

CHARNWOOD LOCAL PLAN 2021 – 2037 EXAMINATION

REPRESENTATIONS ON CHARNWOOD BOROUGH COUNCIL'S FURTHER INFORMATION SEPTEMBER 2023

Planning & Design Group on behalf of William Davis Homes Ltd & Chapman Estates
(Leicester) Ltd

INTRODUCTION

- 1.1. The following representations are made on behalf of our clients, William Davis Homes Ltd & Chapman Estates (Leicester) Ltd, in response to consultation on further evidence base documents prepared by the Council, in support of the Charnwood Local Plan 2037.
- 1.2. This Statement has been prepared in the context of our client's land interests at Land at Gynsill Lane and Anstey Lane (HA12) and the northern extents of Land west of Anstey (HA43).

EXAM 57 SUSTAINABILITY APPRAISAL ADDENDUM DECEMBER 2022

- 1.3. The Sustainability Appraisal appropriately identifies and assesses reasonable alternative approaches to deliver an additional 78 homes per year to address Leicester City's unmet housing needs (proportion as set out in examination document Exam 43).
- 1.4. Exam 57 identifies Site Intensification (Option 1) as being the most sustainable approach, which is agreed.
- 1.5. The National Planning Policy Framework supports optimisation of the density of developments, as a theme running through the Framework. Paragraph 124 of the Framework seeks to support development that makes efficient use of land, taking into account the need for [different types of] housing and capacity [of infrastructure and services].
- 1.6. Paragraph 11 of the Framework stipulates that for plan-making, sustainable development means that *"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects"*.

- 1.7. The draft allocation sites are proposed as such because of their intrinsic sustainability credentials. They are the most sustainable locations for accommodating new residential development. On this basis, it is entirely clear that these sites should be utilised and maximised in terms of their development capacity. The intensification of sites generally and in particular, in relation to HA43 is supported in order to make the most efficient use of land. Additionally, the proximity of HA43 to the edge of the City would help housing development here address Leicester's unmet need and the principle of increasing housing capacity at this location is supported in accordance with the development principles within the Framework.
- 1.8. Both sites HA12 and HA43 are subject to planning applications which are supported by a suite of detailed technical evidence in relation to landscape impacts; ecology; drainage; ground conditions and local highway impacts. Notwithstanding the wider whole plan matters in relation to infrastructure considerations, the submitted evidence demonstrates that the sites are entirely capable of maximising the development capacity of each, and that they can deliver substantial benefits, without resulting in significant or demonstrable harm.
- 1.9. Furthermore, Anstey is a highly sustainable location to accommodate a proportion of unmet needs from Leicester as is self-evident; those settlements with the closest functional relationship to the city are best placed to house the residents of that city, that cannot otherwise be accommodated within its administrative boundary. This recognition is reflected in Para 3.24 of the Local Plan, which recognises the need to exploit the potential for maximising sustainable transport in order to deliver growth in a sustainable way.

EXAM 56A CHARNWOOD ADDITIONAL HOUSING SUPPLY UPDATE SEPTEMBER 2023 AND EXAM 58B UPDATED HOUSING TRAJECTORY

- 1.10. Exam 56A and 58B assess the apportionment of Leicester City's unmet need in response to the Inspector's question(s). We would note that the updated housing trajectory is simply a reasoned estimate of the delivery rate based on identified allocations and is not a cap or ceiling on the capacity of the plan or on individual sites. Further the supply update does not consider the potential of HA12 to offer additional capacity notwithstanding the evidence provided by the current application for the site.
- 1.11. Our clients are pleased that the additional capacity beyond the current allocation of HA43 has been recognised and the capacity figure revised accordingly. This additional capacity is supported by robust technical evidence supplied on behalf of our clients throughout the Local Plan Review process, and the submitted applications

and further supports the delivery of local infrastructure, in conjunction with the developers of adjoining sites, to, in turn, support growth.

