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Our ref: 60628/

Your ref:

Dear Ian

Charnwood Local Plan Examination - Response to Matter 6

This statement to Matter 6 (Urban Area Policies, Site Selection, Sustainable Urban Extensions and Housing Site Allocations) of the examination of the Draft Charnwood Local Plan (“DCLP”) is submitted by Lichfields on behalf of St Philips Land Limited (“St Philips”).

It follows the submission of representations to the Regulation 19: Pre-Submission Draft of the Charnwood Local Plan (July 2021) in respect of land off Cotes Road, Barrow upon Soar, in which St Philips has land interests. For reference, the representations comprising these proposed changes were identified under Representation ID **PSLP/618**.

It should be clarified that separate representations were made by Marrons Planning on behalf of St Philips, Rosconn Strategic Land, William David Homes and Swithland Homes under Representation ID PSLP/633. However, this representation set out their joint position on Policy DS3 (HA49) with each party making wider representations to the plan through individual representations.

The National Planning Policy Framework (‘NPPF’) outlines that during the examination process a Local Plan must demonstrate that it has been positively prepared, is justified, is effective and is consistent with national policy. Outlined below are responses to a select number of the Inspector’s questions which set out why we consider changes to the DCLP are necessary to ensure the soundness of the Plan.

Issue 2 – The Site Selection Process

Question 6.7 *Is the site selection process for the proposed housing allocations soundly based, including the testing of reasonable alternatives? How have the findings of the Sustainability Appraisal informed the site selection process? Are the reasons for selecting allocated sites and rejecting others clear and justified and where are they documented?*

Yes, the site selection process for the proposed housing allocations is soundly based and the reasons for selecting allocated sites and rejecting others **is justified**.

The Council's approach towards site selection is primarily set out within the Development Strategy and Site Selection Topic Paper (July 2021, updated December 2021) (Ref: TP-2):

"...For each settlement tier, the site selection was informed by the framework provided by the hybrid overall distribution strategy and further sustainability appraisal work to establish the capacity for new development within each settlement tier. Scenario A sites were considered and where appropriate allocated before moving on to scenario B and so on.

In the case of the Service Centres tier, and to some extent for Other Settlements, each settlement was considered individually. Appendix B to this paper describes the method used and explains why potentially suitable sites were not allocated and potentially unsuitable sites were allocated."
(paragraph 4.6 and 4.7)

The approach towards site selection in Barrow upon Soar is set out at page 34 and 35 and the assessment of these sites against the sustainability appraisal objectives are set out at Appendix C.

Question 6.9 *Are the following assumptions for site capacity set out in the Strategic Housing and Employment Land Availability Assessment (EB/DS/1) appropriate and justified:*

a *Gross to net developable areas for residential development:*

Up to 0.4 hectares 100%, 0.4 – 2 hectares 82.5%, 2 – 35 hectares 62.5%, over 35 hectares 50%

b *Density of 30 dwellings per hectare – was this applied to the net developable area?*

In respect of allocation **HA49** at Cotes Road, Barrow upon Soar, St Philips made representations alongside Rosconn Strategic Land, William David Homes and Swithland Homes under Representation ID PSLP/633.

The representation set out that a constraints-led masterplan has been prepared which broadly delivers 9.5 ha of residential development across the 20.73ha site taking account of the site for the school, open space, green infrastructure, and attenuation.

This equates to a net developable area of approximately 45% which falls sufficiently within the Council's assumption of a net developable area of 62.5% for sites between 2-35 hectares. Consequently, the Council's assumption in this respect is both appropriate and justified.

In terms of density, the promoters of Allocation HA49 consider that approximately 225 homes could be accommodated at the site, equating to a density of approximately 24 dwellings per hectare ("dph") across the net developable area. Again, this would fall sufficiently within the Council's assumption of applying a density of 30 dph.

Question 6.10 What approach has been taken to site capacity where specific site constraints or developer intentions are known?

St Philips forms part of a group of promoters and developers promoting land forming Allocation **HA49** at Cotes Road, Barrow upon Soar. The group has been in collaboration with both Charnwood Borough Council and the Leicestershire County Council as the local education authority to support the allocation of Cotes Road for housing.

St Philips made representations alongside Rosconn Strategic Land, William David Homes and Swithland Homes, under Representation ID PSLP/633, which indicates that a Statement of Common Ground has been prepared and signed by the promoters and the Council which includes:

"The capacity of the site, taking into account landscape, ecological and hydrological constraints and the requirement to provide the location for a new primary school, would be approximately 225 homes."

Overall, the group of promoters at Cotes Road has worked constructively with the Council in order to understand an appropriate site capacity.

Issue 4 - Housing allocations

Question 6.16

a Is the proposed scale of housing development justified, having regard to any constraints and the provision of necessary infrastructure?

St Philips forms part of a group of promoters and developers promoting land forming Allocation **HA49** at Cotes Road, Barrow upon Soar. Alongside Rosconn Strategic Land, William David Homes and Swithland Homes, representations were submitted under ID PSLP/633.

St Philips considers the scale of housing development at the allocation **is justified but** that the policy **should not** dictate a maximum parameter restricting the quantum of development.

