

**LOCAL PLAN
REPRESENTATION**

**HEARING STATEMENT
– MATTER 9**

Land East of Thurcaston

May 2022

Carter Jonas

Date: May 2022

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1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Carter Jonas LLP on behalf of Mr C Green in respect of the Matters, Issues and Questions produced by the Inspector in relation to the Charnwood Local Plan 2021-37 Examination.
- 1.2 The separate Hearing Statements provide a response to the following matters;
- Matter 1: Duty to cooperate and other legal requirements
 - Matter 4: Assessment of housing need, the housing requirement and mix and choice of housing
 - Matter 6: Urban area policies, site selection, sustainable urban extensions and housing site allocations
 - Matter 9 – Viability and Monitoring
- 1.3 Carter Jonas will be representing their client at the Hearing Sessions held in respect of matters 1 and 4, on Tuesday 28th June 2022 and Tuesday 12 July 2022 respectively.
- 1.4 This Statement follows the submission of representations in respect of the Charnwood Local Plan Pre-Submission Draft (July 2021) (Regulation 19) in August 2021 (reference: 615). The representation primarily focused on the housing requirement and the unmet need arising from Leicester City, which at that time was not apportioned across the neighbouring authorities. However, since the submission of the Charnwood Local Plan 2021-37 to examination, a further Statement of Common Ground (April 2022) has been published by the Leicester and Leicestershire authorities which identifies the scale of the unmet need and apportions it across the seven authorities.
- 1.5 This representation has been prepared in the context of the following planning policies.
- 1.6 Paragraph 8 of the National Planning Policy Framework (2021), hereinafter referred to as the NPPF, sets out three sustainability objectives which are as follows;
- 'a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'*
- 1.7 In accordance with paragraph 35 of the NPPF (2021), Local Plans must be assessed as to whether they accord with legal and procedural requirements and meet the test of soundness as set out below;
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need*

from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

- 1.8 Paragraph 24 of the NPPF (2021) states that local planning authorities are under a duty to cooperate with each other and with other prescribed bodies on strategic matter that cross administrative boundaries which includes addressing unmet housing need. Furthermore, paragraph 27 details the requirement to demonstrate effective and on-going joint working through the preparation of Statements of Common Ground.

2.0 MATTER 9

2.1 The proceeding section provides a response to the following questions;

9.7 Does the Plan have sufficient flexibility to respond to changing circumstances and which policies/measures will ensure that?

9.8 Overall, is the Plan viable and deliverable and are the mechanisms for monitoring and review robust and appropriate, including Policy DS2?

Flexibility to respond to changing circumstances and monitoring

- 2.2 The Plan includes Policy DS2 (Leicester and Leicestershire Unmet Needs) which seeks to provide flexibility to ensure that it can respond to a change in circumstances in relation to housing need as a result of the unmet need identified by Leicester City. The representation set out below is without prejudice to our view that the apportionment of Leicester's unmet need, which Charnwood have agreed to, should be allocated in the Plan prior to adoption to ensure it complies with the duty to cooperate and can be found 'sound'.
- 2.3 We contend that the mechanisms for monitoring and reviewing the Local Plan are not robust and appropriate. Notably, Policy DS2 will not effectively address cross boundary strategic matters nor is it positively prepared to ensure that it meets the test of 'soundness' set out in paragraph 35 of the NPPF (2021).
- 2.4 Policy DS2 as currently drafted only requires the Council to publish a review of the plan '*within 6 months of the agreement by all partners of the Statement of Common Ground for the apportionment of unmet housing and employment need*'. Subsequent to the drafting of this policy, the Leicester and Leicestershire Authorities published the Statement of common Ground (April 2022). As detailed in our Hearing Statement for Matter 1, the unmet need arising from Leicester City equates to 18,700 dwellings up to 2036. Utilising the evidence base prepared to date, namely the Sustainability Appraisal (2022) and Housing and Economic Needs Assessment (2022), this has been apportioned across the seven local authorities which have capacity to meet the unmet need. The strategy has been agreed by all authorities except Hinckley and Bosworth for the reasons detailed in our Hearing Statement for Matter1. The apportionment is intended to be implemented and delivered through individual Local Plans which are all at varying stages of the process, with Charnwood being the most advanced. Thus, the figures proposed will need to be tested through each Local Plan process, including examination by an independent Inspector.
- 2.5 The approach of testing the housing figure through the individual Local Plan process is agreed. However, it is our view that the disagreement from Hinckley and Bosworth at this stage should not cause a delay to the review of the Local Plan should the Inspector find the Plan 'sound' without accommodating the additional housing numbers prior to adoption. It is anticipated that Hinckley and Bosworth would not be in a position to agree until their Local Plan has progressed and the Strategic Growth Options and Constraints mapping work and the Strategic Transport Assessment have been completed by the Leicester and Leicestershire Authorities. In respect of Hinckley and Bosworth's Local Plan, the most recent Local Development Scheme (2022) confirms that adoption targeted for March 2023. This was however prepared prior to appointment of Leicester's unmet housing need and it is therefore unclear as to whether that will cause additional delays and the plan will not be adopted until beyond spring 2023.