- 1.12. Commentary on the additional supply states that landscape impact and green infrastructure provision can still be addressed based on the revised capacity. A detailed Landscape and Visual Impact Appraisal (LVIA) has been submitted to the Council, which demonstrates that land to the west of the allocation boundary is not sensitive from a landscape perspective, and as such, the landscape impact is not a constraint that should limit the provision of additional development capacity, supporting the Council's proposed increase. The Council's own landscape officer has confirmed that the landscape impacts of the submitted application, which extends beyond the bounds of the proposed allocation, are not significant or harmful and any landscape concerns can be mitigated by a number of suggested conditions.
- 1.13. Whilst planning permission has not yet been obtained, as identified in Appendix A Table 1, the enlarged site is subject to a deliverable planning application ref: P/21/2359/2, being a hybrid application comprising 1) Outline application (access only) for up to 350 dwellings, public parkland and amenity space, community uses, and a site for a two form entry primary school and associated infrastructure. 2) Full application for 150 dwellings, including access and associated highway and drainage infrastructure and landscaping. The majority of the hybrid application site, and the whole of the full element of the application lie fully within the bounds of the proposed allocation.
- 1.14. The revised capacity of the site will ensure that the development potential of the proposed allocation is not unduly constrained, and can be achieved without any negative impacts on the surrounding landscape context. The site also benefits from being in close proximity to the city of Leicester, and as noted above, is an appropriate location to focus any additional development required.
- 1.15. Similarly, and while not currently reflected in the updated trajectory, the site at HA12 has been tested through the planning application evidence base at up to 375 dwellings, demonstrating a clear capacity to deliver enhanced housing numbers through a constraints-based densification approach. Such an approach is consistent with the imperative of the Framework to maximise the efficient use of sustainable development opportunities and is reflected in the uncapped allocation of the site. The Council's additional evidence can therefore be seen as a conservative approach to demonstrating the ability of the plan to accommodate unmet needs through allocation site capacity, with applications able to maximise efficiency through detailed constraints-based evidence. Quite correctly, the plan does not seek to unduly limit sites through a cap on delivery, ensuring a flexible approach that will not inadvertently limit the delivery of affordable housing and infrastructure. We positively support this flexible approach.

EXAM 75 TRANSPORT STRATEGIES TO ENABLE GROWTH IN THE BOROUGH OF CHARNWOOD

- 1.16. The County Council's intention to provide transport strategies for Loughborough and Shepshed, the North of Leicester and the Soar Valley are recognised and supported in principle, subject to thorough testing and justification of outputs.
- 1.17. In line with Section 9 of the Framework, the strategies prioritise the need to enhance sustainable transport measures across the Borough, including cycling, walking and wheeling (active travel) and passenger transport. This strategy supports the notion of delivering growth in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Local Plan fully supports this priority and sets out this as an intention at Para 3.24. The constraints of the existing road network are correctly identified as a *'real opportunity to shift transport to walking cycling and public transport in this area'*
- 1.18. Recognising that the level of growth across the plan period will necessitate some improvements to the wider highway network, the transport strategies acknowledge that there will be a need for targeted improvements to the Major Road Network (MRN) and the Strategic Road Network (SRN) over the plan period.
- 1.19. Anstey & Glenfield are identified as forming part of the 'North of Leicester Area', with the closest identified improvement being 'Scheme 7' at the A46/A50 junction. This comprises changes to the junction going eastwards along A50 onto the A46 – converting a signalised left turn lane to a free flowing left turn lane. At this stage costs are only broadly estimated and it is acknowledged that, as with most strategic highway projects, that a range of funding sources will be required. Potentially this may involve some pooled developer contributions, particularly on larger allocations, which must inevitably be subject to the CIL regulation tests, ensuring that new development will only be required to address impacts arising directly from it. The development and refinement of the transport strategies over the plan period will enable the detailed costs to be further developed and for specific bids to be made for funding, alongside other sources. Existing checks and balances within the Development Management process and legislative framework seek to ensure that new development is not expected to resolve existing constraints, nor to mitigate impacts that does not result directly from them. However, the development plan should confirm policy for such an approach and to ensure that new development remains viable and is not over-burdened by infrastructure costs that are not directly related in scale and kind to mitigate the direct impacts of the development proposed.

- 1.20. Quite rightly, and in line with the prioritisation of sustainable transport set out in the Framework and the Local Plan itself, the strategy states that *"In all likelihood, the sustainable measures will come forward first, as these can be scaled in line with development coming forward (e.g. a cycling, walking and wheeling priority corridor can be enhanced rather than necessarily seeking to deliver an entire network at once). The next MRN window is 2025 to 2030, so measures on the A6/A6004 could be delivered in that timeframe. Beyond 2030 is the most probable timeframe for the delivery of SRN improvements"*.
- 1.21. The plan period runs to 2037 ensuring that, as the strategy acknowledges, growth can come forward in line with the proposed trajectory, with the highway impacts of its growth contained by developer led investment in sustainable transport measures.
- 1.22. We are directly engaged in the strategic modelling of impacts arising from the growth around Anstey including allocation HA12 and HA43. We are directly working with the Borough Council, the County Council and Leicester City Council to maximise opportunities around the North of Leicester Area Local Cycling and Walking Infrastructure Plans.
- 1.23. Notwithstanding that there will be ongoing work required to finesse the Transport Strategies and necessary residual mitigation post sustainable transport measures, there is a clear need to accommodate OAHN growth notwithstanding highway constraints. Sustainable growth is about *'ensuring that sufficient land of the right types is available in the right places and at the right time to support growth'*. The Framework is clear that sustainable development includes identifying and coordinating the provision of infrastructure – it does not require that growth to deliver infrastructure in full, up front.
- 1.24. The Transport Strategies supports the absolute importance of plan led growth with an emphasis on sustainable transport measures and the promotion of active travel and the opportunity to deliver that viably without building in large amounts of expensive capacity from the outset.
- 1.25. The strategies identify the potential for transport modelling work on individual sites (or clusters) to demonstrate that early delivery can be achieved without severe impacts. If severe impacts are demonstrated, there is already a policy mechanism to control that. The plan is the mechanism to facilitate growth, not constrain it. To constrain plan led growth and housing delivery on the basis of existing constraints to the highway network would not only be anathema to the whole concept of sustainable development but would wholly undermine the incentivisation of more sustainable modes of transport – it is not possible to move to a more sustainable transport system by simply building more roads. The Transport Strategies and the

