

Charnwood Local Plan examination – Matter 1 (Duty to Cooperate and other Legal Requirements) Hearing Statement

Rainier Developments

May 2022

- 1.1 This Hearing Statement is submitted on behalf of Rainier Developments in relation to their land interests east and west of Iveshed Road, Shepshed.
- 1.2 We respond to questions 1.8, 1.10, 1.16, 1.17 & 1.21 below.
- 1.3 Rainier are promoting land to the east and west of Iveshed Road, Shepshed, measuring approximately 4.5ha and 2.42ha respectively (6.9ha combined). Together these areas of land (the site) represent a sustainable and deliverable residential opportunity for up to 133 dwellings. The site has previously been submitted through the Council's Call for Sites and the Preferred Options consultation. A site location plan for the site is enclosed at **Appendix 1** and a proposed illustrative masterplan is enclosed at **Appendix 2**.
- 1.4 Each site is assessed separately in the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) - the western parcel is assessed as site ref: PH472 and the eastern land as PSH473.
- 1.5 The western parcel of the site (site PSH472) was subject to an outline planning application (ref: P/21/0027/2), submitted in December 2020. The application was refused by Charnwood Borough Council under delegated powers on 23 June 2021 with a single pertinent reason for refusal, relating to the impact of the proposed development on the character and appearance of the wider landscape. This decision is subject to an ongoing appeal (ref: APP/X2410/W/21/3281964), the hearing for which sat on 25 May 2022.

Representations

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?

- 1.6 No. Since the plan has been submitted, the Leicester and Leicestershire Authorities Statement of Common Ground (SoCG) relating to housing and employment land needs (April 2022) has been published. The SoCG establishes Leicester City has an unmet need of 18,700 dwellings between 2020 to 2036. This is to be distributed around the

neighbouring Leicestershire authorities, with Charnwood agreeing to accommodate 1,248 homes of the unmet need (78 homes per annum).

- 1.7 As this is now agreed, for Policy DS1 to be positively prepared and effective it **must be modified** to increase the borough's housing need from 17,776 homes to **19,024 homes**. The plan identifies a supply of 19,461 homes, this represents an insignificant buffer of 2%. The Council's aspiration (as per paragraph 2.14 of the Pre-Submission Draft) is to provide a 10% buffer for flexibility above the overall need in order to respond to 'unforeseen changes' that can affect the delivery of sites (this is a matter we provided evidence on in our regulation 19 representations).
- 1.8 To achieve this minimum buffer of 10%, the plan needs to identify land to deliver **at least a further 1,465 new homes**. Therefore, the plan must identify further sites.
- 1.9 As we discuss in response to Q1.21 below, the plan period will not be the required minimum 15 years from adoption, the effect of this is to increase the borough's housing need and required supply further – in this scenario the Council must find sites for **an additional 2,687 new homes**.

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?

- 1.10 No, policy DS2 is no longer required as the approach to Leicester's shortfall has been agreed and it should be reflected in an increased housing need, as per our response to Q1.8 above.

Q1.16 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? & Q1.17 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?

- 1.11 No, it is not clear how the Sustainability Appraisal (SA) has informed the preparation of the Plan and the SA does not clearly demonstrate that reasonable alternatives for development have been considered.
- 1.12 Whilst it appears the Development Strategy and Site Selection Topic Paper (updated December 2021) (doc ref: TP/2) has informed the scoring criteria in the SA (as per paragraph 1.4 of the topic paper), there is no justification as to how the criteria for selecting and discounting sites have been determined. This goes to the heart of the consideration of reasonable alternatives in the SA.
- 1.13 In particular there is no clear reasoning for why a distance of '1.6km from the nearest primary school' has been used in the topic paper to discount a number of sites that would otherwise have met the criteria to be 'Scenario C' sites given Leicestershire

County Council's own free school transport policy¹ provides a statutory walking distance of two miles (3.2km) for children up to 11 years old. Sites PSH472 and PSH473 in Shepshed are well within this statutory walking distance, so should not have been discounted from 'Scenario C' or scored red (potential for significant negative effect) in the SA on this basis.

- 1.14 As referred to above, the western parcel (site PSH472) is subject to an appeal. As part of that appeal, it has been agreed that *"the appeal site is a sustainable location which provides a range of transport choice for future residents"* (paragraph 5.12 of the Statement of Common Ground for that appeal).
- 1.15 Further justification is therefore necessary to be provided as to how the scoring criteria has been determined.

Q1.21: Are any adjustments to the Plan period necessary for consistency with the NPPF's provision that strategic policies should look ahead for a minimum 15 year period from adoption?

- 1.16 NPPF paragraph 22 states that strategic policies should look ahead over a minimum 15-year period post adoption *"to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure"*. In the context of larger scale development, including new settlements, paragraph 22 establishes that policies should *"be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery"*.
- 1.17 The Council's current Local Development Scheme April 2022 to March 2025 (adopted April 2022) anticipates adoption of the new Local Plan in December 2022/ January 2023. A plan period ending in April 2037 would therefore see strategic policies not achieving the minimum 15-year period post adoption. The plan period must therefore be extended to at least 2038 to ensure its strategic policies look ahead over a minimum 15-year period. However, it may be considered a further extension is appropriate given the significant amount of development allocated through Sustainable Urban Extensions (SUEs).
- 1.18 The result of extending the plan period by one year to 2038 would be the plan's housing need would increase by 1,111 dwellings, to 18,887 dwellings against the plan's proposed housing requirement, or **20,135 homes** including the contribution to Leicester's unmet needs. With the advocated 10% buffer for the supply, the borough's supply of housing sites would need to total **22,148 homes**. In this scenario the Council must find at least **an additional 2,687 new homes**.

1 <https://www.leicestershire.gov.uk/popular-now/mainstream-school-transport-for-5-to-16-year-olds#:~:text=Your%20child%20can%20get%20a,their%20nearest%2Fnearest%20Leicestershire%20school.>