

Charnwood Local Plan Examination

Hearing Statement on behalf of Jelson Homes

Matter 2: Vision, Objectives, Sustainable Development and The Development Strategy

June 2022

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For and on behalf of Avison Young (UK) Limited

MATTER 2 – VISION, OBJECTIVES, SUSTAINABLE DEVELOPMENT AND THE DEVELOPMENT STRATEGY

Issue 2 – Is the proposed settlement hierarchy positively prepared and justified by the evidence and are the proposed limits to development justified and soundly based?

1. Q2.3: Is the Settlement Hierarchy based on a robust methodology and relevant criteria in relation to the availability of and access to services and facilities.

1.1 The analysis contained within the Charnwood Settlement Hierarchy Assessment (October 2020 update) supports the settlement hierarchy expressed in Policy DS1. In order to enable the Council to understand the role and function of each settlement and which settlements might be capable of accommodating new development the CSHA does two things. First it contains an audit of the services and facilities within individual settlements within the Borough. Second, it examines the relationship each settlement has with larger urban areas in terms of homes and jobs and the access to services by sustainable modes.

1.2 Jelson welcomes the approach that the Council has taken to assessing the sustainability of each settlement and in particular that the Council's assessment focusses not only on the range of services, facilities and employment opportunities within each settlement but that it also recognises that although some lower order settlements have a fairly limited range of services and facilities themselves, they can nevertheless be inherently sustainable where they are extremely well related geographically to the higher order settlements and they are therefore able to benefit from the wider range of services, facilities and employment opportunities available within them. As Jelson would expect the CHSA methodology emphasises the importance of the need for local residents to be able to make these journeys by public transport where necessary. However, what it doesn't seem to do is take account of the fact that whilst some of the lower order settlements are less well served by public transport services, they are still nevertheless inherently sustainable, because local residents are able to make shortened (and therefore less polluting) journeys by private car to access jobs, services and facilities in the nearby higher order settlements. In Jelson's view this seems contrary to the advice contained in paragraph 79 of the NPPF which encourages LPAs to prepare planning policies that identify opportunities for villages to grow and thrive, especially where this will support local services. Importantly, the NPPF also advocates the approach of delivering development in one settlement as means of supporting services in other nearby settlements.

1.3 To highlight this point, the CSHA suggests that the vast majority of the population of Burton on the Wolds either work in Loughborough or use it to access those services and facilities that aren't currently available in the village. This isn't surprising given its geographical relationship to the town. Yet overall the CSHA states that Burton has limited access to employment and higher order services because it only has an hourly daytime bus service to Loughborough. Assessing sustainability in such a myopic way can't be right. It is a 3 mile (8 minute car journey, 15 minute bus trip or 20 minute cycle ride) from the village to Loughborough town centre / the town's rail station. It's important to bear in mind that it takes less time for residents of Burton on the Wolds to get to the town centre by any mode of transport than it does those people who live in the existing residential areas to the south and west of the town.

1.4 In the light of the above, Jelson is of the view that the Council's methodology for assessing the sustainability of some of the lower order settlements is flawed.

2. Q2.4 How has the Settlement Hierarchy Assessment informed the development strategy in Policy DS1.

2.1 Jelson has concerns about whether the Settlement Hierarchy Assessment has properly informed the development strategy. See our response to Question 2.11 below.

3. Q2.5 Are the settlements included within the settlement hierarchy categories of Urban Centre, Urban Settlement, Other Settlements and Small Villages or Hamlets in the Countryside justified? Does the settlement hierarchy reflect the role and function of these settlements?

3.1 In our representations to the Regulation 19 consultation and our response to Q2.3 we highlight Jelson's concerns about how the methodology the Council has applied / approach it has taken to assessing the sustainability credentials of some of the Other Settlements, particularly those such as Burton on the Wolds and Rearsby which have an inherently sustainable geographical relationship to the main urban centre (in the case of Burton) or other Urban Settlements (Rearsby). To be clear Jelson is not suggesting that this means that either Burton or Rearsby should be elevated to another category of the Settlement Hierarchy, rather that it is amended so that the Other Settlement category identifies which of the settlements in that category benefit from having the best access and / or geographical relationship to the higher order settlements and therefore capable of contributing to a sustainable pattern of development in the event that growth is allocated to them.

Issue 3 – The Development Strategy

4. Q2.11: Is the distribution of development in Policy DS1 justified by the evidence and were all options for the level and distribution of growth tested through the Sustainability Appraisal? What is the justification for a greater proportion of new dwellings being delivered in the Service Centres compared with the 'hybrid' option tested?

