

Charnwood Local Plan Examination Matters and Issues Statement

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ID **574**
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Matter 6 Urban Area Policies, Site Selection, Sustainable Urban Extensions and Housing Site Allocations

1.0 Issue 3 – Sustainable Urban Extensions

Introduction and Background to CEG's Statement

- 1.1 The North East of Leicester SUE (NEoL SUE, now known as Thorpebury) is an established site allocation, having been considered and found sound through the previous local plan preparation process.
- 1.2 Thorpebury is allocated as a SUE in the adopted Charnwood Core Strategy under Policy CS19 to provide approximately 4,500 homes, employment land, schools and associated infrastructure and green space. The site forms a significant element of the Council's spatial strategy to meet housing and other development needs in the Borough in both the current and emerging plan periods (to 2037).
- 1.3 On 4 August 2016, a hybrid planning permission for the development was granted by Charnwood Borough Council (CBC) (P/13/2498/2).
- 1.4 Planning permission for the element of the SUE which falls within Leicester City Council's (LCiC) administrative area (principally the Southern Access Road and associated landscaping) was granted at the same time, pursuant to a duplication application to LCiC for the whole SUE which was considered in parallel with the CBC application.
- 1.5 Permission for the elements of the SUE which will provide homes, employment space and facilities for the new community, and which fall wholly within Charnwood Borough, has been secured in outline. Parameter plans, a detailed Design and Access Statement, Landscape Framework Plan, illustrative masterplan, conditions and obligations will guide and secure future details. The permissions provide detailed approval for the Southern Access Road to be constructed across both administrative areas, subject to conditions.
- 1.6 In February 2020, four reserved matters applications submitted by CEG and its housebuilder delivery partners were approved by CBC¹. Together, these detail the first phase of the development which will provide up to 604 homes.

¹ CBC refs. P/19/1369/2, P/19/1374/2, P/19/1457/2 and P/19/1479/2

- 1.7 The development commenced in Summer 2021, with first occupations anticipated in Autumn 2022.
- 1.8 CEG and the delivery partners continue to actively work with the Borough, County and City Councils actively and on an ongoing basis, including through monthly Steering Group meetings, to agree details for the delivery of the current and future phases.
- 1.9 In our view, in order to be effective, the next Charnwood Local Plan must focus on supporting the delivery of the SUE, both by ensuring relevant policies which address the development itself; afford appropriate flexibility (NPPF, para 82 (d)); and by ensuring that other allocations do not undermine the prospects of delivery, for example by absorbing local infrastructure capacity without making adequate investment. Written representations were prepared by Lichfields on behalf of CEG in December 2019 to the Preferred Options Consultation, and in August 2021 to the Pre-Submission Draft Consultation. This Statement focuses on the specific questions as set out in the Inspector's Matters, Issues & Questions document issued on 25 April 2022 in so far as they relate to the NEoL SUE and CEG's role in delivery.

Q 6.11 - The Annual Monitoring Report (SD/17) at para 7.24 says that the deficit in housing completions against the requirement in the adopted Core Strategy is as a result of delays in the delivery of the Sustainable Urban Extension sites. How will the Plan address this? What interventions are necessary and have these been secured?

- 1.10 Since permission was granted in 2016, a number of external factors have affected the timing of the delivery of the SUE. The uncertainty generated by Brexit, the disruption caused by the Covid-19 pandemic, and more recently, the impact of international events have all contributed to delays which were not reasonably foreseeable.
- 1.11 CEG and its delivery partners are however committed to delivering the c. 4,500 homes, employment land, schools and associated infrastructure and green space permitted within the NEoL SUE.
- 1.12 Development commenced with Phase 1 in Summer 2021 and first occupation is scheduled for Autumn 2022.
- 1.13 CEG continues to work with the Councils to progress the delivery of future phases and associated infrastructure. This includes discussions with the City Council regarding all aspects of the delivery of the SAR.
- 1.14 CEG comments in respect of the anticipated rate of housing delivery from the NEoL SUE in the Local Plan period in its response to Q 6.13 (e) below and in our Matter 7 Statement.
- 1.15 CEG is also continuing to explore opportunities to accelerate delivery and boost supply by working with a broader range of delivery partners and grant funding certain elements of infrastructure to enable earlier delivery. The latest delivery rates should therefore be regarded as conservative, with the strong possibility of higher output from the SUE over the next plan period.

Q 6.12 - Will the allocation of sites in Service Centres and Other Settlements have any implications for the timely delivery of the Sustainable Urban Extensions?

