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Sent: 22 August 2024 16:36
To: localplans@charnwood.gov.uk
Cc: James Beverley
Subject: Charnwood Local Plan Examination - Main Modifications Representations
Attachments: DWH - Charnwood Main Modifications.pdf

Dear Sirs

On behalf of my client, David Wilson Homes Est Midlands, please find attached representations to the Charnwood Local Plan Examination - Main Modifications consultation.

Please confirm receipt of this email and attachment.

With Kind regards
Angela

Angela Brooks MRTPI

Partner

For and on behalf of Fisher German LLP
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Charnwood Local Plan

Main Modifications Consultation - August 2024

Prepared by Fisher German LLP on behalf of David Wilson
Homes East Midlands



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1. Introduction

- 1.1 These representations have been prepared on behalf of David Wilson Homes in respect of their land interests in Charnwood (both existing sites currently under option and ownership but also David Wilson's potential pipeline within Charnwood moving forward).
- 1.2 These representations provide comment on all three sections of this consultation, but focus specifically on the proposed Main Modifications and the Updated Housing Land Supply Position.
- 1.3 David Wilson Homes are a respected national housebuilder, part of the Barratt David Wilson group, one of the nation's most important housebuilders, who deliver high quality new residential development and who have a strong track record of delivery in the local area. David Wilson Homes are proud to have been awarded the Home Builders Federation (HBF) 5 Star Home Builder status for 15 consecutive years. This accolade demonstrates the quality of both our client's product and service; awarded only to housebuilders who receive a higher than 90% recommendation by their customers. David Wilson Homes remain the only major housebuilder to achieve this accolade over such an extended period of time.

2. Representations

Context

- 2.1 It is acknowledged that it is currently a time of planning flux with Labour currently consulting on proposed modifications to the National Planning Policy Framework, updates to the standard method, and having published written ministerial statements on amendments to the planning system. What is however fundamentally clear is the primary aim of much of the aforementioned changes to the planning system relate to a desperate need to increase housing delivery nationally.
- 2.2 Currently, whilst a sign of intent, the draft NPPF is only a consultation draft and thus whilst indicative, not material in respect of the Plan's examination. The transitional arrangements, if as per the consultation draft which is not guaranteed but likely, indicate that those Plans at examination should continue to be examined under the relative NPPF they were submitted under. The implications of the new NPPF however state that where there is a difference of 200 dwellings or greater per annum between the outcomes of the existing and proposed Standard Method, there is an expectation of immediate Plan review. If not, then the Plan can continue under its usual 5-year review cycle protocol.
- 2.3 It is noted that the result of the proposed Standard Method for Charnwood are within 200 dwellings (proposed requirement of 1,189 dwellings versus a potential updated Local Housing Need of 1,012, a difference of 177 units), thus the examination can proceed without immediate review. Obviously there remains scope for the Standard Method to be further amended and this change may be material, however would only relate to whether or not an immediate review was required, not inherent to the soundness of the Plan being examined. Obviously, there is also scope for the transitional arrangements to be amended, but again it is impossible to comment on changes at this stage and this examination must continue in the short term under the existing framework.

Main Mods

- 2.4 We provide comments on the Main Modifications below.
- 2.5 **Main Mod 10** – See comments in relation to supply in respect of the Five Year Housing Land Supply Update section of these representations.

