



The countryside charity
Leicestershire

Charity Number: 1164985

CHARNWOOD LOCAL PLAN EXAMINATION

Matter ONE: Duty to Cooperate and other legal requirements

Submission from CPRE Leicestershire

June 2022

Representation Number: 340

Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan

Question 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)?

1. Our response to this question has been informed by the recent release of information in connection with this Inquiry; in particular TP/2, TP/5, TP/6 and SCG/5.
2. One cross-cutting theme of our objection is the distribution of development with negligible regard for travel implications and a perceived need for extensive highway infrastructure, without considering its impact, feasibility or deliverability. This is underpinned by the failure of the CLP (Charnwood Local Plan) to properly assess how it should limit the need to travel and offer a genuine choice of transport modes (NPPF 104 and 105). The sites chosen are unlikely to offer a genuine choice of transport modes and there is a failure to include effective policies to reduce the need to travel and provide attractive alternatives to the car.
3. The construction of major carbon intensive infrastructure would facilitate an increase in vehicle ownership and use which is inconsistent with mitigating climate change.
4. We understand a Strategic Transport Assessment is underway but is not likely to be published before July. We do not know whether the STA will have fully considered sustainable transport or how to achieve modal shift.

5. The CLP relies on extensive traffic modelling but some documents listed in TP/5 suggest the cumulative impact of all the proposed development would have an unacceptable impact on the road network. It is noteworthy that all the infrastructure measures proposed for the local highway network are deemed essential. It is, however, not clear how such infrastructure would be funded nor the timescale of the transport items guaranteed in the Infrastructure Schedule.

6. The overall effect is that it has led to the production of a Local Plan which has not been positively prepared.

Question 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*

7. We address duty to cooperate in relation to Housing and Logistics under Question 1.4, however, as set out above there are unresolved issues regarding mitigating the impact of additional traffic.

8. This raises a series of concerns in relation to the Strategic Road Network and the knock-on impact on the local road network.

9. We discuss these issues further under Matter 2 Sustainable Development, Matter 3 Climate Change, and Matter 8 Infrastructure and Transport.

Unmet need

Context – The consultation on the City of Leicester's draft Local Plan in December 2020 indicated a potential unmet need of 7742 dwellings and 23 hectares of employment land from 2019 to 2036. The revisions to the standard method for assessing local housing need in December 2020 to incorporate the cities and urban centres uplift of 35% increased the unmet housing need between 2020 and 2036 by an additional 9712 dwellings. The apportionment of unmet need is a key element of the Duty to Cooperate across the eight Leicestershire authorities.

Question 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?

Question 1.5

What liaison has taken place between the Leicester and Leicestershire authorities to address the unmet need for housing and employment since the announcement of the cities and urban centres uplift in December 2020? Where is this documented?

10. The April 22 Version of the Statement of Common Ground (SCG/1) contains updated figures. However, we are not aware of any supporting technical work which has been made public. As we say in our fuller answer to 1.7 it is important that, not only is a further Statement of Common Ground produced but a technical breakdown of how those figures were arrived at, particularly in relation to Leicester itself, is fully provided so that any future review of local plans can allow for those assumptions to be tested, not simply provided as given fact by the Local Authorities.

Question 1.6

Paragraph 3.25 of SCG-1 states that the Leicester & Leicestershire authorities agree that there is a sufficient supply of employment land in the Charnwood Local Plan to accommodate the unmet need for 23 hectares of employment land to 2036. However, page 96 of the Statement of Consultation (SD/13) indicates that the Plan does not accommodate unmet need for employment. What is the correct position?

Question 1.7

If the outcome of cooperation on the Statement of Common Ground is that none of the unmet housing need will be apportioned to Charnwood, would there be any implications for the Plan or for Policy DS2?

11. In our view Policy DS2 should only commit Charnwood to reviewing its housing requirement in the light of updated evidence and policy guidance when it is reasonable to do so and put the emphasis on ensuring a sustainable, brownfield-led approach.

12. As we set out in our response to the plan, we consider this Policy as set out is not sound because it is not justified and based on proportionate evidence.

13. Firstly, the Government has signalled that it will be withdrawing the Duty to Cooperate.

14. How need that cannot be met in Urban Areas, in this case Leicester, will be met is unclear, but since the unmet need in Leicester is predicted to largely occur after 2031 and since there is good reason to anticipate greater supply in Leicester than currently projected it would seem premature to address this immediately in ways which might lead to unsustainable levels of housing in Charnwood, which would have impacts on the countryside as well as undermining the goal of reducing carbon emissions in the borough which is a key goal of the plan as we set out in our objection to Policy DS1 of the Plan.