- 1.16 CEG is concerned that the allocation of smaller sites, notably on the edge of Syston, could adversely affect the timely delivery of the NEoL SUE. We raised this important issue in our Regulation 19 stage representations.
- 1.17 It is important that the selection, location and phasing of other allocations works to support the spatial strategy, and that all sites are required to make an appropriate contribution to the infrastructure costs associated with development. The delivery of larger and more complex sites such as the NEoL SUE, which are more sustainable and able to provide a wider range of supporting infrastructure and services, should not be prejudiced by the implementation of smaller sites.
- 1.18 On site progress to date with Phase 1 demonstrates that the delivery of the NEoL SUE is now underway, so any arguments that smaller sites are required to address the lead in period for the SUE are unfounded. It is essential that the Council, including through the emerging plan, helps to maintain and strengthen the development momentum which is building at Thorpebury.
- 1.19 Within our Regulation 19 response we suggested changes to the draft plan (principally certain DS and HA policies) which are necessary to ensure the plan can be regarded as positively prepared and effective. Further comments in respect of the housing allocations are provided in response to Q 6.16, below.

LUA2 – North East of Leicester (Thorpebury)**Q 6.13 - Is Policy LUA2 justified and effective - general initial comments**

- 1.20 Draft policy LUA2 is generally supported by CEG. In its August 2021 (Regulation 19) representations, CEG provided detailed comments and suggested wording amendments on Policy LUA2 and supporting text. These amendments are important to ensure the wording is sufficiently up to date and aligned with recently adopted national planning policy (2021). In particular, there is a need for references within the supporting text which support delivery, such as to the use of compulsory purchase powers at draft local plan paragraph 3.42, to be incorporated into the policy.
- 1.21 CEG accepts that some of the wording changes proposed could be managed as minor modifications, but ultimately, we will be led by the Inspectors on this. Others, notably those which relate to flexibility for implementation, supporting delivery and ensuring relevant supporting infrastructure is provided at the right time will, in our view, require main modifications to ensure the policy is justified and effective.
- 1.22 At the time of writing this statement, CEG is in ongoing discussions with the Council about the wording of this policy and the related diagram and map detail. We are hopeful that by the examination session on 14th July an update can be provided.

Q 6.13 - Is Policy LUA2 justified and effective, including in relation to:**a. The requirement for three primary schools to be provided**

- 1.23 Three primary schools are included in the target under the third Policy LUA2 indicator. Having regard to the expected housing delivery rate and completions within the plan period (see response to 'e' below), the provision of two primary schools would be an appropriate target.
- 1.24 In the event that housing delivery is accelerated and the trigger for a third primary school is met, this is secured under the s106 agreement and the local plan target will simply be exceeded in that scenario.

b. The provision of four pitches for Gypsy and Traveller accommodation and four plots for Travelling Showpeople

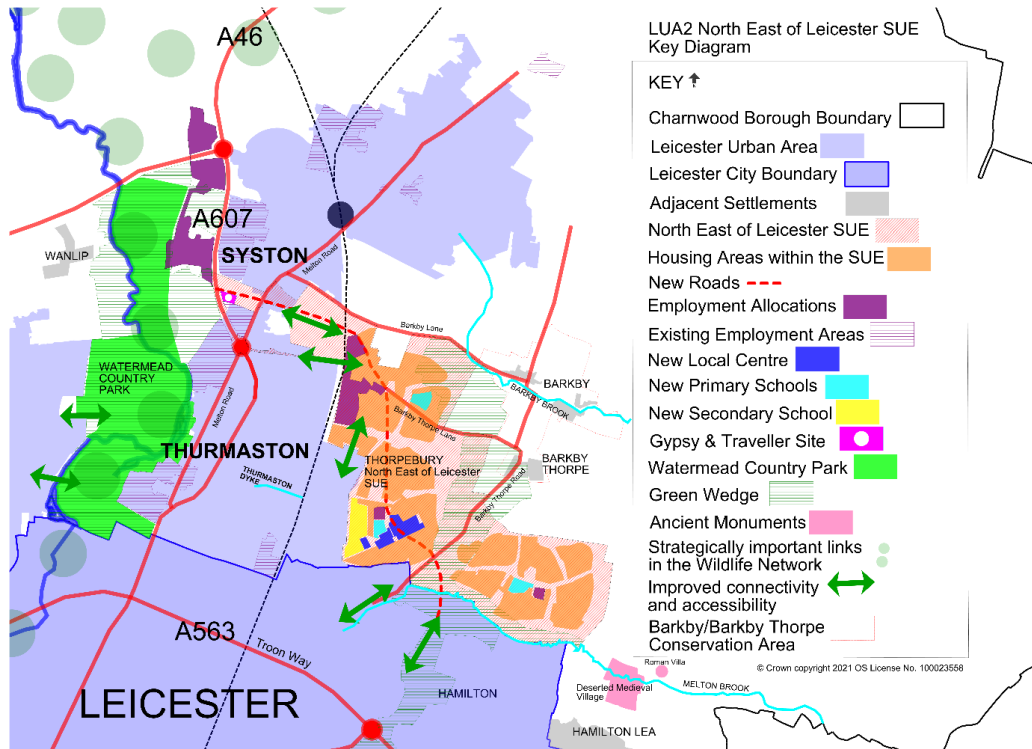
- 1.25 The Council relies entirely on the provision of pitches for gypsy and traveller accommodation and plots for travelling showpeople within the established SUE locations, including the four pitches and plots proposed within the NEoL SUE.
- 1.26 As stated in our Regulation 19 response, CEG maintains that the provision of gypsy and traveller accommodation and, in particular, plots for traveling showpeople within the NEoL SUE is not justified by an up-to-date evidence base (see also our Matter 4 statement).
- 1.27 This policy approach is not justified or effective and the Council should review the quantum, location and nature of provision as part of the local plan preparation process. The review should have regard to the emerging spatial development strategy and the sites/locations now available for development.
- 1.28 In particular, CEG remains of the view that the needs of Travelling Showpeople would be better met in locations closer to Loughborough and better able to accommodate the access requirements and maintenance activity associated with this provision. Demand will not necessarily be met by providing plots within the NEoL SUE when the desire of this community may be to be in/around Loughborough. The ongoing development of unauthorised sites will only be prevented if specific allocations are provided in suitable locations close to where the locational demand exists.
- 1.29 As drafted, this requirement in LAU2 is not supported by an adequate and up-to-date evidence base, nor does it provide a clear basis to meet the estimated need. Further work and main modifications are required to ensure the plan is effective and justified in this regard.