Policy DS3 states development will be supported that is "*in accordance with the other policies in this plan and the site-specific requirements set out in this policy below*". We note, in this respect that the table in DS3 lists a "Number of Homes" and in the case of HA49 identifies the allocation for 220 homes. Neither Policy DS3 nor Policy DS3 (HA49) provide any other comment on the quantum of development

and it is not clear if that number is intended to be absolute, a minimum, maximum, or approximate yield or otherwise.

The promoters have been working collectively together and a constraints-led masterplan has been prepared which broadly delivers 9.5 ha of residential development across the 20.73ha site taking account of the site for the school, open space, green infrastructure and attenuation. It is therefore clear that additional housing provision above the 220 homes allocated can be accommodated at the site. Further detailed work on constraints and the preferred size, mix and type of homes could change the developable area and density. This could have the effect of increasing or decreasing the yield, which is ultimately achieved, and it is imperative that the policy allows for that process and does not unnecessarily and artificially restrict the quantum of development.

Local plan policy rarely sets a maximum figure for development sites and expressly does not do so in the absence of strong evidence. Even where there are evidence-led concerns about yield, it is common place for policy sets to identify any issues that they wish to see tested and provide wording for that to be required through the development management process when the plan is implemented. We deal with the contribution HA49 makes to primary school places below, but it may well be the case that yields fall on other sites which are contributing towards the 1 form entry school site and that for reasons of deliverability a higher yield is necessary on HA49 (or indeed, vice versa).

The context set by the National Planning Policy Framework is particularly relevant to how yields might be treated by development plan policy wording:

- a Be aspirational [paragraph 16]
- b Be positive [paragraph 35]
- c Significantly boost the supply of homes [paragraph 60]
- d Be flexible [paragraph 82]
- e Promote an effective use of land [paragraph 119]

In this context, it would be unusual for a policy to be drafted in such a way that it prevents any opportunity for the capacity/yield of the allocated site to be informed by evidence or to enable the setting of design parameters in response to opportunities and constraints at the planning application stage.

In our view, Policy DS3 should provide for such a constraints led approach and enable the yield to be explored through up-to-date evidence at the time of the application having regard to the up to date circumstances at that time. In that circumstance, a design response to any evidence-based constraints would be necessary and would have to be justified for permission to be granted in accordance with the plan.

We are concerned that the wording of DS3 will be taken as a cap or upper limit to the number of homes, certainly by those who are opposed to development. It is commonplace for policy wording such as “maximum” and “up to”, aimed at limiting or restricting development, to be modified to “minimum” and “at least”.

We are, therefore, of the view that Policy DS3 is not sound in its current form and should be amended in order to ensure that it responds to the requirements of NPPF paragraph 35.

In this respect we would propose that new terminology of “Approximate Number of Homes” should be used in respect of the yield for dwellings identified in the table within Policy DS3. Additional text could be added through a modification to DS3 to read:

“The final number of dwellings on each of the allocated sites will be established at the planning application stage, following consideration of site-specific detailed design matters and any other relevant planning considerations through a constraints-led masterplan process.”

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.***

Biodiversity: Appendix H of the SA Report notes for site PSH484 that there is a Local Wildlife Site at the south west corner of the site and returns a minor positive score for biodiversity. The emerging masterplan recognises the relationship between development and the LWS as does Policy DS3(HA49) (see below). We note that Appendix H also notes the LWS for sites PSH462 and PSH321 (both of which sit within the wider site area of PSH484) but record neutral impacts for biodiversity. The potential to avoid the LWS and provide mitigation is greater within the larger area of PSH484 and as a result a neutral impact should be recorded.

Preliminary Ecological Surveys have been undertaken for all the land identified within the allocation. These have not identified any significant constraints from protected species. The initial surveys recommend the retention and protection of the Catsick Marsh LWS and the Railway Field LWS. The need to ensure that drainage requirements do not alter the hydrological regime of the swamp habitats is noted. The retention and incorporation of the majority of hedgerow, woodland and mature tree features has been recommended and does not constrain the identified capacity of the allocation.

Flood risk: The fifth bullet of Policy DS3(HA49) relates to flood risk at the site and securing appropriate site access arrangements to meet the Exception Test. To clarify, a small area (approximately 0.4ha) of the north-west of the allocated site is located within flood zone 2 and 3. The emerging Masterplan and the Council’s indicative diagram recognise that built development is to be avoided in this area.

The Site Access is not required nor proposed within the part of the allocation within flood zone 2 and 3. Therefore, it is considered that the policy should remove the reference to the site access arrangements avoiding the areas within flooding zone 2 and 3, and be replaced with an amendment to require an

Exceptions Test only if vulnerable uses are proposed within these areas. The fifth bullet should be modified to:

“are accompanied by a flood risk assessment which responds to the evidence of flood risk on the site and demonstrates how mitigation of those risks can be satisfactorily achieved. An Exception Test will be required should vulnerable uses be proposed within areas of flood risk; and”

Surface water drainage: The first bullet point focuses on the avoidance and mitigation of the surface water drainage on the Local Wildlife Sites as opposed to opportunities to enhancement of these sites through the SuDS features. In line with NPPF paragraph 169, SuDS features should seek to provide multifunctional benefits. We consider that the SuDS locations should be based upon a constraints-led masterplanning exercise alongside consultation with the relevant statutory bodies. Therefore, the first bullet should be modified to:

“ensure SuDS features maintain or enhance the Local Wildlife Sites;”

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?