14. Secondly, the actual level of unmet need, even if there is unmet need is a matter of contention that will need to be progressed through the Leicester Plan which is currently still

at an early stage. Not only is it at an early stage but the evidence published in relation to the plan is out of date.

15. Our response to the Leicester Plan Options consultation (*Examination Reference*¹) argued that the amount of housing land available was likely to be underestimated and the need exaggerated (since neither the ONS2016 nor 2018 figures would lead to any unmet need). Since then, the addition of 35% to the ONS2014 need figures has further exaggerated housing need leading to an increase in assumed housing need in Leicester which has not yet to be tested through the Plan Process, or how it should be met.

16. Even taking that into account the unmet need up to 2031 in Appendix A (8,452) is less than the 35% addition so it is only in the later part of the plan that any Duty to Cooperate requirement might be considered to exist.

17. A further problem is that the evidence that supports the Leicester Plan remains out of date. For example, the latest SHLAA is from 2017. Figures are provided within the Joint Statement but the calculations that led to these are not public.

18. Indeed, our response to the Leicester Plan Options raised concerns about a number of elements of the supply evidence, for example, there is a lack of up-to-date windfall evidence. At the time the existing evidence suggested to us 200 dwellings a day for small windfalls which is higher than the plan figure of 150 dpa. The Joint Statement ($2400/13 = 185$) is higher but the evidence may have also risen.

19. Moreover, the impact of potentially accelerated changes to retail, leisure and office needs post-COVID are likely to be particularly felt in Leicester, increasing the availability of recycled land. It is clear from the Government's 2020 statement that they anticipate this too and expect that to be the source of the 35% extra housing identified in the statement.

20. The approach of simply adding it to the housing requirement and then exporting it via Duty to Co-operate is not supported. In that regards CPRE Leicestershire is content with the Plan approach not to allocate land to meet Duty to Cooperate Requirements in terms of housing at this stage. However, as we said in our response to the plan, we consider there is a need for updated evidence to support any review. The production of an updated Statement of Common Ground by the Leicester and Leicestershire Authorities without any supporting evidence, particular, in relation to Leicester's justification for its unmet need is not something that allows for effective testing by third parties to ensure sound plan making.

¹ CPRE Matter 1 Leicester Local Plan Consultation Response 2020

Question 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?

21. CPRE Leicestershire is not in a position to specifically answer this. Subject to further work to establish if additional housing is needed and how much, it would depend on the extent of that additional need. The risk if significant housing were added would be of creating longer commuter patterns if it was distant from Leicester. Without prejudice the merits of spatial options would need to be considered in any review.

Question 1.9

Are there any other issues that could trigger the need for a Plan review apart from Leicester's unmet need?

22. Not that we are aware of.

Question 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?

23. As set out above the timescale would depend on further evidence being provided, particularly in relation to the extent of Leicester's Unmet Need.

24. We also do not consider Strategic Warehousing and Distribution need to be included. Other local authorities in Leicestershire (such as North West Leicestershire and Hinckley and Bosworth) have already identified significant land to meet this need. Moreover, the currently identified shortfall in road-based Logistics Provision is significantly reduced when one considers the over-provision at the proposed SRFI at Hinckley (albeit previous Studies into this in the County have been heavily demand led studies and also risk double-counting between future rail and road provision).

25. The current (updated) position is set out in Para 6.26 (March 2022) of the North West Leicestershire Regulation 18 Draft Plan, (*Examination Reference*²) based on the updated Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change Report by MDS Transmodel (amended March 2022). (*Examination Reference*³). They say there that the amount of additional floorspace needed to 2041 is 718,875 sqm (288Ha) at rail served sites and 334,986 sqm (96Ha) at non-rail served. A quick calculation shows that

² CPRE Matter 1 North West Leicestershire plan logistics extract

³ CPRE Matter 1 Warehousing Report Leics FINAL 21 02 22 V4

this assumes 2,500 sqm per hectare for rail served sites and 3,500 sqm for non-rail served sites.

26. The North West Leicestershire Plan goes on to say that in Para 6.27 that *'The rail-served requirement would be largely fulfilled through the proposed Hinckley National Rail Freight Interchange (NRFI) at Junction 2 of the M69 if it were to be permitted.'* The NRFI actually provide 850,000 sqm, which is an additional 131,125 sqm above the rail-served need and since the majority of the NRFI site is actually B8 units which are not directly linked to the rail terminal, with only some 25% of freight movements at the site related to the terminal, the NRFI site would also, in fact, meet some of Leicestershire's need for road-based logistics provision (even if one does not allow for some double-counting).

