



Charnwood Local Plan Examination in Public

William Davis Homes Ltd & Chapman Estates (Leicester) Ltd

Hearing Statement - Matter 1: Duty to Cooperate and other
Legal Requirements

Previous Rep Nos. 546 & 547

June 2022



1.0 Introduction

- 1.1 This Hearing Statement sets out submissions made by Planning and Design Group (UK) Ltd on behalf of William Davis Homes Ltd. It relates to Matter 1: Duty to Cooperate and other legal Requirements
- 1.2 This Statement is submitted in response to the 'Matter, Issues and Questions' (MIQs) identified by the Inspector in May 2022 that will guide the relevant Examination in Public. They should be read in conjunction with our previous representations, including extensive supporting evidence, made throughout the Charnwood Local Plan drafting and consultation process.
- 1.3 Not every question has been answered – only those which are relevant to William Davis' case and previous representations.

2.0 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

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)?

- 2.1 It is clear that Charnwood Borough Council has co-operated on key strategic issues with 'Prescribed Bodies,' neighbouring local authorities and public organisations in the development of the Local Plan up to the submission of the document. It is understood that this continues to involve on-going constructive and active engagement throughout the plan preparation process and associated activities relating to sustainable development and the use of land, in particular in connection with strategic infrastructure
- 2.2 In terms of both the evidence available to the examination and to our own ongoing and detailed collaborative working with the Council in relation to allocations HA12 and HA43, issues relating to strategic transport linkages; strategic Green Infrastructure; and cross boundary education provision have been front and centre of the plan preparation.
- 2.3 Further, it is clear that Charnwood has been receptive to discussing the distribution of unmet need from Leicester City following the revisions to the Standard Method and the 35% city uplift.

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*

2.4 Section 5 and Appendix A of the CBC and Leicester City Council Statement of Common Ground (SG/8) set out which strategic matters have been discussed at regular meetings, and how a collaborative approach has informed the emerging plan, including specific reference to cross boundary infrastructure requirements, allocations, green infrastructure etc.

2.5 Through our own site promotion, evidence gathering and working with the Council it has been made clear to us that cross boundary issues in relation to highways, education and Green Infrastructure are integral to housing delivery and have directly informed the spatial distribution of allocations. It is our view that site allocations (and specifically HA12 and HA43) have been directly informed by evidence on the most sustainable locations from development in terms of their capacity to absorb growth utilising existing infrastructure, to deliver and reinforce Green infrastructure and / or to mitigate impacts through the delivery of new infrastructure considered at a level that ignores administrative boundaries and responds to cross boundary needs.

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?

2.1 It is noted that the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (SCG/1 updated April 2022) identifies the history of joint working on strategic matters across the Housing Market Area. In doing so it seeks to address the Duty to Cooperate between the constituent Councils and provides a single point of contact for other Duty to Cooperate partners to engage in the strategic plan making process.

2.2 Submission documents SG/1 to SG/8 set out which strategic matters have been discussed with relevant stakeholders at regular meetings, and how a cooperative approach has been taken through the planning making process. The SoCGs demonstrate effective joint working across the local authority boundaries and specifically with Blaby and Leicester City Councils.

- 2.3 We are aware through our discussions and meetings on the SoCG for the HA12 site, that Blaby and Leicester City Councils have been directly involved. Further, the Design Review Panel recently carried out for the HA12 allocation directly involved representatives from Leicester City Council and Blaby District Council to discuss cross boundary issues and impacts.
- 2.4 It is our view that the SoCGs collectively contain the level of information expected by the PPG and effectively demonstrate a collaborative and cooperative approach that has been inclusive and will ensure delivery of strategic needs. For each strategic matter the SoCGs also collectively identify the organisations with whom the Council has sought to cooperate, the evidence base, actions taken, outcomes and any ongoing co-operation. In particular, the most recent iteration of the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (SCG/1 updated April 2022) sets out how the distribution of need (including unmet need) has been considered across the area.

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.

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?

- 2.5 It is not considered that there would be any implications for the Plan or for Policy DS2 as the review would presumably, simply conclude that there is no requirement for an update.

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?

- 2.6 It is noted that para 4.1 of the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (SCG/1 updated April 2022) identifies disagreement with the distribution of unmet need and specifically the capping of the redistribution of Charnwood's numbers. It is noted that Hinckley and Bosworth Borough Council consider that the capping of redistribution is not supported by evidence and that insufficient work has been completed to confirm the apportionment. It is noted that the Leicester & Leicestershire Housing & Economic Needs Assessment Housing Distribution Paper identifies ample potential supply within Charnwood in order to accommodate the full unmet need apportionment based on functional relationship.
- 2.7 We consider that it is vital that the 'functional relationship' to the city is a key determinate of apportioning unmet need given that the PPG is clear that the uplift should be met within the city itself *'to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live nearby the service they rely on, making travel patterns more sustainable* (Paragraph: 035 Reference ID: 2a-035-20201216)
- 2.8 Further, it is noted that Charnwood has agreed to accept the full unmet employment need from Leicester City amounting to 23ha of land, which may well have further implications for housing numbers. Additional economic growth could well generate a need for further housing to support that growth that would normally be met within Leicester City. This could be an argument for increasing the proportion of unmet need to be identified within Charnwood to closer to the 25% level anticipated within Table 6.9 of the Leicester & Leicestershire Housing & Economic Needs Assessment Housing Distribution Paper 2022.
- 2.9 Given the above, there is every likelihood that the apportionment of unmet need to Charnwood will increase and that Policy DS2 will be the necessary mechanism for ensuring the additional needs are met vis the spatial distribution set out in Policy DS1.

