

## Charnwood Local Plan Topic Paper

### Justification for progressing with the Local Plan ahead of the apportionment of unmet need in Leicester and Leicestershire

#### 1. Introduction

1.1 This topic paper sets out the justification for not delaying progress on the Charnwood Local Plan to wait for district level apportionment of unmet need arising in Leicester and Leicestershire. The paper is structured as follows:

- Background to joint working in Leicester and Leicestershire relating to unmet need for development.
- Implications of delaying the preparation of the Charnwood Local Plan.

#### 2. Background

2.1 There is a long track record of effective joint working on strategic matters across Leicester and Leicestershire. A Statement of Common Ground with all authorities across Leicester and Leicestershire was agreed in March 2021, the purpose of which was to support the Charnwood Local Plan<sup>1</sup>. This statement of common ground also summarises the on-going joint working across Leicester and Leicestershire and the position for each authority with regard to housing and employment need. The Statement also summarises the evolving position with regard to Leicester City's unmet need. The first declaration of unmet need for housing in Leicester was made in February 2017 and most recently clarified during the Regulation 18 consultation on the Leicester City Draft Local Plan September 2020, and which also identified unmet need for employment land. Leicester City's Draft Local Plan consultation indicated a potential unmet need of 7,742 homes and 23 hectares of employment land (B2 General Industrial and B8 Small Warehousing Units less than 9,000 sq.m) 2019 to 2036.

2.2 The authorities across Leicester and Leicestershire have been involved in a process of testing reasonable alternative options for meeting Leicester's unmet need through Sustainability Appraisal. This was with a view to agreeing an apportionment of the unmet need ahead of the submission of the Charnwood Local Plan; a Statement of Common Ground between authorities was agreed in September 2020 to this effect <sup>2</sup>. It was anticipated that this testing work would have been completed and the apportionment of unmet

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<sup>1</sup> Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (March 2021)

[https://www.charnwood.gov.uk/files/documents/dd073\\_statement\\_of\\_common\\_ground\\_april\\_2021/DD073%20-%20Statement%20of%20Common%20Ground%20April%202021.pdf](https://www.charnwood.gov.uk/files/documents/dd073_statement_of_common_ground_april_2021/DD073%20-%20Statement%20of%20Common%20Ground%20April%202021.pdf)

<sup>2</sup> Joint Position Statement relating to Leicester's Housing and Employment Land Needs]

housing and employment need would have been resolved in time for Charnwood to submit its Local Plan in Spring 2021.

- 2.3 In December 2020 the Government published a new standard method for calculating housing need. This resulted in a significant uplift to Leicester's local housing need, increasing it by 35%, which added a further 9,712 homes to their need between 2020 and 2036. The authorities across Leicestershire agreed that the change in Leicester's housing need was so significant that it requires additional evidence to inform the apportionment of unmet need.
- 2.4 The authorities across Leicester and Leicestershire agreed to carry out a programme of work to inform the apportionment of unmet need from Leicester to the Leicestershire districts and boroughs, including:
  - Housing and Economic Needs Assessment
  - Strategic Growth Options and Constraints Mapping
  - Strategic Transport Assessment
  - Sustainability Appraisal
- 2.5 A Statement of Common Ground apportioning unmet need is anticipated to be completed in 2022.
- 2.6 The Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (March 2021) agreed that Charnwood maintain progress on its Local Plan subject to the inclusion of a trigger policy to review and update the Local Plan, if agreed apportionment of unmet need required it. The remainder of this paper sets out the reasons for not delaying the Charnwood Local Plan to obtain this agreement.

### 3. Implications of Delaying the Preparation of the Charnwood Local Plan.

- 3.1 There were a number of factors, set out below, that informed the decision in early 2021 not to delay the Charnwood Local Plan in order to await a Statement of Common Ground on the apportionment of unmet housing and employment need in Leicester.

#### *Written Ministerial Statement*

- 3.2 A ministerial statement was made on 19<sup>th</sup> January 2021 by the Housing Minister to the House of Commons to remind local planning authorities in England of the continued importance of maintaining progress on producing up to date local plans. The letter emphasised the importance of "more, better and greener homes in the right place" and increasing the number of up to date plans was identified as central to this goal.

- 3.3 The statement notes that it is critical that work should continue to progress local plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 emergency. Delaying the local plan would not have been a positive response to the national need for up to date local plans.

