

Charnwood Local Plan Examination

Supplementary Hearing Statement on behalf of Jelson Homes

Matter 2: Vision, Objectives, Sustainable Development and the Development Strategy Requirements (Updates and Answers to Supplementary Questions)

January 2023

Report Title: Charnwood Local Plan Examination – Supplementary Hearing Statement – Matter 2 (Updates and SQs)

Prepared by: Craig Alsbury

Status: Final

Draft date: 12 January 2023

For and on behalf of Avison Young (UK) Limited

1. Introduction

1.1 Jelson will rely on its original Matter 2 Hearing Statement for Questions 2.11 – 2.14 and 2.25. For Question 2.15 we provide a short submission below. This Statement also contains responses to Supplementary Questions 1 and 2.

2. **Q2.15: Is Policy DS1 justified in allowing for development adjacent to settlement limits in circumstances where a five-year supply of deliverable housing land cannot be demonstrated? How would proposals be expected to accord with the pattern of development set out in the table in Policy DS1?**

2.1 As to the first question, the answer is yes, but Policy DS1 does not go far enough in providing the flexibility required to ensure that the Borough's housing needs are met. As regards the second question, Policy DS1 is not clear. Additional clarity is required in order to ensure that unnecessary debates / arguments over interpretation do not impact on the efficient determination of applications for planning permission post-adoption.

2.2 Whatever housing requirement is ultimately specified in Policy DS1, this will be the minimum number of homes that must be delivered in the Plan period. To ensure that the housing requirement is satisfied, the Council will need to plan for it to be exceeded. Anything less is likely to result in failure.

2.3 To ensure success in terms of housing delivery, Policy DS1 must be sufficiently flexible to:

- a) cope with changes in circumstances, including circumstances where the Council fails to maintain 5 years' worth of deliverable housing sites but also where commitments, allocations or the assumed capacity of the areas within the limits of development simply fail to deliver the number of homes that are currently expected; and
- b) allows for more development than is planned to be delivered by way of allocations and windfalls, on land that is demonstrably sustainable and is located such that it makes a positive contribution to the Council's strategic objectives (including its stated objective of focussing growth at Loughborough – see Local Plan Vision and Objectives (box below paragraph 1.24 and paragraph 1.25 (1)).

2.4 As things stand, Policy DS1 does not provide the required level of flexibility to ensure that housing needs are satisfied. The Policy rigidly dictates that new housing developments will only be allowed on allocated sites or within defined limits to settlements. The only circumstances in which the Policy allows for development to occur on land that is not allocated and is beyond defined settlement limits are when:

- a) the Council cannot demonstrate that it has 5 years' worth of deliverable housing sites;
- b) the proposal accords with the pattern of development set out in the Table in Policy DS1 (although how precisely it is required to accord is unclear);
- c) the site adjoins a settlement (presumably one at an appropriate tier in the hierarchy so as to satisfy (b) above);
- d) the development does not prejudice the delivery of infrastructure; and
- e) the proposals accord with other development plan policies.

2.5 In addition to lacking a necessary degree of clarity / precision, Policy DS1 makes no allowance for development to occur on sites that do not share a boundary with limits to development. Indeed, the Policy goes on to say that even in circumstances where the Council does not have a 5 year supply of deliverable housing sites, it will conclude that proposals for housing will always (and irrespective of the merits in any particular case) be deemed to advanced by the applicant) cause significant adverse impacts (and so not benefit from the tilted balance) if any one of the above criteria are not satisfied. This is contrary to the provisions of the NPPF and is not sound. Policy DS1 must not pre-determine the planning balance that will need to be assessed at the planning application stage, particularly in circumstances where there is evidence of the Council under-performing in terms of housing delivery. As a minimum, the final sentence of Policy DS1 should be deleted.

3. SQ1: Does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of housing, employment and other development in the longer term, having regard to the Inspectors' initial findings (Exam 55) in relation to Charnwood's apportionment of Leicester's unmet need for housing and employment land?

3.1 Policy DS1 essentially does two things. It sets the Borough's development requirements for housing, employment and retail and describes how this development is to be accommodated so as to deliver sustainable outcomes. We note that the Inspectors have asked other Supplementary Questions that go to the 'requirements' specified in DS1 (in particular under Matter 4) and in the light of the Inspectors' initial findings (Exam 55) it is clear that the 'numbers' within Policy DS1 will need to be adjusted. But we consider this in more detail under Matter 4. In this Statement we focus on those parts of DS1 that deal with spatial matters.

