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## CHARNWOOD BOROUGH COUNCIL LOCAL PLAN EXAMINATION CONSULTATION

### REPRESENTATIONS ON BEHALF OF RICHBOROUGH, WILIAM DAVIS AND THE BOWLER FAMILY

#### Introduction

1. These representations are made on behalf of our clients, Richborough, William Davis Homes and the Bowler family, who are promoting the central and major part of emerging allocation HA15 Land South of Loughborough in the Charnwood Local Plan 2021-2037 (Pre-Submission Draft).

#### Charnwood Local Plan Sustainability Appraisal Addendum (EXAM 57)

2. The Sustainability Appraisal Addendum (SAA) has been prepared to explore options for Charnwood's share of unmet housing needs arising from Leicester with the SAA outlining three reasonable alternatives for the delivery of an additional 78 homes per year. These being:
  - i. Site Intensification
  - ii. Additional Sites
  - iii. Cotes Standalone Settlement
3. The appraisal uses a methodology which evaluates the growth options based on a sensible and consistent set of sustainability appraisal objectives.
4. We agree with the distribution of homes to Charnwood set out in the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) (EXAM 43) which sees Charnwood plan for an additional 78 homes per year from Leicester City.
5. The Sustainability Appraisal identifies that Site Intensification (Option 1) is the most sustainable approach when looking at the breadth of sustainability objectives. We agree with this conclusion.
6. Site intensification will ensure that the existing sources of supply can be brought forward quickly in the most sustainable location. The existing allocations have been identified through a rigorous and systematic site selection process, and reflect the most suitable sites for housing

delivery. These identified allocations are the sites which are best related to infrastructure provision which will be developed through the local plan. Moreover, securing higher densities in appropriate locations can also help to ensure the efficient use of land. Overall, we agree that intensifying development in locations that are already assessed as being sustainable is the most sustainable method of addressing this unmet need.

### **Charnwood Additional Housing Supply Update September 2023 (EXAM 56a) and Updated Housing Trajectory (EXAM 58b)**

7. Appendix A of Exam 56a sets out the additional supply identified by the Council to meet the increased housing requirement set out in the Leicester & Leicestershire Authorities - Statement of Common Ground (EXAM 43).
8. We accept the evidence presented on historic windfall trends but would suggest caution is exercised when considering how much reliance can be placed on an expected contribution of 693 homes (EXAM 56a, para 4.3). The Council has not previously sought to rely on any windfall contribution and it is a curious shift in position brought about to meet an increased housing requirement rather than a shift in the reliability of the source of supply.
9. The increased supply from existing allocations is set out at EXAM 56a Appendix 1. This does not include any increased contribution from HA15 despite the Council being made aware of emerging constraints and capacity plans that indicate a yield increase from 715 homes (Policy DS3 HA15) to 823 homes (see our Matter 6 Statement obo Richborough, William Davis Homes and the Bowler Family para 2.7).
10. The Updated Housing Trajectory (September 2023) (EXAM 56b) identifies delivery at HA15 starting in 2025/26 until 2034/35. We raise no issue with the timeframes or rates of delivery within the Housing Trajectory.

### **Update to Five Year Supply on Adoption (EXAM 58d)**

11. EXAM 58d identifies the Council's position on housing land supply at adoption of the Local Plan across the Sedgefield and Liverpool methods, this statement reflects 5.16 years and 5.89 years respectively as at 1<sup>st</sup> April 2023. We are not seeking to challenge this position but recommend any recent shortfall in delivery is met by the Council as quickly as possible via the Sedgefield method.

### **Transport Strategies to Enable Growth in the Borough of Charnwood (EXAM 75)**

12. The Transport Strategy outlines the Transport Strategies for the borough of Charnwood. These strategies are intended to underpin the delivery of the new Charnwood Local Plan. The Transport Strategy divides Charnwood District into three distinct strategy areas: the Soar Valley

area; Loughborough-Shepshed; and the North of Leicester Area. The Land south of Loughborough site (HA15) is contained within the Loughborough-Shepshed Strategy Area.

