

Leicestershire County Council
As the Local Highway Authority (LHA) for Leicestershire

Charnwood Local Plan Examination in Public

Supplementary Hearing Statement Relating to
Matter 8, Issues 1 and 2

Introduction

1. This supplementary statement has been prepared in response to questions raised under Matter 8, Issue 1 (all questions) and Issue 2 (all questions bar 8.8), within the 2023 Examination Matters, Issues and Questions (MIQs), issued by the Inspectors.
2. The supplementary statement should be read in conjunction with the LHA's earlier statement submitted in June 2022 in relation to Matter 8, Issues 1 and 2, and seeks specifically to clarify the LHA's position in light of the Inspectors' initial findings on the unmet need for housing and employment (Exam 55).
3. The LHA's latest position has been informed by engagement with CBC in relation to CBC's proposed approach to dealing with its apportionment of the City's unmet housing need (as set out within the "Housing Supply Technical Note" that the LHA understands will be submitted by CBC as part of their response to the Inspectors' supplementary MIQs) and potential implications of this from a transport perspective.

Implications of CBC's proposed approach to accommodating unmet need for the Local Plan's overall transport evidence base

4. As set out in more detail through the LHA's previous Matter 8 hearing statement, the LHA has worked closely with Charnwood Borough Council (CBC), Leicester City Council (LCiC – as the Local Highway Authority for the City of Leicester) and National Highways (NH) ('the parties') in the development of the transport evidence base underpinning the Plan and the relevant agreed main modifications to the Plan; as evidenced by the two SoCG entered into by the parties in December 2021 (SCG/5) and June 2022 (Exam 19).
5. At a Plan-wide level, the LHA considers CBC's proposed approach to meeting its apportionment of the unmet need is unlikely to materially alter the general pattern of transport impacts identified through the current Local Plan evidence work. Whilst the additional impacts of the apportionment have not been specifically modelled/assessed, the LHA has sufficient confidence that this is likely to be the case based on the testing of different levels of housing growth in the Borough undertaken through the early evidential work (set out through documents EB/TR/1 and EB/TR/2), which demonstrated a relatively consistent distribution (if not scale) of impacts across these different growth levels. As such, the LHA does not consider it to be proportionate or necessary to commission further Plan-wide transport evidence to assess the additional impacts of CBC's proposed approach at this scale.

6. The points made in paragraph 5 above should not be misinterpreted as a signal of the LHA's general agreement to any or ever greater increases in the overall scale of growth to be accommodated, over and above that now proposed by CBC to accommodate the unmet need from the City. It will be challenging enough to accommodate the levels of growth being proposed through the draft Local Plan as is; and even then only possible subject to the proposed main modifications to the Plan agreed by the parties. Furthermore, the evidence set out through EB/TR/1 and EB/TR/2 demonstrates how the scale and complexity of this challenge is likely to increase progressively as a consequence of any additional growth over and above what is already proposed. Whilst this challenge is unlikely to be unique to Charnwood Borough, it highlights the need for caution as to the scale of development that the Plan can reasonably be expected to provide for.
7. Notwithstanding this challenge, the LHA does not consider Charnwood's apportionment of unmet need to be a fundamental threat to the Plan's soundness; especially given that the evidence work undertaken to date is perhaps more comprehensive in developing an understanding of cumulative and cross-boundary impacts and different scales of growth than has hitherto been the LHA's experience with other Plans. For the avoidance of doubt the LHA continues to view the Plan, subject to the main modifications agreed by the parties, as a sound base for moving forward and for accommodating the unmet need in transport terms.

Proposed approach to dealing with additional transport impacts arising from the accommodation of unmet need (under CBC's proposed approach)

8. Nevertheless, it is possible that CBC's proposed approach to accommodating unmet need might result in significant additional cumulative and/or cross-boundary impacts beyond those identified to date. It is anticipated that the further information and evidence needed to identify any such additional impacts will become available as the Plan is implemented and allocated sites (in particular those earmarked for intensification/uplift through CBC's proposed approach) come forward through the planning process¹. Once identified, any additional cumulative and/or cross-boundary impacts will be considered and addressed as necessary through:
 - development of the proposed area transport strategies set out through the proposed main modifications to Policy INF2 and other related policies/sections of the Plan (agreed with CBC, LCiC and NH); and/or
 - pending adoption of the new Local Plan, implementation of Leicestershire County Council's Interim Transport Contributions Strategy for Developments in Charnwood District, which is due to be considered by the County Council's Cabinet in February 2023² which, as a mechanism to secure investment in necessary infrastructure, is pursuant to the aforementioned proposed main modifications and transport strategies (agreed with CBC, LCiC and NH).