- 2.10 We endorse Policy DS1 as robust and appropriate approach for the distribution of additional development needs in the longer term, being the most sustainable spatial strategy, which focuses on key settlements and infrastructure potential.
- 2.11 Notably, our client controls additional land immediately to the west of the HA43 allocation which has been assessed to have limited landscape and ecological sensitivity, and which has the potential to accommodate additional housing numbers as part of the sustainable allocation. The provision of additional housing numbers to existing allocations where the landscape, transport and biodiversity capacity exists, will ensure that the best use of new infrastructure capacity is made and will reduce the need to identify further, less sustainable allocations which require additional infrastructure capacity to be built in. By adding to existing allocations identified as deliverable and with active housebuilder involvement, continuity and effective delivery is assured without further delay. In the case of land to the west of the HA43 allocation, a full suite of constraints information has already been gathered and mitigation identified as part of the submitted application for the wider site. Modest additional development at the allocation will also have the potential to further strengthen and enhance the Strategic Green Infrastructure Network through the provision of new public open space, landscaping and habitat creation to the north west. Notably, such an approach would be entirely consistent with DS1 and the Pattern of development as well as being in accordance with the Plans evidence base and the School delivery strategy.

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?

- 2.12 We note that while there SG/1 presents an updated Statement of Common Ground relating to Housing and Employment Land Needs, the apportionment of unmet need is not agreed 'by all partners'. The Policy reads that a review of the plan will be undertaken within 6 months of the date of the SoCG i.e. October 2022. It would be more realistic to suggest a review of the plan within 2 years of adoption. This would appropriately balance the need for the plan to be reviewed and updated as quickly as possible with the realities of the time likely to be necessary for the Council to effectively undertake this work. However, given that the apportionment of Leicester City's unmet need is being tested through *this* Examination, it would be

appropriate to consider the inclusion of any increase in the apportionment to Charnwood within this Examination process. In particular the opportunity to expand the HA43 allocation slightly to the west, to take advantage of the landscape and infrastructure capacity identified through our evidence, would enable the allocation to make a greater contribution to meeting housing needs without additional impacts, in a location directly connected to the city from which the need is generated.

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?

- 2.13 We consider that the Strategic Growth Plan, which has been subject to wide review, consultation and sustainability appraisal forms an appropriate basis for establishing growth and environmental aspirations based on collaborative working. It is clear that there has been good interaction with SGP authorities and Local Enterprise Partnerships (LEPs) recognising the strong functional economic links and infrastructure interdependencies, and seeking to maximise the geographical advantages of the county. The SGP is evidence based, collaborative and aspirational and should be conferred significant weight as a material consideration in plan making.

1.15 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24 - 27 of the Framework?

- 2.14 The Core Strategy Review Document and Policies Map is considered to comply with the statutory duty to cooperate under Section 33 of the Planning and Compulsory Purchase Act. It is understood that Charnwood Borough Council has co-operated on key strategic issues with 'Prescribed Bodies,' neighbouring local authorities and public organisations in the development of the Local Plan up to the submission of the document. It is understood that this continues to involve on-going constructive and active engagement throughout the plan preparation process and associated activities relating to sustainable development and the use of land, in particular in connection with strategic infrastructure.

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?

- 2.15 We consider that the Sustainability Appraisal incorporates the requirements for Strategic Environmental Assessment (SEA) as set out in The Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations) and has been undertaken in accordance with Government and best practice guidance Planning Practice Guidance on Strategic Environmental Assessment and Sustainability Appraisal (as updated)
- 2.16 It includes and applies a methodology that has been developed from an analysis of the key sustainability issues arising from an evaluation of the baseline evidence base (comprising of baseline information on the state of the environment), and it has evolved with each iteration of the draft Local Plan
- 2.17 It covers all the topics identified in Schedule 2 of the SEA Regulations to ensure all likely significant effects are identified, described and evaluated and provides definitions of what constitutes a significant effect, when considering a local plan, and reasonable alternatives to it.
- 2.18 The SA has identified, described and evaluated the likely significant effects of the following:
- Local Plan Vision and Strategic Objectives;
 - the amount of growth to be provided over the plan period (development requirements) and distribution of that growth (Spatial Strategy);
 - site allocations to deliver the development requirements; and

- Local Plan policies.

2.19 In completing the SA, reasonable alternatives for the following were developed and subject to appraisal, in a manner consistent with the preferred approach:

- housing growth (with options ranging from 8,100 dwellings to 15,700 dwellings over the plan period);
- employment growth (with options ranging from the provision of 0ha to 10 ha of employment land)
- the Spatial Strategy (with options ranging from concentrating development to dispersing development and a new settlement);
- strategic site options and smaller site options to deliver the development requirements; and
- Local Plan policies

2.20 Reasons for the rejection and selection of the preferred options are provided (and reconfirmed) at each stage of the SA process and reported in the appropriate SA Report.

1.17 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives for the scale and distribution of housing, employment, retail and other types of development set out in Policy DS1?

2.21 Consistent with the SEA Directive, regulation, planning policy and guidance, reasonable alternatives have been considered, and have been subject to a consistent SA methodology to ensure equal treatment in order to identify, describe, evaluate the likely significant effects. In particular, the SA has considered a number of reasonable alternatives relating to:

- the amount of growth to be provided over the plan period (development requirements)
- the distribution of that growth (Spatial Strategy);
- site allocations to deliver the development requirements; and
- Local Plan policies.

2.22 Reasons for the rejection and selection of the preferred options are provided at each stage of the SA process and reported in the SA Report.

Planning and Design Group