- 2.6 Accordingly, it is anticipated that Hinkley and Bosworth would either be in a position to agree to the Statement of Common Ground in early 2023 or if they maintain their current position at that point, it will be necessary for the Leicester and Leicestershire Authorities to undertake a revision of the document, which is likely to direct additional development towards the other six authorities which includes Charnwood. It is understood that such approach is agreed by all Authorities and as set out in paragraph 5.5 of the Statement of Common Ground (April 2022) which states that the review of apportionment will be *'proportionate to the scale of the issue and should not cause undue delay to the preparation of Local Plans'*. Whilst it is difficult to determine timescales at this stage without understanding the full extent of the potential disagreement which may arise from the preparation of Hinkley and Bosworth Local Plan, it is likely that a revised Statement of Common Ground would not be published until late 2023. Thus, should that scenario arise, it would be summer 2024 until Charnwood are required by Policy DS2 to publish a review of the Local Plan subject of this examination. This is over 2 years since the apportionment was published in April 2022.
- 2.7 If the Plan proceeds through examination and is found 'sound' without allocating additional sites around Leicester to accommodate the unmet need, such significant delay in the review process will have a profound impact on the key sustainability objectives which are at the heart of the planning system. These have been summarised in the proceeding paragraphs;
- 2.8 Economic – Delaying the delivery of identified housing need will fail to help build a strong and competitive economy. This is a paramount consideration given the country is currently undergoing an economic recovery as a result of the Covid-19 pandemic. The Economic Footprint of Housing Building in England and Wales (July 2018) undertaken by the Home Builders Federation and Lichfield states that £38bn is generated by house building each year and 3.1 jobs are created per home built. Therefore, it is essential that Charnwood follow national policy and significantly boost the supply of homes. It would also delay the requirement to ensure that sufficient land of the right types, in this case residential, is available in the right places and at the right time to support growth. The need for housing arising from Leicester is immediate and therefore should be addressed now to meet the economic objectives set out in paragraph 8 of the NPPF (2021).
- 2.9 Social objective – The delivery of housing to meet an identified need is essential to supporting a strong, vibrant and healthy community. The UK housing crisis has been on-going for significant number of years due to a consist under delivery across the country which is being exasperated by the cost of living crisis which the Country is facing at present which is undoubtedly affecting those lower income residents. The Government aims to deliver 300,000 new homes per yeard by the mid-2020s, supply however only peaked in 2019/20 at 243,000 and fell significantly to 216,000 in 2020/21. According to the Office for National Statistics and the research Briefing titled Tackling the under-supply of housing in England (February 2022), housebuilding is lower now than it was in its peak in the 1960s. It is essential that delivery is increased and demand is met to tackle homelessness which is estimated to be 274,99 people in England in December 2021 according to Shelter and thus does not take into account the hidden homelessness. Thus, delaying the delivery of Charnwood's apportionment of Leicester's unmet need would fails to ensure that a sufficient number and range of homes can be provided to meet current and future generations.
- 2.10 Environmental objective – in accordance with the Environment Act all new developments will be required to provide 10% biodiversity net-gain. Therefore, the delivery of additional development will improve biodiversity in Charnwood. The delay of addressing unmet need will therefore only have a low impact on contribution to the environmental objective, however as set out our Hearing Statement for Matter 1, allocating highly sustainable sites to meet the unmet need of the edge of Leicester will provide significant environmental benefits and support the local and national aim of mitigating and adapting to climate change.

- 2.11 Notwithstanding the representations put forward in respect of Charnwood allocating additional sites at this stage to accommodate their apportionment of Leicester's unmet need which they have agreed to, it is strongly recommended that amendments are required to Policy DS2 to ensure it can be found 'sound'. The policy needs amending to remove reference to agreement by all parties to enable a Local Plan Review to be undertaken earlier. Such Local Plan Review may include a similar policy which requires it to again be reviewed should the position regarding Leicester's unmet need change, including the potential for authorities to deliver additional housing as a result of the potential shortfall of 1,360 dwellings, if Hinckley and Bosworth do not agree once the additional evidence base documents have been prepared and they have progressed with their Local Plan. Such approach would ensure positive plan making without unnecessary delays which will therefore be justified, effective and consistent with national policy. This would be similar to the approach adopted by Policy IMR1 (Monitoring and review of the Local Plan) of the Harborough Local Plan (2011-2031) which states that a full or partial update of the Local Plan will be commenced within 6 months of the following a number of sceneries which includes the adoption by the Council of a *'Statement of Common Ground (SoCG) which proposes a quantity of housing or employment development to 2031 that is significantly greater than the housing requirement or employment need identified in this Local Plan'*.
- 2.12 In our opinion the Plan has not incorporated sufficient flexibility to respond to changing circumstances and therefore the modification outlined above should be incorporated before the Plan is adopted. This is required for the Plan to be 'sound'.

3.0 CONCLUSION

- 3.1 In conclusion, we agree with the overall approach set out in the Charnwood Local Plan 2021-37. However, it is strongly contended that now the Statement of Common Ground (April 2021) has been published which apportions the unmet need arising from Leicester City, Charnwood should allocate additional residential sites prior to adoption. It is recommended that the most appropriate planning strategy would be to extend the Leicester Urban Area to include settlements such as Thurcaston to ensure the unmet need is met in located within close proximity and connectivity to the neighbouring authority Leicester City. This is to ensure Charnwood continue to adhere to the Duty to Cooperate and meets the test of 'soundness'.
- 3.2 Furthermore, should the Plan proceed without allocating the additional residential development, Policy DS2 needs amending to ensure it is robust and positively prepared. Reference to 'all partners' should be removed to enable the Review to be undertaken prior to agreement by Hinckley and Bosworth Borough Council which will have significant implications on all three sustainability objectives.
- 3.3 The Plan before the Inspector is not 'sound' and the following amendments must be made for it to be considered 'sound';
- Allocate an additional 78 dwellings per annum to meet Charnwood's agreed apportionment of Leicester's unmet need as set out in the Statement of Common Ground (April 2022). It is recommended this is achieved by extending the Leicester Urban Area to include settlements such as Thurcaston.
 - Amend draft Policy DS2 so it does not require agreement by 'all Partners'.
 - Increase the flexibility above 10% for the housing need to allow for choice and flexibility in the supply of housing land.

