

Charnwood Local Plan Examination

Matter 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

Barkby Road, Queniborough and Cossington Road,
Sileby

Prepared by Fisher German LLP on behalf of David Wilson
Homes East Midlands

Project Title

Land at Barkby Road, Queniborough and Cossington Road, Sileby

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1. Introduction

1.1 This Hearing Statement has been prepared on behalf of David Wilson Homes East Midlands in respect of their land interests at Barkby Road, Queniborough and Cossington Road, Sileby as illustrated on Figure 1 and 2 below. These sites are omission sites in the emerging Charnwood Local Plan. Both sites are considered suitable for allocation in the scenario further housing sites are required to enable the Local Plan to be found sound (as we consider to be the case within representations and statements).



Figure 1: Barkby Road, Queniborough, Site Location Plan



Figure 2: Cossington Road, Sileby, Site Location Plan

- 1.2 The Barkby Road site is located to the southern edge of Queniborough. The adopted Core Strategy identifies Queniborough as one of Charnwood's 12 'Other Settlements' which are acknowledged to be sustainable settlements, located approximately 9km to the northeast of the centre of Leicester, just south of the A607. The existing facilities and services in Queniborough, and nearby Syston, are within walking distance of the application site. The site, at the time of writing, is subject to a live outline planning application for up to 150 dwellings (reference P/20/2380/2). It is anticipated that a positive resolution can be achieved in the short term.
- 1.3 The Cossington Road site is located to the south of Sileby. The emerging Local Plan identifies Sileby as one of Charnwood's six 'Service Centres' which are acknowledged to be some of Charnwood's most sustainable settlements, located approximately 9km to the north of the centre of Leicester, east of the A60. The existing services of Sileby and Cossington are in walking distance of the site, including Sileby train station. The site was subject of a planning application for up to 170 dwellings (reference P/21/0491/2), refused in September 2021 and has since been subject to a planning appeal, including a 7-day public inquiry (reference APP/X2410/W/21/3287864). At the time of writing, the outcome of the public inquiry is awaited.
- 1.4 David Wilson Homes are a respected national housebuilder who deliver high quality new residential development and who have a strong track record of delivery in the local area. The Company is proud to have been awarded the Home Builders Federation (HBF) 5 Star Home Builder status for thirteen consecutive years. This accolade demonstrates the quality of both our client's product and service; awarded only to housebuilders who receive a higher than 90% recommendation by their customers.

2. Matter 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS

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

Q1.1: 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)?

- 2.1 There are a number of relevant cross boundary strategic matters, including those related to transport, provision of services, infrastructure, flood risk, green infrastructure and development requirements – all of which are considered to be important, particularly to ensure the deliverability of the Plan. Given the local context the development requirements emanating out of Leicester City, which cannot be met within the authority area, are also a critical strategic matter. The issue of unmet needs has been prevalent in Leicestershire for a number of years, albeit progress is only just being made on finalising the quantum of unmet need and its distribution.

Q1.3: 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?

- 2.2 There have been a series of Statements of Common Ground in Leicestershire, albeit at the time of the Regulation 19 consultation, there was no published agreement as to how the unmet needs of Leicester City would be met. The most recent pre-publication of the Plan was from March 2021, which acknowledged the revisions to the Standard Method in December 2020. The March 2021 SoCG confirmed that the revisions had implications for Leicester City's housing need, increasing it by over 9,00 dwellings to 17,454 dwellings, an increase which clearly required further consideration. The SoCG set out that four pieces of evidence were to be gathered to support the process of distributing unmet need; a Housing and Economic Needs Assessment, Strategic Growth Options and Constraints Mapping, Strategic Transport Assessment and a Sustainability Appraisal. However, despite not all pieces of work being complete, an agreed SoCG has since been published, which includes re-apportionment of the unmet needs to neighbouring authorities, as discussed below. Despite this, the Plan has been advanced entirely predicated on the basis that unmet needs will not be dealt with in this Plan, therefore to Charnwood there has been a limited requirement to engage on the basis of actual delivery of unmet needs, as the internal logic of **this** Plan does not necessitate it. Charnwood's approach is that any unmet need can be dealt with in the future through a Plan review.

2.3 In some scenarios this approach could have been supported, and the rationale for it is based on a sound planning premise that development should be Plan led. The issue is we are at a stage where a Statement of Common Ground has now been published demonstrating a significant portion of the unmet needs are to be delivered in Charnwood. Moreover, that the approach advocated by the Council is that the issue of the unmet needs within that SoCG can be handled by a review policy which will put the delivery of such units back by for a number of years. This is compounded in the Plan as submitted which has not attempted to explore any mechanism for meeting unmet needs beyond that of a review of the entire Local Plan. The Council could have sought to increase its housing requirement even by 5% to make some form of contribution to unmet needs, or the Plan could have included reserve sites which would have been activated by the publication of unmet needs. The fact that a review policy is relied upon is relevant as the length of time that such a review will take, with subsequent lead-in time to deliver the units is clearly material to the soundness of this Plan given there are unmet needs existent now within the Housing Market Area (HMA). There are in essence two options, the first to proceed as submitted, with unmet needs to be delivered in c.7-10 years post adoption despite being existent now. Or, through a slight delay to the examination, identify further sites which can expedite delivery to, in the case of our client's land, 1-2 years post adoption. In doing so would enable unmet needs to be delivered at a rate consistent with that as expressed as an annual requirement within the SoCG. It must be remembered in the context of housing needs, any failure to deliver represents the failure to house real people, impacting negatively house prices and having critical social impacts, not least with the wider impacts post Covid-19 and through the current cost of living crisis. As set out, Charnwood had sensible and available options to ensure that the Council could respond positively to unmet needs.

Q1.4: 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?