- 2.6 We remain concerned that the Plan does not comply with Paragraph 22 of the NPPF, which is unequivocal that Strategic Policies should look ahead over a minimum 15-year period for adoption. At this stage we anticipate adoption in 2024/2025, meaning the Plan period should extend to 2039/2040.
- 2.7 The wording adopted by the NPPF is clear and unequivocal, that the 15-year period is expressed specifically as a minimum, which indicates it should be exceeded only. The NPPF could have adopted more flexible language but this requirement, which has been present in all iterations of the Framework since 2018, is clear this is a minimum threshold to deliver a sound plan period, and to be sufficiently consistent with National Policy (Paragraph 35d).
- 2.8 At the Erewash Examination in Public the Inspector indicated that a 15-year Plan period was expected and that the Council should provide the evidence in terms of housing supply and delivery for such a change to be made through main modifications. It is unclear why there would be inconsistency between the requirements for two plans, being geographically very close and being examined at the same time, but clearly a 15-year Plan period is required by the NPPF and main modifications should ensure that this is delivered in Charnwood.
- 2.9 **Main Mod 22** – See comments below relating to updated policies maps. We however support the proposed modification to include those areas which benefit from Planning Permission within the settlement envelope for both continuity reasons but also to ensure new built form is, in planning terms, comparable with existing built form and there is no confusion as to the acceptability of future ancillary proposals through being considered in planning terms to be in the countryside.
- 2.10 In respect of the approach to those applications which have detailed consent, we also have no fundamental objection to the approach advocated and that the limits to development following the built form of development rather than the red line where this is known, however this should only be introduced with the reasonable agreement of the site developer, otherwise this essentially unduly punishes sites at a more advanced stage of preparation.
- 2.11 **Main Mod 24** – The changes to Policy DS1: Development Strategy are required for the soundness of the Plan and are supported.
- 2.12 **Main Mod 26** – The deletion of this element of the Policy is supported as agreed to no longer be required in light of the proposed Main Modifications proposed in respect of Policy DS1:

Development Strategy (MM24).

2.13 **Main Mod 28** – Whilst we do not object to the aim of what the modification is trying to achieve, we do have concerns for the application of this modification. There is an internal logical conflict with illustrative Plans being both indicative, but also used as the foundation of the application of policies such as Area of Local Separation and Green Wedge which require clear illustration on a Plan for clear application. The plans therefore need to be more clear and their weight increased beyond only indicative, or this modification requires further amendment for clarity and effectiveness.

2.14 **Main Mod 158** – Leicestershire County Council have now published the Draft Charnwood Transport Contributions Strategy. This strategy is, by the authorities' own admission, essential for the delivery of the Charnwood Local Plan. It is however not subject to any hearings or direct examination. We have raised a number of issues with the Draft Transport Contributions Strategy, namely:

- Whether its basis as essentially a charging levy, but outside the CIL regime is appropriate and robust. Our concern is that should one Section 78 appeal be found against the Transport Contributions Strategy, it will become unenforceable and this critical funding source necessary to deliver the Plan will fall away.
- Whether it can be shown to meet the CIL tests, and linked to the above, the implications if it cannot.
- The impact of the per unit basis of the calculation, which will encourage the delivery of schemes skewed to a higher level of larger homes due to being more cost effective than smaller dwellings which will be 'taxed' at the same level.

2.15 It does not appear as though there will be opportunity to raise this through the Charnwood EiP, given we are at Main Modifications stage, which given the clear importance of the document, does not seem to be reasonable given its now availability during the Examination. Notwithstanding a clear understanding that the examination can at best be called protracted, exploration of this key evidence through this examination is still considered reasonable and appropriate for the reasons highlighted above. It is not sound for this Plan to proceed essentially ignoring the draft Charnwood Transport Contributions Strategy, despite the latter being acknowledged to be essential in delivery of the former.

Five Year Housing Land Supply Update

- 2.16 Notwithstanding comments made at the beginning of these representations in relation to potential changes to the NPPF, that version is only a consultation version and until adopted it is necessary to proceed in accordance with the adopted NPPF. As has been made clear throughout the Examination by various parties, the concern is that against the adopted Framework, Paragraph 76 of the NPPF states that Authorities cannot be challenged on the basis of 5-year housing land supply 5-years post adoption. Charnwood itself is a fine example of where the presumption in favour of sustainable development has contributed significantly to housing land supply by virtue of a lack of five-year housing land supply. Whilst we do not have precise calculations, our estimation is the amount of additional supply provided in the last decade alone is likely in the thousands. Our view is that if the Council are to rely on these protections, the land supply position established at Examination must be robust, which we currently do not consider to be the case.
- 2.17 Even if the new NPPF is introduced, that does not change the established context that the Examination should demonstrate a robust 5-year housing land supply. The PPG states “in plan-making, strategic policies **should** identify a 5 year housing land supply from the intended date of adoption of the plan” [our emphasis] (Paragraph: 004 Reference ID: 68-004-20240205). The use of the terminology ‘should’ is in our view clear that this is a requirement, not just something which is preferable. Therefore, notwithstanding the changes proposed by Labour, and any eventual form they manifest, there is an existing requirement for the Council to demonstrate a 5-year housing land supply from adoption of the Plan.
- 2.18 Turning to the Council’s evidence, which whilst much more robust than previous iterations, still in our opinion fails to demonstrate a 5-year housing land supply in accordance with the above. Utilising Sedgefield, which is the appropriate method for the reasons discussed below, the Council’s best-case position is 5.01 years, mathematically almost the most marginal position possible. Whilst the Council may point to an approved Liverpool position of 5.62 years, this isn’t appropriate method for the reasons explained below and moreover we still would consider is potentially unable to be demonstrated when looking at the composition of supply.
- 2.19 Turning to Sedgefield and Liverpool, our view is Liverpool is only acceptable wherein there is a need to allow time for strategic sites to come on stream. In Charnwood, the three SUEs have been allocated for significant time and are either delivering or close to delivering, therefore it is not clear what the justification is for Liverpool. The national impetus is clearly in increasing short term delivery, not least in Labour being clear the ambition is for the country to deliver 1.5 million homes

