

Charnwood Local Plan Post Examination Consultation Representations.

Land to the north and south of Groby Road, Anstey.

On behalf of Davidsons Development Limited.

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1. Introduction

- 1.1. These representations have been submitted by Pegasus Group on behalf of Davidsons Developments Limited in response to further documents submitted for consultation by Charnwood Borough Council.
- 1.2. These representations are made in relation to our clients' interest in land to the north and south of Groby Road, Anstey, which forms part of the proposed residential site allocation HA43.
- 1.3. Our clients have engaged fully in the preparation of the plan, making submissions on the Call for Sites and Regulation 18 and Regulation 19 consultations as well as being part of the hearing sessions in February 2023. We have also submitted 3 separate outline planning applications, demonstrating a comprehensive development solution to the south of Anstey, including a new Country Park along the Rothley Brook corridor.
- 1.4. The following sections set out our comments on relevant sections and policies in the plan.

2. Charnwood Local Plan Sustainability Appraisal Addendum, December 2022

- 2.1. The Council commissioned a SA Report Addendum to explore further options for development arising from the need to deliver a further 78 homes per year arising from Leicester's unmet need as well as further retail options.
- 2.2. The Council established the following 3 options to meeting Charnwood's contribution towards Leicester's unmet housing needs:
- Option 1 - Site intensification
 - Option 2 - Additional sites
 - Option 3 - Cotes standalone settlement
- 2.3. The appraisal identifies option 1 as the most preferable as minor negative effects were found across all 14 sustainability appraisal objectives.
- 2.4. With specific reference to Land North and South of Groby Road Anstey, Davidsons welcomes the proposed new draft allocation figure of 714 dwellings (up from the originally proposed 600 dwellings). Davidson's have demonstrated through detailed masterplanning and through the submission of outline planning applications, the ability of the proposed allocation to accommodate significantly more housing than the allocation provides without impacting on services or infrastructure. It is requested that the proposed numbers should be considered as "at least" figures to allow for flexibility. This would further support the housing delivery of the Borough.

3. Charnwood Additional Housing Supply Update September 2023

- 3.1. The Charnwood Additional Housing Supply Technical Note sets out the proposed approach to increasing the housing land supply following the implications of Leicester's unmet needs for housing and employment land which confirmed that 78 homes per year and 23ha of employment would be Charnwood's apportionment of Leicester's unmet needs.
- 3.2. The Council proposes to meet this additional need by focusing on maximising the number of homes on the existing allocations rather than identifying new sites.
- 3.3. The technical note increases the capacity of HA43 to 714 dwellings. Whilst this increase is welcomed, it does not reflect the potential capacity of the allocation as whole. Therefore, the proposed numbers should be considered as "at least" figures to allow for flexibility.
- 3.4. It is recommended that the capacity is further increased to reflect the capacity proposed in the live planning applications.
- 3.5. Davidson have submitted 3 separate outline planning application which demonstrates a comprehensive development solution to the south of Anstey, and which is able to provide a package of infrastructure including contributing to a new primary school, a new Country Park as well as delivering a net gain in biodiversity. Davidson's can demonstrate that there would be no detrimental impact to developing a larger number of homes and so there is no justification as to why the proposed capacity is less than proposed in the planning applications.

4. Updated Housing Trajectory (completions information and update note) and Update to Five Year Supply on Adoption and Site List

- 4.1. The updated documents provide the 5-year housing land supply position on adoption of the Local Plan, taking account of the site intensification work undertaken by the Council to accommodate its apportionment of Leicester's unmet need for housing. The housing requirement has been amended from 1,111 dwellings per annum to 1,189 dwellings per annum to take account of the City's unmet need (78 dwellings per annum). The housing supply trajectory has been updated to look at the period 2023 – 2028, updating completions information and the effects of the site intensification work undertaken.
- 4.2. The 5-year period on adoption of the Local Plan is 2023 – 2028, and on 1st April 2023 the document confirms that there is a 5.16-year supply (224 dwellings surplus over requirement). The detailed trajectory confirms a 5.74-year supply at 2024/25- and 6-year supply at 2025/26.
- 4.3. The five-year supply figure of 5.16 years is marginal and does not provide the needed confidence that the Local Plan will deliver homes quickly following the adoption of the Local Plan. This suggests that a further increase in supply is needed.
- 4.4. The housing trajectory includes a 63 dwellings per year windfall allowance from 2026/27. This projection is based on historic completions in a scenario where there is no five-year housing land supply and in a Borough without an up-to-date Local Plan. It is considered that projecting this figure forward is overly optimistic considering that is very unlikely that this windfall figure will be maintained in a scenario where the Council will have a 5-year housing land supply and an up-to-date local plan which will not provide any justification for the level of development on windfall sites.