2.4 The most recent draft Statement of Common Ground (April 2022) has now been published by the Authorities. This statement sets out that it is a working position that Leicester City's unmet needs from 2020-2036 equate to 18,700 dwellings and 23ha of employment land. The report also sets out the preferred distribution of this unmet need, which is agreed at officer level with all bar one of the authorities. Pertinent to Charnwood this would be an annual contribution of 78 dwellings, equating to an overall contribution of 1,248 dwellings in Charnwood over the Plan period up to 2036 (with a further year not covered by this agreement). This equates to only circa 7% of the total.

2.5 Each authority will need to agree the position formally through their elected members. It is anticipated that this will have occurred by the time hearing sessions begin, albeit this will be done on an authority by authority basis. What is apparent however is the following. As expected, and argued throughout the promotion of the Plan, a substantial level of unmet need is intended to be delivered in Charnwood. Moreover, there is disagreement within the HMA as to the level of need to be met in Charnwood, with Hinckley & Bosworth Borough Council, in particular, arguing that Charnwood should be delivering more of the unmet need than is prescribed in the SoCG. In any event, Charnwood should be seeking to positively meet some of this unmet need in the short term. The Plan's review policy as written would effectively rule out the delivery of any uplift in housing for c.7 years. This means Charnwood will have to significantly increase its housing requirement at this time to catch up. This is not considered sensible or sound, particularly as it is not in accordance with NPPF Paragraph 35C which states that Cross Boundary matters should be "*dealt with rather than deferred*". This is particularly pertinent given there are sensible and sustainable sites available to the Council now, under the control of a housebuilder, in areas spatially suited to deliver unmet needs. Given the Plan assumes it will deliver enough housing to meet its own housing requirement, such sites could deliver a significant quantum of the unmet need burden. It is not sound and not supported to continue to advance a plan which makes no contribution to unmet needs, and instead seeks to push them significantly back, when the level of unmet need attributed to the Council is likely to be known well in advance of any adoption of the Plan. The current approach will in essence generate a Plan which will be as good as out of date on the day of adoption, as their will be confirmed housing needs in excess of that catered for. A slight delay to Plan making now can easily be used to find sufficient housing sites to meet the unmet need requirement.

Q1.8: 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?

2.6 The published Statement of Common Ground (SoCG) to date has confirmed that some of Leicester City's unmet need will be required to be met in Charnwood. There is however scope within the wider remit and spatial strategy within Policy DS1 to absorb what is a relatively modest increase in housing requirement, relating to only a 7% increase. In particular we consider there remains significant scope within the Service Centres and Other Settlements, as demonstrated by the omission sites in the introduction, which are under the control of a housebuilder and can be

delivered quickly to make a telling contribution to unmet needs and also support the Authority in demonstrating a robust five-year housing land supply, with the contribution likely to meet in excess of early unmet needs uplifts.

- 2.7 Whilst we consider the SUEs and urban areas are likely to struggle to facilitate any further uplift, particularly given the existing urban skew of development, we know there to be some capacity within the Service Centres and Other Settlements which could positively meet unmet needs in the short term. As set out in relation to other matters, a modest increase in development in these tiers would not alter the overall pattern of development to such a degree as to make alter the overall urban concentration spatial distribution. It would however ensure that Leicester City's unmet needs can be met in the short term, without placing unrealistic and likely undeliverable development pressure within the later years of the Plan.

Q1.10: 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?

- 2.8 Policy DS2 is not effective in its submitted form, as it seeks to put back, without sufficient justification, unmet needs within the HMA which are evident to be existent now. Whilst we appreciate that there remains some uncertainty in relation to the distribution of growth, there are options open to the Council to ensure unmet needs can be met in the short term, without the need for a lengthy and ineffective review process. The Council could have sought to deliver a small percentage increase on its housing requirement for example, or sought to use policies and draft allocations to enable delivery of units following an agreed SoCG. North West Leicestershire for example is seeking to advance a Plan already with an increase in housing requirement to cater for the inevitable growth in need.
- 2.9 The Council's preferred approach is instead to kick the delivery of any unmet needs significantly into the future, having a serious impact on the availability of housing stock, which will impact a number of spatial issues including, but not limited to:
- House Prices
 - Overcrowding
 - Economic Growth
 - Levels of commuting
 - Social Isolation

These issues will compound existent issues relating to post COVID-19 recovery and the current cost of living crisis.

2.10 In accordance with the Policy, the review would likely need to be started in advance of the adoption of the Plan, which adds further credence to the argument that the approach adopted is illogical and ineffective. The Policy as worded mandates the following timescales (with Examination and applications approximated as a minimum).

Stage	Months	Cumulative Months
Publish a Plan Review following Agreed Statement of Common Ground	6	6
If Full or Partial Update triggered by Review, Commence Plan Update Regulation 18	12	18
Once Plan Update commenced submit the Plan Update to PINS for Examination.	36	54
Examination and adoption	6	60
Submission and approvals of applications, discharge of conditions, groundworks and commencement	18	78

2.11 The above assumes matters such as timely Examination of the Plan Update as well as no issues and timely determination of planning applications. In all likelihood delivery is likely to be well in excess of 7 years. Given a Review alone won't be initiated until the Local Plan is adopted (even if this is beyond the date set out in the Policy relative to the publication of an agreed SoCG), and this Local Plan is not likely to be adopted until 2023 at the very earliest, this means the Council will not deliver any unmet needs until 2030, with only six years to deliver the additional dwellings. This would equate to a significant increase in annual requirement of circa 220 dwellings, compared to early recognition of unmet needs, where less than 100 per annum would need to be found (having regard that we are already into the agreed unmet need period).

2.12 In this context, the policy is not considered to be effective and requires modification as part of wider comprehensive changes to the Plan as discussed.