in the first parliament, requiring annual delivery of 300,000 per annum from year one, but realistically only through higher delivery in later years. Particularly given current levels of planning approvals are significantly below that which would be required to support such housing growth aspirations. In that context, the pushing back the delivery of housing which already should have been delivered to later in the Plan period is clearly not consistent with that clear ambition.

- 2.20 Turning to the claimed housing land supply, whilst we rely on many of the comments made at the Hearings we would state that the trajectory is still unduly optimistic and clearly given the marginal nature of the supply, small reductions in supply would amount to a sub 5-year housing land supply position. This is clearly inappropriate in both the context of the existing NPPF paragraph 76, but also the requirements of the PPG and the aim of the national government. For brevity we will not comment on all sites, but we would make the following comments in relation to assumptions made by the Council in respect of the updated supply table in respect of the strategic sites, which remain the highest risk.
- 2.21 We do not believe the 250 per annum dwelling output of Loughborough West has been adequately justified, let alone by the end of the 5-year period as relied upon by the Council. There still appears to be only be 2 reserved matters approvals pertaining to the site, with no others under current determination, thus it is not clear how such an uplift can reasonably be achieved. To achieve this by the end of the 5-year Plan period this would involve multiple new Reserved Matters applications being approved now, let alone having none under active consideration. If anything based on approvals, and given the lack of current activity, delivery rates may actually decrease in the coming years, not increase.
- 2.22 The position is similar for the North East of Leicester SUE, where our client has delivered a large amount of housing. This time there are 3 reserved matters approvals, as there has been for some time, but there does not appear to be any additional sites in the system and our understanding is the existing approvals are approaching being fully built out. There also appears to be highway constraints and there does not appear to be robust evidence as to a clear trajectory as to when the work to create more capacity will be complete, nor when additional Reserved Matters applications will be submitted and determined. The NPPF and PPG are clear that to be deliverable, sites which do not have detailed consent there is an expectation of clear evidence of delivery. Simple written agreements between the landowner and the Council is not sufficient on its own to qualify as this evidence, and there is a range of planning appeals which confirm this position. Again, based on available information, this would suggest a potentially reduced annual delivery,

not a significant ramp up as required by the trajectory.

- 2.23 Birstall North preparatory works appear to be well advanced, albeit we are not aware that any dwellings have yet been delivered. Despite this the Council anticipates the delivery of 106 units this year, 191 dwellings the next year and 222 dwellings the year after. Again, this is not supported in evidence and does not reflect what appears to be happening on the ground. The evidence which supports these assumptions does not constitute the detailed evidence required as there is only detailed permission for 300 units, despite a reliance on over 1,000 in the housing land supply. Again, applying the definition of development in the Framework, strong arguments could be made for the reduction of 700 units, again supported by approaches adopted by Inspectors elsewhere.
- 2.24 For the Council's land supply to hold water, they need to be robust on every site. To demonstrate a sub 5-year housing land supply position, a party would need to only 'win' on one site. Our view is there is almost certainly not a sufficient 5-year housing land supply. In view of the implications of Paragraph 76 of the NPPF, this examination should not conclude that there was a 5-year housing land supply at the conclusion of the Examination.

Schedule of Proposed Changes to Policies Maps 1 and 2

- 2.25 We support the proposed changes to the Policies Maps as they relate to our client's land interests at Barkby Road, Queniborough and Cossington Road, Sileby.