

**LOCAL PLAN  
REPRESENTATION**

---

**HEARING STATEMENT  
– MATTER 1**

Land East of Thurcaston

May 2022

**Carter Jonas**



Date: May 2022

Client: Mr C Green

Job Number: J0048347

Contacts: Laura McCombe

██████████  
██████████  
██████████  
████████████████████

**CONTENTS**

---

<b>1.0 INTRODUCTION</b>	<b>5</b>
<hr/>	
<b>2.0 MATTER 1- DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS</b>	<b>7</b>
Duty to Cooperate	7
Effectiveness of Policy DS2	9
<hr/>	
<b>3.0 CONCLUSION</b>	<b>11</b>

## 1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Carter Jonas LLP on behalf of Mr C Green in respect of the Matters, Issues and Questions produced by the Inspector in relation to the Charnwood Local Plan 2021-37 Examination.
- 1.2 The separate Hearing Statements provide a response to the following matters;
- Matter 1: Duty to cooperate and other legal requirements
  - Matter 4: Assessment of housing need, the housing requirement and mix and choice of housing
  - Matter 6: Urban area policies, site selection, sustainable urban extensions and housing site allocations
  - Matter 9 – Viability and Monitoring
- 1.3 Carter Jonas will be representing their client at the Hearing Sessions held in respect of matters 1 and 4, on Tuesday 28<sup>th</sup> June 2022 and Tuesday 12 July 2022 respectively.
- 1.4 This Statements follows the submission of representations in respect of the Charnwood Local Plan Pre-Submission Draft (July 2021) (Regulation 19) in August 2021 (reference: 615). The representation primarily focused on the housing requirement and the unmet need arising from Leicester City, which at that time was not apportioned across the neighbouring authorities. However, since the submission of the Charnwood Local Plan 2021-37 to examination, a further Statement of Common Ground (April 2022) has been published by the Leicester and Leicestershire authorities which identifies the scale of the unmet need and apportions it across the seven authorities.
- 1.5 This representation has been prepared in the context of the following planning policies.
- 1.6 Paragraph 8 of the National Planning Policy Framework (2021), hereinafter referred to as the NPPF, sets out three sustainability objectives which are as follows;
- 'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'*
- 1.7 In accordance with paragraph 35 of the NPPF (2021), Local Plans must be assessed as to whether they accord with legal and procedural requirements and meet the test of soundness as set out below;
- a) 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 areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

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

*c) 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*

*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.*

- 1.8 Paragraph 24 of the NPPF (2021) states that local planning authorities are under a duty to cooperate with each other and with other prescribed bodies on strategic matter that cross administrative boundaries which includes addressing unmet housing need. Furthermore, paragraph 27 details the requirement to demonstrate effective and on-going joint working through the preparation of Statements of Common Ground.

## 2.0 MATTER 1- DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

2.1 The proceeding section provides a response to the following questions;

1.1 What are the relevant cross boundary strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas<sup>1</sup>)?

1.2 What outcomes have resulted from engagement and cooperation on the relevant strategic matters and how have these informed the Plan's policies, including in relation to:

- a. Housing
- b. Employment
- c. Highways and Transport
- d. Flood risk
- e. Infrastructure including renewable energy
- f. Green Infrastructure and the natural environment
- g. Site allocations with cross boundary impacts

1.3 Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground as expected by National Planning Policy Framework paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

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

1.8 If the Statement of Common Ground concludes that more housing is needed in Charnwood to meet Leicester's unmet need, does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term?

1.10 Will Policy DS2 be effective in its submitted form and are any main modifications necessary to improve its clarity in relation to timescales and its effectiveness? Should the policy include a reference to strategic warehousing and distribution needs?

### Duty to Cooperate

2.2 As detailed in paragraph 24 of the NPPF (2021) and set out in section 33A of the Planning and Compulsory Purchase Act 2004, local planning authorities are under a duty to cooperate with each other on strategic matters that cross over administrative boundaries. The delivery of housing and addressing the identified unmet need arising from Leicester City is a cross boundary strategic matter which must be addressed as part of the plan-making process for the Charnwood Local Plan 2021-37. In addition, in order for a Plan to be found 'sound' at examination, it must be positively prepared which as outlined in paragraph 35 of the NPPF (2021) includes being informed by agreements with neighbouring authorities so that unmet need can be accommodated.

2.3 Leicestershire comprises of eight local authorities and Leicester is the only authority to have an established unmet housing need which was first declared in February 2017. As detailed in the Statement of Common Ground published in March 2021, Leicester's unmet need was 7,742 dwellings from 2019-2036. However, as a result of the 35% uplift required under the new method for calculating

housing need published in December 2020, the unmet need rose by an additional 9,712 homes between 2020 and 2036. Furthermore, given the nature of housing need, the figure is likely to change during the Plan making process of the Leicester and Leicestershire Development Plans. The most recent figure outlined in the latest Statement of Common Ground (April 2022) identified an unmet need of 18,700 dwellings to 2036.