c. The boundary of the site and the overall scale and mix of the uses shown on the key diagram and Policies Map

- 1.30 The key diagram and the Policies Map are not justified or effective. Specifically, they do not reflect the flexibility which is secured in the permission which has been issued or support delivery by recognising that the precise nature of a large-scale strategic development may change over time during its implementation as a result of changes to commercial demand.

- 1.31 As currently drafted, the allocation on Policies Map 1 and the key diagram which is included on page 83 of the draft plan includes very precise boundaries for specific land uses from the illustrative masterplan (see extract at Figure 1 below).

Figure 1 Policies Map Inset, LUA2 Charnwood Local Plan Pre-Submission Draft



- 1.32 This prescriptive approach prevents flexibility, appropriate design evolution and innovation as the NEoL SUE comes forward over the plan period.
- 1.33 CEG strongly objects to this approach, on the basis that it does not align with NPPF policy (including paragraph 82 (d)) and afford appropriate flexibility to allow sustainable delivery of the large scale SUEs over a number of years in response to changes in circumstances.
- 1.34 It may be argued that the Council has adopted a similar approach to identifying the SUE allocations to that adopted for the HA allocations. We do not consider this a reasonable or robust justification. The emerging plan must recognise the distinction between allocations where development is permitted, where the policy emphasis should be on supporting delivery and providing flexibility, and those sites where the allocation is new and proposals will be coming forward from first principles. No ‘concept masterplan’ is needed for the NEoL SUE within the local plan policy as the site benefits from an implemented permission which secures an illustrative masterplan, parameter plans and other measures to control the nature and form of development.
- 1.35 The SUE allocation on Policies Map 1 and in the key diagram should depict the general area and extent of the SUE only, in order to be considered sound.

1.36 The specific policy wording should also be subject to a modification to identify the elements which the Council expects to see come forward within it, notwithstanding the detail currently approved under the extant permission.

1.37 Whilst the supporting text at paragraphs 3.30 and 3.31 is helpful to demonstrate this, CEG believes an additional and important paragraph is needed to recognise that the construction of the NEoL SUE will take place over a significant period of time. In our Regulation 19 response we suggested:

“It is recognised that the Thorpebury development is to be constructed over a significant period of time. In the event a change to the approved illustrative masterplan, parameter plans or other details secured by the original permission are required, Policy LUA2 and other relevant policies in this plan will form the basis for the Council’s consideration of any amendments or a revised scheme.”

1.38 To be effective, the Local Plan must also appropriately recognise the status of the approved illustrative masterplan and the approved parameter plans for the NEoL SUE in the text of Policy LUA2 (see Annex 2 of CEG’s August 2021 Regulation 19 representations).

d. Key infrastructure items, including drainage and transport.