5. The Draft Transport Strategy

- 5.1. The Transport Strategies to Enable Growth in the Borough of Charnwood document has been prepared by Leicestershire County Council (LCC) and has been submitted as part of the Examination evidence base. LCC have undertaken a series of reports evaluating the cumulative transport impact of the proposed growth within Charnwood, and conclude that three strategies are required, focused on the three distinctive geographies in the Soar Valley Area, Loughborough/Shepshed Area and the North of Leicester Area.
- 5.2. The draft strategy set out a comprehensive package of highway, cycling, walking, and wheeling infrastructure and passenger transport improvements. The strategy also confirms that these improvements would cost approximately £183 million to deliver with funding sought from public (government) and private (developer) funding.
- 5.3. The NPPF sets out policy tests to ensure that planning obligations are only sought where they are necessary to make development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. The transport strategy demonstrates that there is currently no mechanism to support the cost of the proposed allocations in the local plan. As development is only required to mitigate its own impact, it is important that until a correct evidence document is adopted, infrastructure requirements for planning applications are considered based on their direct and cumulative impact on the highway network, in line with the requirement of the NPPF.
- 5.4. It is important to note that developers will have already signed up promotion/option agreements with landowners that cover considerable time periods, which is key to demonstrating the deliverability of allocations, however these agreements will have been based on achieving minimum land values that will not have considered these additional proposed per dwelling infrastructure costs. This may result in planning applications on allocated sites not being able to deliver other policy compliant infrastructure requirements.
- 5.5. Charnwood Borough Council is not proposing that the Local Plan will include a policy to set a requirement for a per dwelling contribution towards highways infrastructure. The per dwelling Section 106 costs will need to be converted into policy through a future SPD, and subject to the necessary public consultation process, taking account of the Viability Report. This could be implemented through an update to Leicestershire County Council's Planning Obligations Policy (July 2019) document, and we would request to be involved in the production of this document.
- 5.6. Davidsons are keen to work with the County Council to ensure that the transport strategy is developed further, at an appropriate stage of the plan making process and that an appropriate mechanism for its adoption is put in place via a supplementary planning document.

6. The Charnwood Local Plan Viability Full Addendum Report

- 6.1. The viability addendum report provides a financial Viability Assessment in respect of Charnwood Local Plan. It has been updated several times to reflect changes in offsite transport costs and other significant changes in national policy and development costs.
- 6.2. The report confirms that S106 contributions are right to the margins of viability based upon the appraisal assumptions but that it is not recommended setting S106 obligations up to the margins of viability because of the risk of other unexpected onsite cost that have not yet been considered.
- 6.3. The report recommends that further work is required to manage school and highways infrastructure requirements and that detailed infrastructure will need to be further considered as part of each planning application. The report demonstrates that there is a funding gap between the amounts which are required to deliver the plan and the amount that can be sought from developers through S106 contributions alone.
- 6.4. The report confirms that developers cannot pay for the full infrastructure costs through developer contributions, and that additional public sector funding is necessary. Table 9.1 sets out the maximum total S106 obligations per dwelling across the three Housing Market Areas (Leicester Fringe, Loughborough/Shepshed and Wider Charnwood), for both greenfield and brownfield sites.
- 6.5. The report also calculates that, based on the number of new houses proposed across the Local Plan, the total amount of S106 funding delivered from residential development would be £200,885,700. This is only marginally higher than the overall highways package of £183,000.00. There is clearly a funding gap between the amounts which are required to deliver the plan and the amounts that can be sought from developers through S106 contributions.
- 6.6. A report to Leicestershire County Council's (LCC) Cabinet meeting on 24th October 2023 sets out the £140m current estimate for education requirements and the £183m current estimate for highways and transport requirements, totaling £323m. The LCC Cabinet report sets out that of the £200m maximum developer funding from the Aspinall Verdi report; this is based on all allocated housing sites contributing the maximum level of S106 funding, noting that it does not discount those sites that have already secured planning permission (which it notes is approximately 1,500 dwellings to date, out of approximately 9,300 dwellings). The report notes that it is not recommended to set contributions right up to the margins of viability and confirms that £200m is the maximum for all contributions, not just highways and/or education contributions. The LCC report confirms that LCC will continue to support the Charnwood Local Plan.
- 6.7. All the above demonstrates there is a funding gap for the delivery of essential infrastructure to support the delivery of the Local Plan. A mechanism needs to be put in place to implement the S106 costs through a future SPD which would need to be subject to extensive consultation and viability testing.
- 6.8. It is important to note that some Local Plan allocations already have planning permission and therefore will not be contributing to the Local Plan infrastructure costs required. The



remaining Local Plan allocations should not be expected to fund the additional gap in infrastructure funding.

- 6.9. Davidsons look forward to collaborating with the Council to ensure that developer contributions sought are viable and deliverable.

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