13. We do not raise issue with the strategy approach set out within the Transport Strategy document (EXAM 75). However, it is critical that delivery of any necessary projects can occur in a timely manner and in relation to any strategic allocations reliant upon them. This places an important focus on the funding mechanisms and cost analysis undertaken by Leicester County Council.
14. We note that the Strategy recognise the conceptual designs and cost estimates (where they have been prepared) mark only the starting point for discussions with site promoters about a proportionate contribution. *[W]here no design work has been undertaken, the County Council will expect developers to prepare their own proposals in discussion with the Authority and in the context of 'Gear Change' and LTN1/20."*
15. The need for proportionate, sharing of the costs required of developers across development schemes is an important principle for the tests set by the Community Infrastructure Levy (CIL) Regulations 2010 through Regulation 122. How this interfaces with the progress and determination of development proposals under the plan-led policy framework also needs careful thought. For example, it would be unsatisfactory if an otherwise sustainable development were delayed due to viability implications associated with modelling highway improvements because of a delay to neighbouring sites especially in an environment where a delay is an attempt to minimise any costs necessary for modelling improvements.
16. The County Council must be mindful of this occurring, with the knock on implications for Charnwood's housing trajectory and overall housing delivery across the Borough given the importance placed on allocations within the Local Plan 2021-37. Whilst this is possibly not an issue for the policy framework itself it is an issue of confidence for delivery and therefore pragmatic and timely action on the part of the local highways authority is necessary if delays are to be prevented.

#### **Consolidated Addendum Viability Report (EXAM76)**

17. The Consolidated Addendum Viability Report (EXAM 76) concludes that the plan is viable having regard to the proposed changes to the S106 contributions approach and allowing for Building Regulations Part L. The Report identifies that while all greenfield sites are viable, flatted development on brownfield sites are unviable in that there is no surplus for any S106 contributions.

18. We note that the minimum land value exercises have not sought to take account of 'outlier examples' in arriving at benchmark land values, such as prices paid without permission and with no oversight on any overage. In reality, land values are higher than those purported in the report. We also note that the report confuses gross and net land values and is not consistent in the application of indexing with some costs, for example through reliance on rates from 2021.
19. Furthermore, the evidence to support the identified highway costs utilises a catchment which includes areas outside of Charnwood Borough and the LCWIP proposes measures to improve the existing situation, rather than those direct impacts of development, and therefore raises concerns for the CIL compliance of any contribution requests. We also note that the identified education costs do not match those identified in the National School Delivery Cost Benchmarking report (2022)<sup>1</sup>.
20. Notwithstanding the above, the Report recognises that there is a funding gap between the amounts which are required to deliver the plan and the amounts that can reasonably be sought from developers through Section 106 contributions alone with alternative funding required from a range of Government sources to fill this funding gap and ensure the delivery of necessary infrastructure across the Borough and County.
21. All parties are required to meet the Community Infrastructure Levy (CIL) Regulations 2010 set out at Regulation 122. These dictate a requirement for clear evidence to justify the specific infrastructure requirement that arises from a development and the level of funding required from that same development which can then form the obligations set out in S106 agreements.
22. As the three tests place the burden of evidencing the need for planning obligations onto the requesting authority and will need to be supported by clear and robust evidence. We note the Planning Practice Guidance [Paragraph: 008 Reference ID: 10-008-20190509] says *weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment* and that any up to date assessment at that point *should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then*.
23. In our view, the findings of EXAM76 are sufficient to provide a direction of travel for the strategic planning of infrastructure, but cannot form the basis for understanding contributions required from individual developments and it will be necessary for up to date assessments that explore the matters referred to in this statement.

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<sup>1</sup> <https://documents.hants.gov.uk/property-services/NationalSchoolDeliveryBenchmarkingreport.pdf>

24. Turning to education, we note that there is no Delivery Strategy for the delivery of a primary school for HA15. The Inspectors will be aware of the Delivery Strategy (EXAM 70) and Statement of Common Ground (EXAM 51) for the Barrow Upon Soar allocations. Notwithstanding the need for similar work for HA15, it is important that the policy wording allows for appropriate collective delivery of infrastructure projects and a process to ensure they are viable.