4.1 The Council's development strategy (how it proposes to distribute development and thus accommodate growth) should promote a sustainable pattern of development that: aligns growth and infrastructure; protects and / or improves the environment; mitigates climate change and adapts to its effects¹.

4.2 A sustainable pattern of development is almost always the one that focusses the majority of growth in and around the settlements that have the infrastructure to support it, and have the greatest range of services, facilities, shops and employers. The outcome of such a strategy is that (i) new residents do not have to rely on the private car to access jobs, services and facilities or, if they continue to use their cars, the journeys that they are required to make are substantially shorter and less polluting than would otherwise be the case; and (ii) new businesses have direct access to a larger local workforce, and the economic benefits that flow from the clustering of industries. This is reflected in the Plan at paragraph 2.4 where it states that the Council's strategy: "*aims to direct development to locations that provide access to jobs, services, infrastructure and where there are alternatives to the private car.*"

4.3 The development strategy articulated within the Local Plan is built primarily on the results of the Sustainability Appraisal ("SA") (and, more specifically, the Hybrid growth option). However, there are

¹ NPPF paragraph 11

issues with the SA which mean that the Plan is proposing a strategy that is inappropriate. This is evidenced by the fact that:

- a) the strategy does not properly reflect or align to the settlement hierarchy, or what the Council says it aims to do in paragraph 2.4 of the Plan as quoted above. The Plan states that the strategy *"is built on an understanding of our settlement hierarchy. We have assessed the services and facilities available within our settlements and the relationship each settlement has with the urban centres of Loughborough and Leicester. This has helped us to understand each settlement's role and function and which settlements might be capable of supporting new development."* The Plan's settlement hierarchy² has Loughborough at the top, as the most sustainable settlement, then settlements on the edge of Leicester next, Service Centres below those and so on. Yet the pattern of development proposed in the Plan would result in development being distributed as follows:
 - 37.8% to the edge of Leicester;
 - 31.1% to Loughborough (within and on the edge of the town); and
 - 30.9% to the rest of the Borough (including 11.9% to Shepshed)
- b) there needs to be a greater focus on Loughborough - the technical evidence supports a pattern of growth that focusses more on the main town; and
- c) the strategy that has been adopted has resulted in the Council proposing to allocate land for housing that is not the most sustainable and in a large number of cases will give rise to significant adverse environmental and other effects that can be avoided. We return to this in our Matter 6 Statement.

4.4 The development strategy plainly does not accord with either the evidence (particularly that on settlement sustainability and hierarchy) and nor does it do what the Plan itself says is necessary and sustainable (see above quotes). It will not, therefore, deliver a sustainable pattern of development in accordance with the provisions of the NPPF. However, Jelson has a site at Cotes, on the edge of Loughborough which could help to address this issue.

4.5 Growth distribution options have been assessed in the SA but we have noted significant concerns about the approach taken in parts of the SA and, therefore, the conclusions it has reached. We set these out in our Matter 1 Statement and more fully in our Regulation 19 Representations.

5. Q2.13 Should the figures in the table in Policy DS1 be expressed as a minimum

5.1 Yes, in order to satisfy the provisions of the NPPF the Plan must positively be prepared, which includes providing a strategy, which as a minimum, meets the authority's objectively assessed needs. As things stand, DS1 provides very little in the way of flexibility and, in reality, only allows for significant / major development to occur on sites that are not allocated, or lie beyond Limits to Development, when its housing land supply reaches a critical point. The Policy, as currently drafted, is not capable of providing for the delivery of homes required to satisfy Leicester's unmet need, over any period of time.

5.2 In addition, Policy DS1 as currently drafted only allows for the delivery of 19,461 dwellings over the Plan period. Whilst Jelson disputes this, even if the Council is right this only gives the Council a 2.3% buffer. This is not sound. Typically, Authorities build greater flexibility and robustness into their Plans by providing for at least 10% (and often 15% - 20%) more homes than are required as doing anything

² See Local Plan Table 4; page 24

less runs the risk of the Plan failing to satisfy the requirements of the 'presumption' at paragraph 11 of the NPPF. Policy DS1, which provides only for the delivery of 19,461 dwellings, does not present a robust and appropriate approach for the distribution of further housing development over the long term.

5.3 As a consequence, Policy DS1 requires modification so that it confirms that the figures that are expressed in the Table in Policy DS1 are expressed as a minimum. This will provide for greater flexibility and allow the delivery of a greater number of dwellings.

