

CHARNWOOD LOCAL PLAN EXAMINATION – MATTER 1

Representor: Taylor Wimpey UK Ltd and Merton College, Oxford

Representor Reference
Number: 536

Date: 6 June 2022

MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

1. This Hearing Statement has been prepared on behalf of Taylor Wimpey UK Ltd and Merton College Oxford (hereafter 'Merton College') the respective promoters and landowners of draft allocation HA1 'Land South East of Syston'.
2. The Inspectors' issues and questions as set out in the 'Matters, Issues & Questions' document of 25th April are set out in bold text below. The representations follow in standard text.

ISSUE 1 – WHETHER THE COUNCIL HAS COMPLIED WITH THE DUTY TO COOPERATE IN THE PREPARATION OF THE PLAN

Unmet Need

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?

3. The strategy will remain sound even in the event that additional housing is identified for Charnwood through the Statement of Common Ground process. If necessary, housing numbers can be reviewed through early review. Further, the proposed housing supply in the Borough provides a "buffer" which can accommodate further housing growth pending any plan review, which could be revisited at this stage (see Matter 4).
4. The Leicester & Leicestershire Authorities – Statement of Common Ground relating to Housing and Employment Land Needs (April 2022), was published on 13 May 2022. This has not yet been formally agreed by the partner authorities and all such councils will consider the Statement of Common Ground through their own individual governance processes. The document identifies that Leicester's unmet need up to 2036 is 18,700 dwellings. It is proposed that Charnwood Borough Council ('The Council') will make an average annual unmet housing need contribution between 2020 to 2036 of 78 dwellings.
5. The Statement of Common Ground confirms that the Council and all the Leicestershire Authorities have been actively working to positively address Leicester's unmet need. Policy DS1 and the Plan as a whole have been prepared in this context of active engagement of both Officers and Members.
6. Additionally, Topic Paper 4, Justification for Progressing with the Local Plan ahead of the apportionment of unmet need in Leicester and Leicestershire, highlights that the Plan was originally timetabled to take account of the unmet need apportioned to Charnwood. However, in December 2020 the Government published a new standard for calculating housing need, increasing it by 35%. The authorities across Leicestershire agreed that

the change in Leicester's housing need was so significant that it required additional evidence to inform the apportionment of unmet need. This would have resulted in a significant delay to the Plan which was considered to be unacceptable as a result of the following factors (which are set out in full in Topic Paper 4):

- a. The ministerial statement of 19th January 2021 to remind local authorities in England of the importance of maintaining progress on producing up to date local plans;
 - b. The Council's five-year housing land supply position and its vulnerability to unplanned development as a result of this;
 - c. The delay in the progress of the Plan by at least six months and potentially significantly longer;
 - d. Linked to the Council's five-year housing land supply position and associated unplanned development, the difficulties that this brings in a coordinated approach to the delivery of infrastructure.
7. The Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (March 2021) agreed that Charnwood maintain progress on its Local Plan subject to the inclusion of a trigger policy to review and update the Plan if the agreed apportionment of unmet need required it to. The review mechanism introduced by Policy DS2 was therefore the most appropriate approach in this context to ensure that the Council could get an up-to-date Local Plan in place without delay.
8. In this context the Development Strategy as set out in policy DS1 represents a robust and sustainable approach to the distribution of further development needs in the longer term.
9. Policy DS1 focusses housing growth in three key urban areas: Leicester Urban Area (38%), Loughborough Urban Centre (31%), and Shepshed Urban Area (12%). These are sustainable locations for new development which already have a good range of services and facilities, employment opportunities and good public transport infrastructure in place. The provision of new homes within these areas will support these existing facilities whilst also providing opportunities to improve these areas and increase the range and availability of services to existing communities. The pattern of development supports the overarching sustainable development objectives: economic, social and environmental.
10. The percentage breakdown included in Policy DS1, as set out above, means that it is also capable of being used to distribute unmet housing need in the longer term.
11. The development strategy also reflects the Strategic Growth Plan for Leicester and Leicestershire (2018) which identifies Leicester as the 'central city', illustrates the A46 Priority Growth Corridor wrapping to the east and northeast of Leicester and highlights the need for regeneration in Shepshed.
12. The provision of the highest number of dwellings in the Leicester Urban Area (38%) is also supported. The Leicester Urban area represents a sustainable location for housing growth and focusing growth in this location is sustainable and consistent with Leicester's position as the central city at the heart of the county.
13. The development strategy set out in policy DS1 therefore represents a robust and appropriate approach for the distribution of further housing 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?

14. The provision for an early review of the plan as set out in policy DS2 is supported. A timetable for the agreement of the Statement of Common Ground referred to by Policy DS2 is now known (insofar as it is known when each of the nine authorities will consider the document having regard to relevant local governance structures in each case) and this provides further certainty regarding the timescales set out in the policy. If necessary, policy DS2 could be modified to identify a different trigger or triggers for review.

ISSUE 2 - WHETHER THE PLAN HAS BEEN INFORMED BY A SUSTAINABILITY APPRAISAL

1.16 Is it clear how the Sustainability Appraisal (SD/5 & 6) has informed the preparation of the Plan and its policies at each stage, and how mitigation measures have been dealt with?

15. It is clear how the Sustainability Appraisal has informed the preparation of the Plan. Topic Paper 2, Development Strategy and Site Selection, provides detailed additional information regarding the approach taken to identifying the development strategy for new homes and the site selection process. The approach was evidence based and formed part of a wider process of ensuring that the Plan met the objectives of sustainable development.
16. Appendix A of this Topic Paper provides clear and detailed information regarding how mitigation measures have been considered throughout the site selection process.

1.19 Have any concerns been raised about the Sustainability Appraisal and, if so, what is the Council's response to those? Have the requirements of the Strategic Environmental Assessment Directive been met?

17. Taylor Wimpey UK Ltd and Merton College have previously raised concerns regarding the detailed site appraisal and summary of proposed allocation HA1 contained within the Sustainability Appraisal (SA).
18. This is because the site assessed by the SA is the site that was first promoted through the call for sites mechanism in 2010. It is a larger site than was promoted through the subsequent 2018 call for sites (80.50 Ha) or as identified in the 2020 SHELAA (64.40 Ha). However, crucially, the site assessed in the SA is not the 'most recent iteration' of the site that has been allocated in the draft Local Plan as stated in the SA at paragraph 6.3.1.
19. For these reasons, Taylor Wimpey does not consider that the detailed site appraisal of the site (as set out at table 6.15 of the Sustainability Appraisal) is a fair reflection of the allocated site as summarised in the SA. However, it is identified that paragraph 7.2.3 of the SA acknowledges that site allocation area is smaller than the area assessed within the SA. We do not consider this is of significant concern due to the fact that the site that was assessed is larger than the one that is allocated in the draft Plan. The Sustainability Appraisal therefore over estimated rather than underestimated the likely effects and therefore is robust.
20. Notwithstanding any of the above, Taylor Wimpey UK Ltd and Merton College, Oxford consider that the requirement of the Environmental Assessment of Plans and Programmes 2004.