- 2.4 The initial timeline for the Leicestershire authorities was to agree the apportionment ahead of the submission of the Charnwood Local Plan. This was agreed in a Joint Position Statement (September 2020). This was however delayed as a result of the changes to the standard method for calculating housing need as referred to above. Thus, Charnwood have proceeded ahead of the apportionment being agreed and the Statement of Common Ground (March 2021) was prepared to demonstrate the duty to cooperate was being met whilst Charnwood continued to progress in preparing their Local Plan.
- 2.5 Following the submission of the Charnwood Local Plan 2021-37 to examination, the Statement of Common Ground (April 2022) has apportioned Leicester's unmet need which includes directing 78 dwellings per annum towards Charnwood which equates to 1,248 dwellings over the period of 2020-36. Charnwood is in agreement to this apportionment as of April 2022.
- 2.6 Notably, Hinckley and Bosworth Borough Council do not agree to the apportionment of the unmet need whereby they are required to deliver 187 dwellings per annum which equates to 2,992 dwellings over the 16-year period. They consider that 102 dwellings per annum would be a justified requirement and they intend to 'test' this through their Local Plan preparation.
- 2.7 It is our understanding that there are two reasons for the lack of agreement regarding apportionment . Firstly, Hinckley and Bosworth Borough Council disagree with the use of stock growth. In their view it is not a measure of deliverability and consider setting the capping of redistribution growth at 1.4% to be arbitrary. In addition, they consider that the apportionment is not based on robust evidence as to date, only the Housing and Economic Needs Assessment (2022) and Sustainability Appraisal (2022) have been published. The Strategic Growth Options and Constraints mapping work and the Strategic Transport Assessment are yet to be completed by the Leicester and Leicestershire Authorities. Thus, the apportionment has been considered by these Councils to be a starting point for 'testing' these figures which may be amended on completion of these outstanding documents or through any additional evidence obtained through local plan 'testing' process.
- 2.8 It is unclear how the joint authorities propose to address this potential shortfall of apportionment arising from Hinckley and Bosworth which accounts for 1,360 new homes over the Plan period. The first significant testing of this apportionment will be undertaken as part of Charnwood's Local Plan examination which will have a significant impact on the future of housing delivery across Leicester and Leicestershire.
- 2.9 The Charnwood Local Plan 2021-37 Pre-Submission Draft (July 2021) does not allocate sites for residential development to address the unmet housing need across the Housing Market Area, despite the significant shortage being identified prior to its preparation. It is understood that Charnwood have sought to proceed to avoid delays in the plan making process which would have an impact on demonstrating and maintaining a five year housing land supply. On behalf of our client, we had previously made representations that the 10% flexibility incorporated into the local housing need should be increased to address the unmet need. However, given that the unmet need has been apportioned in the Statement of Common Ground (April 2022), Charnwood should allocate an additional 78 dwellings per annum as part of this Local Plan. This is necessary to ensure the Plan is 'sound' and the authority continues to demonstrate the duty to cooperate.



- 2.10 In order to meet the social objective, set out in paragraph 8 of the NPPF (2021), a key consideration will be ensuring the sites selected to meet Leicester's unmet need are capable of creating a strong, vibrant and healthy community which meets the needs of present and future generations. Accordingly, given the significant shortfall in Leicester City, it would be good planning practice to ensure the sites allocated in the neighbouring authorities are where possible closely linked to Leicester City. Thus, Charnwood should concentrate the additional development towards the southern edge of the administrative boundary.
- 2.11 Our client, Mr C Green, has interest in Land East of Thurcaston (SHELAA reference: PSH120). The site extends approximately 38.8 hectares and is being promoted to deliver 585 dwellings. The site presents an opportunity to contribute to the 1,248 dwellings over the period of 2020-36 required to address Leicester's unmet need. As detailed above, it is good planning practice for those sites to be located on the edge of Leicester where possible and on sites which contribute to the achievement of all three sustainability objectives set out in paragraph 8 of the NPPF (2021). Notably, the site is also situated adjacent to the draft allocation LUA3, whereby improved connectivity is proposed between Thurcaston and the SUE. Thus, the sustainability credentials of the site would be improved further.
- 2.12 The site was assessed by the Council in the Strategic Housing and Employment Land Availability Assessment (2020) to be suitable, available and achieve. Our response to the comments raised by the Council is set out in our Regulation 19 Submission.
- 2.13 The proceeding section sets out the high-level potential sustainability benefits if the Council bring forward Land East of Thurcaston as an allocation for a minimum of 585 homes to meet the cross-boundary strategic housing needs.
- 2.14 Economic – The delivery of homes will contribute to achieving a strong, responsive and competitive economy which will benefit the settlement of Thucaston, wider local planning authority area and Leicester City. It will ensure that sufficient land, in this case residential, is available in a sustainable location to meet the needs of present and future generations. The additional residents will also assist in supporting the economic viability of local facilities and services.
- 2.15 Social – It would support this objective by ensuring that a sufficient number and range of homes can be delivered to meet the existing need, this includes a mix of dwelling sizes, types and tenures. This mix will provide an increase in housing choice available for local people in Charnwood and Leicester. Given the scale of the development, it would result in the delivery of significant affordable housing which is essential given the high house prices in Charnwood and the current economic recovery (see paragraph 2.6 of our Hearing Statement for Matter 4). The site offers the potential to bring forward a well-planned extension to Thurcaston which will create a vibrant and inclusive community which has close links to the draft allocated SUE known as North of Birstall and Leicester to the south.
- 2.16 Environmental – Bringing forward the site will contribute to achieving the environmental objective by following a sustainable pattern of growth and focusing development in settlements on the edge of Leicester which have access to facilities, services and public transport. Thus, reducing reliance on the private car which is a key contributor to carbon emissions. Any forthcoming scheme on the site would avoid built development on the small areas of Flood Zones 2 and 3 and given the scale of the site it is anticipated that 10% biodiversity net gain will be delivered on site.