St Philips notes that Policy DS3 (HA49) includes criteria in respect of drainage, biodiversity and heritage. Whilst we do not necessarily disagree with the tenet of the criteria we note that the Plan includes topic specific Policies CC2: Sustainable Drainage Systems (SuDS), EV6: Conserving and Enhancing Biodiversity and Geodiversity and EV8: Heritage.

These policies are not signposted within DS3(HA49) and we also note that no reference to these matters is made for the majority of the other site-specific policies under DS3. There is a general need for a constraints-led masterplan approach which would allow for planning considerations and site-specific design matters and note the illustrative nature of the HA49 Diagram to be utilised for this purpose.

With such a modification in place, the level of detail set out in Policy DS3 (HA49) is perhaps unnecessary duplication of other policy areas.

e Has any planning permission been granted for residential development and if so, what are the details?

St Philips is in the position of preparing a planning application encompassing the extent of its land interest at the wider site, which it intends to submit by the end of autumn 2022.

The planning application would seek to accord with the requirements of Policy DS3 (HA49) and would seek to align with the delivery trajectory set out in the Plan’s housing trajectory.

HA49 – Land off Cotes Road, Barrow upon Soar

- Is there evidence to indicate that the site can be developed without unacceptable harm to wildlife?***
- Is there evidence to indicate that the site can be developed without unacceptable harm to heritage assets?***

- ***What effect would the provision of a new school have on the surrounding area and on education provision for the community?***

In terms of the provision of a new school, Policy DS3 (HA49) supports development proposals that provide the site for a 1 form entry (FE) primary school. The Council expect the reasonable costs of making this school provision to be shared amongst the developments that it would serve. The Site Specific Policies for allocations HA45 Land to south of Melton Road, HA46 Land off Melton Road, HA47 Land adjoining 84 Melton Road and HA48 Land off Willow Road all note contributions are to be made to the reasonable costs of the provision of the 1FE primary school at site HA49.

The promoters are working with Charnwood Borough Council and the Leicestershire County Council as local education authority to understand the requirement for school places to serve Barrow upon Soar and to secure a planned response to that infrastructure requirement. Planning applications have been submitted in respect of HA45 and HA46 and the promoters of HA49 have made representations to that process which seek agreement on the delivery arrangements prior to any positive determination of the applications.

The DS3 policy set should provide for the land and build costs associated with delivering the school to be shared between all the sites that the school would serve. In this respect, and to avoid uncertainty, a modification is proposed to the Policies DS3 (HA45), (HA46), (HA47) and (HA48) to read:

“We will support development proposals at site [HA45-48] that provide a proportionate contribution to the reasonable land and build costs of the provision of a new 1 form entry primary school located at site HA49.”

Similarly, the final bullet point of Policy DS3 (HA49) could be modified to:

“provide the site for a new 1 form entry primary school located on land within the allocated site boundaries and of a size and specification which meets Leicestershire County Council’s requirements. We will expect the reasonable land and build costs of making this provision to be shared amongst the developments via the provision of site specific proportionate section 106 contributions by each of the relevant developments that it would serve.”

In terms of the arrangements for delivering this new primary school, Policy DS3 includes a general requirement that developments are cohesive and integrated with other allocations set out in the Plan including in relation to the provision of new schools and other infrastructure. In this respect, the site specific policies for the Barrow Upon Soar allocations set out that the developers of each site will contribute to the reasonable costs of the provision of a new 1FE primary school located at site HA49.

This topic has subsequently been the subject of detailed and collaborative discussions between the Council’s Policy Team, Leicestershire County Council’s (LCC) education officers and the Site Promoters to develop suitable delivery mechanisms to allow the new primary school to come forward alongside housing delivery. These conversations have formed the basis for a strategy that will see each site promoter pay a proportionate share towards the land and build cost of delivering a new 1FE primary school in the settlement, based on their pro-rata share of pupil generation. The strategy will also ensure

that the commencement of development is aligned with the timely provision of new education provision.

There are some minor details of timing that will need to be discussed with the Local Education Authority, however all parties are aligned on the fundamental principles that are required to see the new primary school project come to fruition to support the Local Plan's strategy, and the Site Promoters agree to the proposal for land and build costs to be proportionally shared between them.

As a consequence of the discussions between the site promoters, LCC and the Council, it has now been concluded that the preferred location in which to provide a new primary school site would be HA48 Willow Road, as opposed to HA49 Cotes Road. It is therefore suggested that a Main Modification is now required to amend the relevant Barrow upon Soar allocation policies to reflect this change, and to also amend the proposed allocation boundary for site HA48 Willow Road accordingly.

Yours faithfully,



Jon Kirby
Senior Director