#### *Demonstrating a Five Year Supply of Deliverable Housing Land*

- 3.4 The Charnwood Local Plan Core Strategy was adopted in November 2015 and reviewed in November 2020. A key outcome of this review was that the Council could no longer demonstrate a 5-year supply of deliverable housing sites due to the 35% increase in the Borough's local housing need since the adoption of the Local Plan Core Strategy. National Planning Policy indicates that in these circumstances, a presumption in favour of granting permission for development, known as the 'tilted balance', is engaged in the determination of planning application for new homes, reducing the Council's local control to refuse applications which do not accord with the development plan.
- 3.5 In the monitoring year up to November 2021, the Council has granted planning permission, or has a resolution to grant, on 6 major housing sites which are not identified in the Pre-Submission Draft Charnwood Local Plan and not in accordance with the adopted or emerging spatial strategy. These unplanned developments amount to just under 300 new homes. In addition, the planning authority has, at the time of writing, 10 further major planning applications for housing on sites which are not identified in the Pre-Submission Draft Charnwood Local Plan, amounting to 538 new homes.
- 3.6 The prospect of this level of unplanned development, and the impact this could have on the overall development strategy for the Borough, was a key factor in deciding not to delay progress with the local plan. The local plan is critical to demonstrating and maintaining a five year supply of deliverable housing sites given the scale of increase in the local housing need identified for the Borough. Delaying would have prolonged the current intervening period of not being able to demonstrate a five year supply, leading to significant unplanned development and lack of certainty for communities, and private and public sector investors.

#### *Length of Potential Delay*

- 3.7 The Statement of Common Ground apportioning the unmet need was due to be complete in Winter 2021/2022 when the decision was taken not to delay progress with the local plan. The Charnwood Pre-Submission Regulation 19 consultation was undertaken in July and August 2021, so a delay to await the Statement of Common Ground would have been a minimum of six months (if no change was required to the local plan in response) and the risk of the

apportionment taking longer than planned to agree was considered to be high given the scale of unmet need.

- 3.8 If the agreed Statement of Common Ground identifies that a proportion of unmet needs to be accommodated in Charnwood, this would initiate work on the local plan to accommodate such development. Previous progress on the Charnwood Local Plan is a guide as to how long this process might take.
- 3.9 The preparation of the Draft Charnwood Local Plan published in November 2019 was started in June 2018 and so took 17 months to prepare. Preparation of the Charnwood Local Plan Pre-Submission Draft published in July 2021 was started in January 2020 and so took 18 months to prepare.
- 3.10 The reasons underlying the timescales to prepare the Charnwood Local Plan to date have been a number of key challenges, including significant engagement with Duty to Cooperate partners to ensure evidence supports timely, appropriate and deliverable transport mitigation, engagement with Local Education Authority and site promoters to ensure timely delivery of new school provision. The challenges outlined above will be at least as pronounced in providing a Local Plan that responds to unmet need arising from within Leicester and Leicestershire.
- 3.11 What was apparent was that should agreement on the apportionment of unmet need in Leicester and Leicestershire be agreed in Winter 2021/2022, publication of a Pre-Submission Local Plan would have been delayed by at least 6 months and potentially up to two years if the plan needed to accommodate significant unmet need. Such a delay would be contrary to the objective of having an up to date development plan in place.
- 3.12 Policy DS2 of the Pre-Submission Draft Charnwood Local Plan provides a trigger policy relating to unmet need instead, this is designed to trigger a review of the emerging local plan, if necessary to accommodate unmet need from Leicester and Leicestershire. This allowed the authority to continue to actively engage in the process of agreeing a redistribution of unmet need from Leicester whilst progressing the emerging local plan which will deliver significant growth in the Housing Market Area.

### *Coordinating Infrastructure*

- 3.13 The process of preparing the local plan has highlighted significant challenges in delivering the necessary infrastructure to support growth. Significant work and engagement has taken place with infrastructure providers to identify a pattern of growth which balances infrastructure constraints with other sustainability factors. The Pre-Submission Draft Local Plan has been drafted to ensure growth can be supported by the necessary local infrastructure.

- 3.14 A Statement of Common Ground has been agreed between Charnwood Borough Council, National Highways, Leicestershire County Council and Leicester City Council. There is common ground between the parties that:

*“it is important to adopt a new Local Plan for Charnwood as soon as is practicable. There is currently a lack of a 5 year land supply in the Borough, which is leading to unplanned, speculative development. Infrastructure provision for such development, including transport infrastructure, is difficult to coordinate and the effects of cumulative impacts may not be sufficiently assessed through ad hoc development. A new Local Plan will help ensure sustainable development and its supporting infrastructure is delivered in a coordinated, planned manner and minimise cumulative impacts which may arise”.*

- 3.15 The Statement of common Ground between Charnwood Borough Council and Local Education Authority also confirms the significant amount of engagement under taken to date to understand the capacity of schools and to inform a development strategy which would allow new development to take place in locations where children are within a safe walking distance to schools.
- 3.16 The need to progress the local plan and avoid unplanned development is particularly important in this context. It was considered important that the local plan was not delayed in order to avoid undesirable solutions to meeting the infrastructure needs of unplanned development, for example children not being able to attend their local school within safe walking distance of their home, and which goes against the basis of sustainable communities.

#### **4. Conclusion**

- 4.1 Charnwood Borough has taken a positive approach and worked with HMA partners to apportion unmet need in Leicester and Leicestershire. This work was well advanced in 2020 and well aligned with Charnwood submitting its Local Plan in 2021. The government changes to method for calculating Local Housing Need for Leicester meant that the original intention of addressing unmet need in Charnwood Local Plan could not be achieved without a significant delay to the Local Plan.
- 4.2 Delay would have had significant implications for unplanned development and is against the government objectives of maintaining progress on producing up-to-date plans.