6. Q2.14 Will the distribution of housing development set out in the table within Policy DS1 achieve the overall stated aim of Policy DS1 for urban concentration and intensification, as well as minimising the need to travel, particularly, by private car, and to prioritise sustainable modes of transport?

6.1 No, see our response to Q2.11.

6.2 In the first instance, the aim of Policy DS1 could be satisfied by distributing more housing to within and on the edge of the Urban Centre. This could be achieved by allocating Jelson's site at Cotes.

6.3 In addition, as discussed in our responses to Qs 2.3 – 2.5, Jelson is of the View that if the Plan instead proposes a strategy that requires a development to occur in the Other Settlements, then the Council should ensure that any housing that is delivered in the Other Settlements takes place in those villages that are located in the closest proximity and therefore most sustainably related to the higher order settlements and on the most sustainable sites within those settlements.

6.4 With the above in mind, the preferred development strategy beyond the Urban Centre (considered above), should be based on a comprehensive assessment of settlement sustainability / capacity, with priority being given to (a) service centres as they are likely to be the most sustainable development options; (b) lower order settlements and villages that are located a short distance away from higher order settlements and which can take a benefit from the wide range of services and facilities available in the larger settlements; and (c) growth in the lower order settlements / villages which is proportionate to the size of the settlement so as to meet the needs of rural communities thereby helping those places to grow and thrive in accordance with the NPPF.

7. Q2.25 Overall, will the Plan's vision and objectives contribute to the achievement of sustainable development and is the development strategy justified by the evidence and positively prepared? Are any main modifications necessary for soundness?

7.1 As noted in our answer to Q2.11, we do not believe that, as currently formulated, the development strategy is justified by the evidence and positively prepared.

7.2 The Council's decision to build its development strategy around the Hybrid option has resulted in it proposing a pattern of growth that does not properly reflect the Borough's settlement hierarchy and proposing the allocation of a large number of sites that give rise to environmental, technical and strategic policy issues. Both the settlement hierarchy issue, and the sites related issues could be addressed by adapting the development strategy such that it aligns with Option 4. This could be tackled in one of two ways in terms of Main Modifications. These are as follows.

7.3 The first and simplest way would be for the Plan to allocate Jelson's land at Cotes as an additional site allocation. This would immediately bring the overall distribution of development more into line with the settlement hierarchy as set out below. This would also help address the flexibility concerns and Leicester's unmet need as discussed elsewhere in our submissions.

- 35.1% to the edge of Leicester;
- 36.1% to Loughborough (within and on the edge of the town); and
- 28.8% to the rest of the Borough (including 11.1% to Shepshed)

7.4 A second, alternative option, which would bring the distribution of development even more in line with the settlement hierarchy and achieve a properly sustainable pattern of development, would be to allocate Cotes instead of those sites in the table below, which are either less sustainable sites and / or would compromise long held strategic objectives to preserve gaps that prevent settlements from merging and are important for settlement identity, maintaining healthy lifestyles, landscape quality or visual amenity. A large number of the sites that are proposed to be allocated present either strategic policy issues, such as gap erosion, environmental constraints or accessibility issues (being adjacent, for example, to small settlements with relatively poor accessibility). However, the sites listed below appear to present the greatest compromises from a spatial planning perspective and, of the large number of sites that are proposed to be developed in sensitive locations, those highlighted green would give rise to the greatest levels of harm:

Site	Capacity	Issue
HA1	960	Green Wedge and Area of Separation
HA4	132	Area of Separation and Flood Risk
HA7	105	Green Wedge
HA12	260	Green Wedge, Flood Risk and Isolated
HA13	30	Green Wedge and Isolated
HA14	35	Green Wedge
HA15	723	Important for Separation and Strategic Wildlife Link
HA16	422	Valued Landscape, Strategic Wildlife Link and Flood Risk
HA17	205	Valued Landscape and Strategic Wildlife Link
HA43	600	Area of Separation and Green Wedge
HA54	55	Important for Settlement Identity
HA60	223	Area of Separation

HA61	29	Important for Settlement Identity
HA64	100	Area of Separation
HA65	55	Area of Separation

7.5 The Local Plan argues that the need to satisfy the Borough's housing requirement outweighs the harm that would be caused by developing these sites. Whilst we completely agree that the need for housing is significant and must be satisfied, it is absolutely not necessary and therefore not appropriate to incur the level of environmental and other harm that would be caused by developing all of the above sites in order to satisfy the Borough's local housing needs. The correct approach would be to substitute Cotes into the Plan for several of the most harmful allocations listed above. Doing so would significantly reduce the environmental effects of growth and deliver a sustainable pattern of development in accordance with the NPPF.

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