27. That would reduce the floor space required to 203,861 sqm. Taking account of the 89,200 sqm approved on Hinckley (See para 6.28 of the North West Leicestershire Plan) the residual provision would 114,661 sqm (approximately 33 hectares at 2,500 sqm per hectare) which would equate to all the provision proposed in the North West Leicestershire Consultation Plan at Para 6.31 (106,000-150,000 sqm). In other words, there is currently no additional need to be met.

Question 1.11

What is the role and status of the Strategic Growth Plan (EB/DS/6)? What consultation has been undertaken and is it subject to external scrutiny? How much weight does the Strategic Growth Plan have for plan making purposes?

28. As we said in our response to the plan, we consider a blanket support for the Strategic Growth Plan (EB/DS/6) not to be sound (Para 2.5). The SGP was agreed prior to the development of local plans, such as the Leicester Plan and it did not consider climate change.

29. The reference to the Strategic Growth Plan as 'new' in the Introduction is potentially misleading (Para 1.1) and should be removed. It was adopted in 2018 and preceded many of the current pieces of technical evidence under discussion. We have called for it to be reviewed several times.

30. There was external consultation on the plan's production but little was changed as a result and there was no opportunity to test it at Examination although we called for that.

31. The SGP also extends significantly beyond the current plan period to 2050. This exacerbates the uncertainty within the plan especially since housing trajectories in particular were simply extended forward, (even though the ONS housing projections trail off) giving less credibility to later figures.

32. We believe as set out under Matter 1.7 that there are likely to be greater opportunities to provide additional housing within the urban area and such a strategy would better deliver sustainable development.

33. Moreover, the approach set out in the paragraph is clearly at odds with the aspiration set out in the preceding paragraph (Para 2.4), specifically: *'Our development strategy aims to direct development to locations that provide access to jobs, services, infrastructure and where there are alternatives to the private car.'*

34. The SGP approach would lock in longer distance car journeys by directing significant levels of development to areas poorly served by alternatives to travel by car and increasing car use through large scale road development.

35. CPRE also considers reference to the A46 Priority Growth Corridor to be unsound especially as it has been put in doubt by the decision by Midlands Connect that the A46 Expressway is not justified. Moreover, the harm the landscape and rural character of sensitive part of the High Leicestershire Landscape Character Area outside of Charnwood is not in line with the Plan's aspirations to protect and enhance the natural and built environment.

36. In short CPRE Leicestershire the Charnwood Plan should instead identify that the SGP is out of date and needs to be reviewed which so it supports sustainable development, in particular Climate Change mitigation, and directs more development, particularly housing, to brownfield sites.

Cross Boundary Infrastructure

Question 1.12

Have the Plan's transport impacts been considered on a cross boundary basis, including the role of active and sustainable travel modes? What is the role of the Strategic Transport Assessment which is currently underway? Is this separate from the assessment of the specific impacts of the Plan's proposed growth on the strategic and local highway network as outlined in EB/TR/11, 12 & 13?

37. We have a number of concerns about Cross-Boundary Transport Issues.

38. There doesn't appear to have been any consideration of active and sustainable travel modes in terms of access to development connected with the Leicestershire International Gateway, which is centred on the Airport in North West Leicestershire. The transport impacts could be reduced if the LIG was planned from the outset to maximise sustainable travel. This would reduce the need for people to travel from Charnwood.

39. Also, the highest bus use in Charnwood is around routes close to the boundary of Leicester. Leicester City Council and Leicestershire County Council have decided to opt for a

Bus Improvement Plan for their respective areas but it is not clear how this will pan out for cross border services.

40. We consider it highly likely that the main focus of the Strategic Transport Assessment will be highway infrastructure rather than the role of sustainable transport. That would make it even more difficult to achieve the aims of Policy CC5 and a more sustainable plan. Its lateness is obviously not helpful. The other assessment of impacts of traffic growth confirms the scope and deliverability of the proposed transport schemes is far from certain.

Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements

Question 1.24

Does the Plan include policies designed to ensure that the development and use of land in the Borough contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?

41. As set out throughout our objections, we consider the policies are too weak to ensure the mitigation of climate change.

42. Similar policies in this and adjacent Local Plans since 2004 have failed to direct development to sustainable locations, make the best use of land or achieve a shift towards more sustainable transport.

43. In our response to the consultation, we criticised the lack of any mention of climate change in Policy DS1. The mitigation of climate change will not be achieved unless it is made an overarching objective backed up with clear targets and monitoring. Our response to questions on other matters provides further information as to why we consider this to be the case.