3.2 We describe in our answers to Questions 2.11, 2.13, 2.14, 2.25 and 6.7 a number of concerns that we have about the Council's development strategy. These centre on the fact that:

- a) **the strategy described in DS1 does not do (or will not do) what the Plan says must happen** – the Plan states that: a key objective of the development strategy is to reduce the need to travel by car, reduce the length of journeys and to increase access by sustainable modes to jobs, services and facilities (paragraph 1.25 (Development Strategy objective 2)); the strategy aims to guide new development to the most sustainable locations (paragraph 2.3) (our emphasis); and the strategy aims to direct development to locations that provide access to jobs, services, infrastructure and sustainable transport (paragraph 2.4). Yet the Plan proposes to direct a significant amount of growth (about 20%) to settlements that are not the most sustainable, where residents do not have quick and easy access by sustainable modes of travel to jobs services and facilities, and to sites where development will give rise to adverse environmental and other effects; and
- b) **the distribution of development does not properly reflect the settlement hierarchy** - the Plan states that the development strategy is built on an understanding of the settlement hierarchy, including the extent to which each settlement may be capable of supporting new development (paragraph 2.29) but (i) proposes significantly more development on the edge of Leicester than within and around Loughborough (in spite of Loughborough sitting at the top of the hierarchy); and (ii) proposes a significant amount of development in settlements that have neither the jobs, services, facilities nor infrastructure to support it.

3.3 These factors, together with the issues summarised above in our response to Question 2.15 suggest to us that Policy DS1 does not represent an appropriate approach for the distribution of housing, employment and other development in the longer term. As a consequence, the Policy as currently drafted is not sound. We are yet to see the Council's proposals for accommodating the additional development that will need to be delivered to address the issues as regards plan period, affordability

ratio and Leicester's unmet need, but are concerned that the issues we have identified will be compounded when its proposals emerge.

3.4 To make DS1 sound, the strategy must focus a greater proportion of development in / around Loughborough (such that Loughborough accommodates more growth than is to be directed to the settlements on the edge of Leicester). It may also be necessary to reduce the amount of development that is to be directed to the Service Centres and Other Settlements but we must reserve our position on this until it is clear exactly how much development the Plan is required to provide for and how the Council proposes to accommodate it.

4. SQ2: Is any further SA testing of the options for the level and distribution of growth necessary having regard to the Inspectors' initial findings (Exam 55) in relation to Charnwood's apportionment of Leicester's unmet need for housing and employment land?

4.1 We calculate that, after making adjustments for the necessary extension to the plan period, the latest affordability ratio and the Inspectors initial findings on Leicester's unmet need, the Charnwood Plan will be specifying a housing requirement of 22,284 new homes for the period 2021 - 2039¹. After taking account of completions and commitments to 31 March 2021² as specified in the submitted Plan, and making a 10% allowance for flexibility as per Table 2 of the submitted Plan, the residual requirement is 13,821 homes. This is the number of homes that the Plan will need to provide for.

4.2 So far as we can tell, the SA has assessed the implications of the following residual requirements:

a) 8,100

b) 15,700; and

c) 2,900 to 12,700 (the hybrid option).

4.3 We have described in other Statements the concerns we have about the SA but the short answer to SQ2 is no, subject to the Inspectors being satisfied that the implications of the 12,70 and 15,700 options have been subject to suitably rigorous analysis.

¹ or 21,402 if no adjustment is made for the change in affordability ratio

² We note that the Council now has completions data for 2021 / 22 but it is not clear how this impacts on the 'commitments' referred to in Table 1 of the submitted Plan. Some of the numbers for the commitments may have reduced as a consequence of the completions achieved, thus meaning that, overall, the additional completions may have had little or no effect on the residual number of homes for which land needs to be found.

Contact details

Enquiries

Craig Alsbury
0121 609 8445
craig.alsbury@avisonyoung.com

Visit us online

avisonyoung.com

Avison Young

3 Brindleyplace, Birmingham B1 2JB

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of Avison Young.