¹ And in any event, it is normal for further information and evidence to be developed about a particular site as it passes through the planning process.

² It should be noted that The Interim Transport Contributions Strategy builds on the interim approach to securing developer contributions towards delivery of the transport strategies through the Development Management (DM) process set out in Leicestershire County Council's Cabinet report of September 2022 and as agreed previously with CBC. The September 2022 Cabinet report can be viewed at:

<https://politics.leics.gov.uk/documents/b18142/Supplementary%20Report%20-%20Charnwood%20Local%20Plan%202021%20-%202023%20Friday%2023-Sep-2022%2011.00%20Cabinet.pdf?T=9>

9. It is acknowledged that CBC's proposed approach may also have additional site-specific implications, for instance with regards to site layouts, access points and localised network impacts. There is no guarantee that subsequent, more detailed consideration of these matters will not unearth a transport issue/constraint that prevents the capacity of a particular site being uplifted as presently envisaged. However, the extent of the work required to completely allay this risk is disproportionate to the current stage of the Plan-making process (which holds true for the development of any Local Plan). Consequently, the LHA considers it reasonable to progress this work at the development management level (as part of the planning application process and associated master planning and co-ordination of larger site allocations) instead.

Potential implications of alternative approaches to accommodating unmet need

10. The ability to deal with any additional cumulative and/or cross-boundary impacts in the way outlined through paragraphs 8 and 9 is predicated on the specific approach to accommodating the apportionment of unmet need proposed by CBC, which seeks to achieve this without requiring any fundamental changes to the Plan's overall spatial strategy. Conversely, it would not have been possible to adopt the same strategy for dealing with any additional cumulative and/or cross-boundary impacts arising from a hypothetical alternative approach to accommodating the unmet need that departed significantly from the spatial strategy (for example, had CBC chosen to direct the totality of the unmet need to a single new site allocation), due to the additional uncertainties this would introduce regarding:
- the likely pattern of the additional impacts; and
 - whether the proposed Plan-wide mitigation strategy (including the planned area transport strategies) would remain sufficient to encompass these additional impacts.
11. By extension, it is highly likely that additional Plan-wide transport evidence would have been required to support a hypothetical alternative approach of this nature.

Conclusions

12. The LHA reaffirms its support for getting an up-to-date Local Plan, containing robust policies and evidence, adopted as soon as possible, recognising that this is the best way to ensure that growth and necessary supporting infrastructure are funded and delivered in a planned and timely fashion. In this context, whilst it would have been preferable for the City's unmet need to have been incorporated into the Plan from the outset, the LHA recognises that this would have further delayed the Plan's preparation and adoption, in-turn further increasing speculative development pressures and the challenges this presents in terms of dealing with associated cumulative and cross-boundary implications in a coordinated way.
13. The LHA recognises that there are potential risks arising from incorporating the apportionment of the City's unmet need post-submission of the Plan and from CBC's proposed approach to accommodating this need, such as the subsequent discovery of a transport issue/constraint that prevents the capacity of a particular site being uplifted as presently envisaged. However, from the LHA's perspective any such risks are outweighed by the greater risks associated with a vacuum created by not having an up-to-date Local Plan in place at the earliest opportunity.

14. In mitigation to the risks with the proposed approach outlined above, the various transport work already undertaken to support the Plan's development has provided the LHA and other key parties with an understanding of cumulative and cross-boundary impacts at the Plan-wide scale, as well as a strong framework for addressing any additional cumulative and cross-boundary impacts arising from CBC's proposed approach to accommodating the unmet need in a holistic and coordinated manner (subject to the agreed main modifications being incorporated into the adopted Plan).
15. Finally, the LHA recognises that an approach to accommodating the unmet need that involves uplifting a range of existing allocation sites (such as proposed by CBC) is likely to provide greater flexibility than potential alternative approaches that would concentrate the unmet need at just one or a very small number of site(s) (whether at completely new or uplifted existing allocations). By extension, it would disperse the risk of site-specific deliverability issues/constraints arising compared with these alternatives, thereby limiting the impacts any such issue of this nature would have on the ability to meet the overall unmet need requirement (i.e. avoiding 'putting all eggs in one basket'). In that context, it appears to be a practicable and relatively low-risk overall approach to accommodating the unmet need from a transport perspective in principle.

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