

**LOCAL PLAN  
REPRESENTATION**

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**CHARNWOOD LOCAL  
PLAN 2021-2037  
EXAMINATION**

November 2023

**Carter Jonas**



**Date: November 2023**

**Client: Mr C Green**

**Client or Job Number: J0048347**

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## 1.0 INTRODUCTION

- 1.1 Carter Jonas have been instructed by Mr C Green to submit representations to the Planning Inspectors in relation to Charnwood's Local Plan 2021-37 Examination. The representations are in respect of the following documents:
- Exam 56a Charnwood Additional Housing Supply Update September 2023
  - Exam 57 Sustainability Appraisal Addendum December 2022
- 1.2 The Development Plan for Charnwood Borough Council comprises of the adopted Local Plan Core Strategy (2015) and the Borough of Charnwood Local Plan saved policies (2004). Relevant to our client's land interest is also the Thurcaston and Cropston Neighbourhood Plan which was 'made' in 2015. Charnwood Borough Council are currently in the process of preparing a new Local Plan for the Borough which will cover the period up to 2037. The plan includes strategic and detailed policies and will replace the Core Strategy which currently sets out planning policies to guide development until 2028.
- 1.3 The proceeding report sets out the relevant background information and provides a response in respect of the Council's proposals to address Leicester's unmet housing need, as set out in Exam 56a (September 2023). It also provides support to Option 2 of the Sustainability Appraisal Addendum (December 2022), which seeks to allocate additional sites for housing.
- 1.4 Leicestershire comprises of eight local authorities and Leicester is the only authority to have an established unmet housing need which was first declared in February 2017. The most recent Statement of Common Ground (June 2022) identified an unmet need of 18,700 dwellings to 2036. In November 2022, the Inspectors confirmed that this figure represents a reasonable working assumption for the scale of Leicester's unmet housing need. The Statement of Common Ground (June 2022) apportioned Leicester's unmet need which included directing 78 dwellings per annum towards Charnwood. Including this apportionment in the Borough's housing requirement increases it to 1,189 homes per year.
- 1.5 Our client has an interest in Land East of Thurcaston (SHELAA reference: PSH120). The site extends approximately 38.8 hectares and is being promoted to deliver 585 dwellings. The site is included within Option 2 of the Sustainability Appraisal Addendum (December 2022), which seeks to allocate additional sites for housing. Notably, the site was assessed by the Council in the Strategic Housing and Employment Land Availability Assessment (2020) to be suitable, available and achievable.
- 1.6 This representation has been prepared in the context of the following planning policies.
- 1.7 Paragraph 22 of the National Planning Policy Framework (2023), hereinafter referred to as the NPPF, states that "*strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.*"
- 1.8 In accordance with paragraph 35 of the NPPF (2023), at examination Local Plans are assessed as regards whether they are 'sound' which includes being positively prepared, justified, effective and consistent with national policies, as detailed 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.

1.9 Chapter 2 sets out how the Government intend to achieve sustainable development. Paragraph 8 states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

**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.”

1.10 Chapter 5 sets out how the Government intend to deliver a sufficient supply of homes. Paragraph 60 states that it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 states that to promote the development of a good mix of sites, local planning authorities should support the development of windfall sites through their policies and decisions.

## 2.0 REPRESENTATION

### Plan Period

- 2.1 Paragraph 22 of the NPPF (2023) requires strategic policies to look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities. We consider that adjustments to the Plan period (2021-2037) are necessary to accord with this. The adopted Local Development Scheme (April 2023) indicates that the new Local Plan should have been adopted in September 2023, but this target has not been met due to delays in the examination process. It is our view that the earliest the Plan could be adopted is 2024. In light of these delays, the Plan period should be extended beyond 2037, to at least 2039, to ensure that the strategic policies contained within the Plan look ahead for a minimum 15-year period from adoption. This means Charnwood will need to allocate further sites to meet at least an additional two year's housing supply.
- 2.2 The current Plan period does not meet the test of soundness as it is not positively prepared or consistent with national policy.

