the centre of Loughborough, but has a 15 or 20 minute services, is better located than a site that is within 6 minutes of the centre but only has a bus services that operates every 30 minutes.
Wind Energy	Suitable area for wind generation overlaps with site	Site not available for wind energy development
Historic Environment	Site is 235m from locally listed Bandalls Farm and 15m from the nearest nationally listed assets (Remains of walls to old hall grounds) and within close proximity to several others. The site is also 9m from a scheduled monument (Deserted medieval village). The site is relatively well screened by woodland or a combination of trees and buildings along its boundary facing the heritage assets. However, the very large nature of development would totally change the character of the open countryside, which could potentially be significant. Part of the site falls within an archaeological alert area or an archaeological interest area.	Development of the site would cause either no harm or less than substantial harm to designated heritage assets in the vicinity of the site. See Heritage Assessment within Delivery Statement and advice of Council's own heritage consultants.
Regeneration	Neutral effects	Neutral effects
Access to open space	Within 400-800m of open space	A significant quantum of open space is proposed on site. All new homes would be well within 400m of open space.
Access to Health Care	Less than 800m to a Public Transport Stop, but more than 2km from a GP or Health Centre	Healthcare facilities are proposed on site. All new homes would be within 400m walk of a surgery.
Loss of Employment Land	No loss of employment land	Proposal results in creation of employment land.
Access to Key Routes	N/A hosuing development	N/A housing development
Primary School	More than 1600m to a primary school	Scale of development supports primary school provision and school proposed on site. All new homes would be within 400m walk of the school.
Secondary School	1200m - 3200m to a secondary school	1200m - 3200m to a secondary school
Conveneince Store	Over 1200m distance to a food shop/supermarket	Food / convenience shop proposed on site. All new homes would be within 400m walk of the local centre.
Leisure	No facilities within 1200m	Children's play areas, allotments, sports facilities and a community centre would all be provided on site.
Minerals	More than 10ha within Mineral Safeguarding Area	No prospect of minerals within the site being worked so minerals are no a constraint to development.

Appendix 2 – Charnwood Local Plan Publication Draft: Development Strategy Site Selection Matrix Comparison

Site Ref	Site Name	Location / Parish	Position in Hierarchy	Scoring	Landscape Scenario	Outside Green Wedge / ALS Scenario	Ecology Scenario	SFRA2	Flood Risk Scenario	Soil Scenario	Air Quality Scenario	Good Public Transport within 200m Scenario	Heritage Scenario	Loss of Open Space Scenario	Distance from GP Scenario	Loss of Employment Scenario	Distance from Primary School Scenario	Distance from Secondary School Scenario	Distance from Food Shop Scenario	Access t Leisure Facilities
PSH123	Land at Cotes	Cotes	New Settlement	CBC	B	A	A	A	A	B	A	A	B	A	A	A	A	A	C	C
				AY	B	A	A	A	A	A	A	A	B	A	A	A	A	A	A	A