Local Plan recognise this and take the correct approach of ensuring highway capacity through sustainable transport strategies, which will ultimately minimise infrastructure costs.

EXAM 76 CONSOLIDATED ADDENDUM VIABILITY REPORT

- 1.26. William Davis have reviewed the Consolidated Addendum Viability report and would highlight a number of necessary corrections required in order to ensure that the document provides a robust evidence base for considering whole plan viability:
- The assessment fails to index costs from the original Viability Appraisal (Feb 2021) (land values, finance costs);
 - It fails to reflect changes in circumstances/policy since the original Appraisal (BNG costs and its impact on gross/net splits, future homes standard); and,
 - It makes incorrect assumptions in the original Appraisal (no abnormal costs, land values, agricultural values, EUV uplifts)
- 1.27. In addition, further updates are required to reflect the updated school build costs in the proposed main modifications to the Infrastructure Schedule (Exam 4, February 2023). Additionally, an assessment of the viability implications of increased school build costs and the indicative cost of the Transport Strategies should be undertaken.
- 1.28. Notwithstanding the need to address these points and updates, the viability report identifies a range of maximum viable S106 contribution per dwelling dependant on site typology. It is recognised that these figures are broad and generalised maxima based on the assumptions necessarily taken at this high, plan-wide level. At an individual site level these figures will be influenced by site specific constraints, abnormal costs etc. As such and recognising the limitations of a whole plan viability exercise, it is considered that the basis for a viable Local Plan has been demonstrated. The additional evidence provided in support of the plan provides reassurance that the Local Plan is aspirational but realistic subject to individual site viability.
- 1.29. It is noted however that there would remain a shortfall in infrastructure funding to meet the infrastructure costs estimated across the plan period. In respect of the Transport Strategy and Education costs, it is our view that the costs are significantly over estimated and won't be reflected in the actual s106 costs. As an example, the £183 million figure in the Transport Strategies includes £86 million for the North of Leicester LCWIP. Our understanding is that this includes areas outside of Charnwood (such as parts of Blaby). Assigning the full cost of the North of Leicester LCWIP to growth deriving from Charnwood only is incorrect. It is vital that any cross boundary impacts outside the Plan area should not hinder delivery of much needed housing

within Charnwood. The LCWIPs also propose measures to improve the existing situation (i.e. not directly related to the impacts of new development) and wouldn't meet the CIL tests to form part of a s106. William Davis are happy to provide contributions towards walking/cycling provision and connections, in accordance with the prioritisation in national and Local Plan policy, but this will of course need to be CIL compliant.

- 1.30. The Consolidated Addendum Viability Report's conclusion is noted, that further work is needed to monitor and manage infrastructure requirements, especially for schools and highways, depending on the business case for additional public sector funding. As is standard with any large scale application, detailed infrastructure needs will be assessed on a planning application basis, considering the Community Infrastructure Levy (CIL) Regulations.
- 1.31. We note that public sector funding will be required to balance the shortfall from private sector funding across the 16 years of the plan. In the early delivery of the Plan, impacts can be mitigated by localised improvements and an emphasis on walking and cycling, an approach which should be taken forward in accordance with the Framework. Where there are residual 'gaps' in Leicestershire County Council's wider growth strategy, they can be addressed as required later in the Plan period. By this time, the Plan will be subject to review which will need to take into account the developed Transport Strategies. The absence of specifically identified and publicly funded schemes at this stage that may or may not be required in 10-15 years times cannot be a reason to prevent the necessary delivery of sustainable development from coming forward in the short-medium term.
- 1.32. The NPPF at paragraph 15 states that *'the planning system should be genuinely plan-led'*. The importance of having an up-to-date development Plan cannot therefore be overstated. Indeed, the Government asserts that across the board, it is essential that Plans are kept up to date. There is an opportunity for development in Charnwood to be 'genuinely plan led', upon adoption of the Local Plan Review. The risks to sustainable development are far, far greater without a plan in place than with a plan in place.