### Exam 57 – Sustainability Appraisal Addendum (December 2022)

- 2.3 The Sustainability Appraisal (SA) Addendum was prepared in December 2022 to explore Charnwood's share of unmet housing needs arising from Leicester. It identifies and appraises three reasonable alternatives for the delivery of an additional 78 homes per year.
- 2.4 The three reasonable alternatives are set out below:
- 1) **Site intensification** – additional development would be achieved primarily by increasing capacity on a range of sites in the Submitted Local Plan
  - 2) **Additional sites** – higher growth would be achieved by allocation of additional sites in Shepshed, Loughborough and the Leicester Urban Area
  - 3) **Cotes standalone settlement** – there are continued representations in support of growth at Cotes, which is reflected in this option.
- 2.5 The SA Addendum (2022) appraises the 3 options against the following 14 objectives: landscape, biodiversity and nature conservation, water quality, flood risk, land, air quality, climate change, historic environment, population (poverty and deprivation), population (healthy and active lifestyles), population (housing), local economy, material assets and mineral resources.
- 2.6 Figure 1 outlines the findings of the appraisal and the relative rankings of each option. Where the cell for a particular element is split into two it shows that both positive and negative effects have been identified. The Figure identifies that Option 1 is most favourable, as in the Council's view it performs best on 4 of the 14 sustainability objectives.

**Table 5.1:** Summary of appraisal findings and 'relative ranking'

Submission Plan	SA Topic	Option 1	Option 2	Option 3
	<b>Landscape</b>	1	3	2
	<b>Biodiversity</b>	1	3	1
	<b>Water quality</b>	1	1	1
	<b>Flood risk</b>	?	?	?
	<b>Land</b>	1	2	3
	<b>Air quality</b>	1	1	2
	<b>Climate change</b>	1	1	2
	<b>Historic environment</b>	?	2	3
	<b>Population: Poverty</b>	1	1	1
	<b>Population: Health</b>	2	2	1
	<b>Population: Housing</b>	2	1	3
	<b>Local economy</b>	1	1	1
	<b>Material assets:</b>	?	?	?

  

Interpreting the significance of effects	
Significant positive	
Minor positive	
Neutral	
Minor negative	
Significant negative	
Uncertainty	?

  

	Performs better than both other options
	Performs poorer than both other options

Figure 1: Summary of Appraisal Finding and Relative Ranking (SA Addendum (2022))

**Overall Assessment of Options**

- 2.7 With regard to landscape, we consider that Option 1 has been assessed incorrectly and has the potential to lead to significant negative effects. The proposed levels of site intensification in Shepshed (52 additional dwellings across 3 sites) and Anstey (114 additional dwellings), for instance, are significant and will lead to loss of greenspace and denser developments in locations that are in close proximity to Charnwood Forest. As noted in the submitted Draft Local Plan, Charnwood Forest has a distinctive landscape which should be protected and enhanced. Furthermore, the intensification of sites reduces the land available to deliver green infrastructure led proposals which incorporate high levels of landscaping and hence reduce visual and physical impact. It is our view that significantly intensifying sites would have significant negative effects with regard to landscape.
- 2.8 With regard to Option 2, while we acknowledge that the development of Land to the East of Thurcaston has the potential to change the landscape character of the settlement, we consider that any potential negative impacts can be significantly minimised by implementing mitigation measures. The SA Addendum (2022) recommends that buffer zones of green infrastructure are secured at gateways into Thurcaston to avoid the character of the settlement being dominated by new development. We believe that this would be achievable on site and would be an effective way of eliminating concerns relating to landscape impacts and creating a high-quality green infrastructure led development. It is important to note that the Sustainability Appraisal Report (2021) appraises Land East of Thurcaston as having potential for minor negative effects in relation to landscape sensitivity. This is better than the assessment of Option 2 as a whole, which is identified as having the potential for significant negative effects. We consider that it would be unjustified to discount the site based on Option 2 performing poorer than the other two options, particularly as it has achievable mitigation measures.