1.39 Policy LUA2 is justified and effective in this respect. The earlier planning application material and associated Environmental Statement provide a detailed assessment and evidence base for the identified infrastructure requirements and the timing of the delivery of these relative to the provision of new housing and other land uses. This material was examined and discussed in detail with the Council and a wide range of statutory consultees as part of the consideration of the planning application.

e. The timescale and the rate of delivery in the housing trajectory

1.40 CEG supports the overall capacity of 4,500 dwellings identified for the site in the Draft Plan. This is a justified and effective reference, established by the adopted CBC Core Strategy and the extant planning permission.

1.41 The latest trajectory for the NEoL SUE is set out in the Statement of Common Ground agreed between Commercial Estates Projects (part of CEG) and CBC.

1.42 For ease of reference, the following updated trajectory provides the current estimate of housing delivery over the plan period to 2036/37:

Table 1 Updated Housing Trajectory: Thorpebury, ‘North East of Leicester’ SUE

2021/ 2022	22/ 23	23/ 24	24/ 25	25/ 26	26/ 27	27/ 28	28/ 29	29/ 30	30/ 31	31/ 32	32/ 33	33/ 34	34/ 35	35/ 36	36/ 37
	30	125	150	150	200	200	200	200	200	200	200	200	250	250	250

1.43 Overall, 2,805 dwellings are expected to be delivered within the NEoL SUE over the Plan period, up to 2036/37. The remaining dwellings will be delivered beyond the plan period. The trajectory in the Plan will need to be modified to reflect this updated forecast, but with

a recognition that there is a permission for 4,500 dwelling in place and this trajectory could be exceeded (as discussed above).

2.0 Issue 4 - Housing allocations

Q 6.16 -

- a Is the proposed scale of housing development justified, having regard to any constraints and the provision of necessary infrastructure?**
- b Is the allocation consistent with the development strategy in Policy DS1 and where relevant, does it take account of a made Neighbourhood Plan?**
- c What is the likely impact of the proposed development on the following factors:**
 - settlement separation and identity and landscape character;**
 - biodiversity, green infrastructure including public rights of way and agricultural land quality;**
 - heritage assets;**
 - the strategic and local highway network and other infrastructure including health facilities, education and open space;**
 - air and water quality, noise pollution, land stability and flood risk.**
- d Are the development requirements clear and deliverable and are any further safeguards or mitigation measures necessary to achieve an acceptable form of development? Are any main modifications necessary for soundness?**
- e Has any planning permission been granted for residential development and if so, what are the details?**

2.2 CEG accepts that the local plan should identify a range of sites to meet local housing needs. It is important that the selection, location and phasing of sites works to support the spatial strategy, and that all sites are required to make an appropriate contribution to the infrastructure costs associated with development. The delivery of larger and more complex sites, which are more sustainable and able to provide a wider range of supporting infrastructure and services, and the quality of the existing environment must not however be prejudiced by the development of smaller sites without an adequate investment in infrastructure.

2.3 It will be important to consider the effects of any additional development, in terms of timing and location, if allocating additional housing allocations in the area to the north of Leicester, to avoid an adverse impact on existing and upgraded infrastructure and services in the area, and to support the delivery of already permitted new homes in a sustainable location. The phasing and timing of any new housing allocations close to the NEoL SUE must also be carefully planned in order to manage any adverse impact on the existing and permitted allocation as this could materially affect the viability and committed delivery of housing from this established strategic site.

- 2.4 The s106 agreement attached to the NEoL SUE permission includes provisions for working groups and regular reviews to ensure CEG's investment in mitigation measures and new infrastructure is timely and effective. These reviews do not however provide for the impacts of other development to be accommodated and it would not be appropriate or lawful for the NEoL to address these effects. Any new development close to the NEoL SUE which affects highway or other infrastructure capacity must therefore robustly establish and fully fund its own costs.
- 2.5 CEG is particularly concerned that the scale of the housing allocations around Syston and Thurmaston, identified by references HA1 to HA3, HA5, HA7 and HA8 in Policy DS3 and on the Policies Map could undermine the delivery of the NEoL SUE if the timing of development in these locations is not effectively planned and managed and steps are taken to ensure the effect of new homes in these locations is fully mitigated to avoid any adverse impact on local facilities, services or infrastructure capacity. The limited range of considerations and requirements identified for development to be supported in these locations in the DS3(HAx) Policies which follow reinforce this concern. If these allocations are retained, they should be the subject to independent design reviews (draft paragraphs 2.139 to 2.143 and Policy DS5 refer) to ensure the relationship between additional new development and the permitted NEoL SUE is appropriately assessed.