## Effectiveness of Policy DS2

- 2.17 Notwithstanding the points outlined above in respect of additional sites needing to be allocated at this stage, should the Local Plan progress, draft Policy DS2 needs to be amended to ensure it is robust to

positively plan for the future and address the unmet need arisen from Leicester City. The current wording requires the agreement 'by **all partners** of the *Statement of Common Ground for the apportionment of unmet housing and employment need*' before the Council will publish a review of the Local Plan. Thus, given that Hinckley and Bosworth do not agree to their share of the apportionment, the proposed trigger set out in draft Policy DS2 will not be engaged and therefore a review will not commence.

- 2.18 It is understood that the Strategic Growth Options and Constraints mapping work and the Strategic Transport Assessment are still outstanding. The intention is for the housing numbers to be determined through the outcome of any local plan 'testing'. Hinckley and Bosworth Council have already commenced the preparation of their Local Plan review (2020 – 2039) and most recently undertook Local Plan Regulation 19 consultation in February/March 2022. In accordance with the latest Local Development Scheme (January 2022), it is anticipated that adoption will be in March 2023. It is envisaged it is not until that point a decision will be made whether Hinckley and Bosworth agree or if the remainder of the housing need, needs to be redistributed. Thus, as currently worded, the draft policy has the potential to cause significant delays to Leicester's unmet need being addressed by Charnwood which we consider fails to meet the test of 'soundness'.
- 2.19 We consider that for the policy to be made sound it requires amending under a main modification procedure to remove reference to 'agreement by all partners'. This would result in a similar approach to Policy IMR1 (Monitoring and review of the Local Plan) set out in the Harborough Local Plan (2011-2031) which states that a full or partial update of the Local Plan will be commenced within 6 months of the following a number of scenarios which includes the adoption by the Council of a '*Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan*'.
- 2.20 A more detailed review of the effectiveness of Policy DS2 has been set out in our response to Matter 9.

### 3.0 CONCLUSION

- 3.1 In conclusion, we agree with the overall approach set out in the Charnwood Local Plan 2021-37. However, it is strongly contended that now the Statement of Common Ground (April 2021) has been published which apportions the unmet need arising from Leicester City, Charnwood should allocate additional residential sites prior to adoption. It is recommended that the most appropriate planning strategy would be to extend the Leicester Urban Area to include settlements such as Thurmaston to ensure the unmet need is met in located within close proximity and connectivity to the neighbouring authority Leicester City. This is to ensure Charnwood continue to adhere to the Duty to Cooperate and meets the test of 'soundness'.
- 3.2 Furthermore, should the Plan proceed without allocating the additional residential development, Policy DS2 needs amending to ensure it is robust and positively prepared. Reference to 'all partners' should be removed to enable the Review to be undertaken prior to agreement by Hinckley and Bosworth Borough Council which will have significant implications on all three sustainability objectives.
- 3.3 The Plan before the Inspector is not 'sound' and the following amendments must be made for it to be considered 'sound';
- Allocate an additional 78 dwellings per annum to meet Charnwood's agreed apportionment of Leicester's unmet need as set out in the Statement of Common Ground (April 2022). It is recommended this is achieved by extending the Leicester Urban Area to include settlements such as Thurmaston.
  - Amend draft Policy DS2 so it does not require agreement by 'all Partners'.
  - Increase the flexibility above 10% for the housing need to allow for choice and flexibility in the supply of housing land.