- 2.9 In terms of biodiversity, we consider that Option 2 has been appraised unjustly on the basis that one of the proposed additional sites is located immediately adjacent to a Site of Scientific Interest (SSSI). Other Option 2 sites, for instance Land East of Thurcaston (SHELAA reference: PSH120), were appraised to have minor positive effects in relation to biodiversity and nature conservation in the Sustainability Appraisal Report (2021). Options 1 and 3 both include sites that are located in close proximity to SSSIs yet these are appraised as having minor positive effects. We strongly consider that it is unjustified to appraise Option 2 as having minor negative biodiversity impacts on the basis of one site alone, when other Options have numerous sites in proximity to SSSIs.
- 2.10 From January 2024, new development sites will be required to achieve a 10% biodiversity net gain in line with the Environment Act 2021. In terms of plan-making, this means the more sites that are allocated, the greater the requirement for biodiversity net gain. From this perspective, Option 2 would deliver the greatest biodiversity improvements for the Borough. While net gain has been considered as part of the SA Report (2021) and SA addendum (2022), we consider that these documents fail to sufficiently explore the implications of the emerging legislation in their assessment of the three options.
- 2.11 With regard to flood risk, the SA Addendum (2022) notes that Land East of Thurcaston is intersected by Flood Zones 2 and 3. It states an assumption that these areas should be avoided and Plan policies would seek to ensure that Sustainable Urban Drainage Systems (SUDs) are included that minimise risk of flooding on site and downstream. We consider that a masterplan could be created which would take account of the need to avoid Flood Zones 2 and 3 which will be supported by an appropriate drainage strategy.
- 2.12 In terms of land, the SA Addendum (2022) notes that Land East of Thurcaston has the potential to result in the loss of Grade 2 agricultural land. While we agree with this assessment, we note that there is an abundance of Grade 2 agricultural land within the area surrounding the site. Thus, the loss of Grade 2 agricultural land is not considered to outweigh the benefits of delivering residential development on the site.
- 2.13 In terms of air quality, the Sustainability Appraisal Addendum (2022) notes that while Land East of Thurcaston is not adjacent to an Air Quality Management Area (AQMA), it could potentially create some increased trips into Leicester. Thurcaston has strong sustainable transport links to Leicester City Centre via the 145 bus, which provides frequent and reliable services. This will reduce reliance on the private car and thus minimise any perceived air quality impacts.
- 2.14 We agree with the assessment provided in relation to climate change and concur that the larger sites have the potential to utilise low carbon measures. The SA Addendum (2022) states that this is not a certainty. We however disagree with this Statement and consider these measures will be required to fully comply with emerging Policy CC4 (Sustainable Construction).
- 2.15 In terms of the historic environment, we agree with the SA Addendum's (2022) assessment that Option 3 would have a significant negative effect as the development would cause substantial harm to the Scheduled Monument. In terms of Option 2, the Addendum (2022) notes in relation to Land East of Thurcaston that a Grade II farmhouse along Mill Road could be adversely affected. We consider that the level of harm associated with developing the site is limited as the farmhouse is bound by existing development to the east and a track road to the north. The land to the north of the track is predominantly located in Flood Zones 2 and 3 where built development is unlikely to come forward. Should the site be allocated, a planning application would be required to comply with emerging Policy EV8 (Heritage). Therefore, it is considered any harm to the Grade II listed heritage asset could be addressed through the planning application process but that overall the benefits of development would outweigh the low level of heritage harm.

- 2.16 The Council's assessment concludes that both Options 1 and 2 would have a minor negative effect but ultimately concludes Option 1 is the best performing development strategy, despite uncertainty being raised in respect of option 1. The Council have provided no justification as to how this conclusion has been reached.
- 2.17 With regard to housing, we concur that Option 2 is most favourable out of the 3 Options. Allocating additional sites for residential development will help to broaden choice for local people. This will ensure that communities have access to homes that suit their needs, in line with the Council's Vision for Charnwood 2037. As noted in the SA Addendum (2022), Option 2 allocates the greatest amount of housing overall in the Plan Period when compared with Options 1 and 3. This means that it would help to significantly boost the supply of houses, in line with Chapter 5 of the NPPF (2023). There is also less reliance on windfall under this approach which provides greater certainty of delivery. Option 2 seeks to direct development towards the Leicester City Area through the allocation of Land East of Thurcaston. Directing development towards this location will contribute to achieving all three sustainability objectives in accordance with Paragraph 8 of the NPPF (2023), particularly given the housing is required to meet the unmet need arising from Leicester City.
- 2.18 In conclusion, we consider that the SA Addendum (2022) lacks detail and justification and is therefore not robust. It is our view that this document needs updating in order to meet the test of soundness with regard to being positively prepared, justified and consistent with national policy.

## **Exam 56a Charnwood Additional Housing Supply Update (September 2023)**

- 2.19 Exam 56a Charnwood Additional Housing Supply Update was prepared in January 2023. It explains the proposed approach to providing the additional homes that are required to meet the higher housing requirement arising from the apportionment of Leicester's unmet housing need.
- 2.20 Exam 55 makes clear that a figure of 18,700 dwellings represents a reasonable working assumption for the scale of Leicester's unmet housing need from 2020-2036. Paragraph 2.3. of Exam 56a states that Charnwood's share of this is 78 homes per year. Paragraph 3.3. of Exam 56a notes that the number of additional new homes required to meet the unmet need of 78 extra units a year whilst maintaining a 10% buffer is 1,210.
- 2.21 It is our view that a 10% buffer is not sufficient to allow for non-delivery, choice and flexibility and fails to meet the test of soundness in terms of being positively prepared, effective and consistent with national policy.
- 2.22 Paragraph 3.4. of Exam 56a states that the Council has identified how the plan can be amended to meet the additional housing need by focussing on existing sources of supply rather than identifying new site allocations. It states that the reasons for choosing this option are that the existing allocations have been identified through a systematic site selection process as the most suitable sites for sustainable development. It also states that they are the sites that are best related to infrastructure provision, either existing or new provision that will be delivered through the plan. Finally, it notes that securing higher densities in appropriate locations can also help to ensure the efficient use of land.
- 2.23 It is our view that the Council's justification for choosing Option 1 is not robust. There are a number of sites that would be suitable for sustainable development that were not put forward as draft allocations, such as Land East of Thurcaston. We strongly consider that Land East of Thurcaston should not be discounted on the basis of it not receiving a draft allocation, as it is a highly sustainable site which is well related to Leicester City. Directing development towards this location will contribute to achieving

all three sustainability objectives in accordance with Paragraph 8 of the NPPF (2023) and would meet the test of soundness by being justified, effective and consistent with national policy.

- 2.24 With regard to density, while we agree that securing higher densities can help to ensure the efficient use of land, it is our view that some of the densities proposed are too high. For instance, the Council are proposing to increase capacity at Park View Nursery by 33%, West of Antsey by 19% and Woodgate Nurseries by 18% which all represent significant increases. It is our view that these increases are not accompanied by robust commentary/ justification. For instance, the commentary for West of Anstey states that “*increase in capacity to level identified by SHLAA methodology for large site would still enable landscape impact and green infrastructure provision to be addressed.*” It fails, however, to consider whether additional capacity could be achieved with good design. This is a theme that runs throughout the appendices. To be considered sound, we believe that Exam 56a needs to be updated to thoroughly assess the impacts of capacity revisions. This will meet the test of soundness with regard to being justified.
- 2.25 We strongly urge the Council to re-consider its approach of focussing on intensifying existing sources of supply and instead consider allocating additional sites, as per Option 2 of the Sustainability Appraisal Addendum (2022). This will ensure that the plan is positively prepared, justified, effective and consistent with national planning policy and thus found ‘sound’.

## 3.0 CONCLUSION

- 3.1 In conclusion, while we support Charnwood providing the additional homes that are required to meet the higher housing requirement arising from the apportionment of Leicester’s unmet housing need, we disagree with the Council’s approach.
- 3.2 In our view, Options 1 (Site Intensification) and 3 (Cotes standalone settlement) have the potential to create significant negative effects across a number of the sustainability objectives. We strongly believe that the Sustainability Appraisal Addendum (2022) and Exam 56a Charnwood Additional Housing Supply Update (2023) fail to sufficiently assess these options as they lack justification and detail. We therefore consider that these documents need to be updated in order to meet the test of soundness with regard to being positively prepared, justified and consistent with national policy.
- 3.3 We strongly urge the Council to re-consider Option 2 of the Sustainability Appraisal Addendum (2022) and allocate additional sites for housing. In our view, this Option performs best on of the majority of the sustainability objectives, including the objective relating to housing. As part of this, we strongly contend that Land East of Thurcaston should be allocated to deliver 585 dwellings as it is located in a highly sustainable location, it is well related to Leicester City and it is suitable, available and achievable.

