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Sent: 02 September 2024 14:22
To: localplans@charnwood.gov.uk
Cc: Laurence Holmes
Subject: Charnwood Local Plan Main Modifications [LICH-DMS.FID153901]
Attachments: 60628_01 Charnwood Main Mods Representations 070824.pdf

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To whom it may concern,

Please see attached our representations to the Charnwood Local Plan Main Modifications consultation on behalf of our client St Philips Land Ltd.

I trust this submission is in good order, however, please do not hesitate to contact us regarding any queries.

I would be grateful if you could please confirm receipt of this email and the attached representations.

Kind regards,

Sam

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Local Plans Team
Charnwood Borough Council
Southfield Road,
Loughborough
Leicestershire
LE11 2TN

Date: 2 September 2024

Our ref: 60628/01/JK/SaG/32639554v1

Dear Sirs

Charnwood Local Plan Examination Main Modification Consultation

We write on behalf of our client, St Philips Land Ltd ('St Philips'), in respect of the main modifications consultation for the Charnwood Local Plan 2021 to 2037.

These representations are prepared with a focus placed on how the main modifications impact on the land controlled by St Philips at Cotes Road, Barrow-upon-Soar, which forms part of site allocation HA49 of the draft Plan and is the subject of a current planning application (LPA Ref. P/23/0238/2). The representations are based on the following documents:

- Exam 81: Schedule of Main Modifications
- Exam 82: Schedule of Proposed Main Modifications to Local Plan Diagrams
- Exam 83A: Sustainability Appraisal Report Addendum 2024
- Exam 84: Schedule of Proposed Changes to Policies Maps 1 and 2
- Exam 58J: Housing Trajectory Update 2024

The National Planning Policy Framework ('NPPF') outlines that during the examination process a Local Plan must demonstrate that it has been positively prepared, is justified, effective and consistent with national policy.

Policy DS1: Development Strategy

As part of the main modifications, there has been an increase in the housing requirement for Charnwood, rising from 17,776 dwellings across the plan period to 19,024 to meet the need arising in Charnwood and the unmet need from Leicester as amended in Policy DS1. As part of this increase, the minimum number of homes in Service Centres has increased from 2,747 to 3,479 across the plan period, amounting to 17% of Charnwood's housing delivery.

This increase in housing provision at Service Centres reflects the amendments to the development strategy in the main modifications which looks to focus growth at Service Centres to respond to the

demand for housing and employment land as indicated in paragraph 1.25. SA Topic 12 and SA Topic 13 within the Charnwood SA Report Addendum 2024 (Exam 83A) reflects this stance, indicating that there is a need for a higher level of growth at Anstey and Barrow-upon-Soar in order to support the vitality of these Service Centres. We consider this approach to be welcomed.

Policy DS3: Allocation HA49

Policy DS3 provides a table of the sites allocated for housing and indicates the approximate number of homes for allocation HA49 as 220 dwellings. Although the main modifications has been updated to include the word ‘approximate’ to ensure flexibility as to the eventual level of housing to be delivered on proposed allocations (which is welcomed), it recommended that the approximate number of homes be increased for this allocation to reflect the proposed housing delivery from the live planning applications P/23/0238/2, P/23/0226/2 and P/23/1582/2 relating to allocation HA49. These applications are proposing a total delivery of up to 260 dwellings. As such, it is considered that the approximate number of homes should be updated to reflect the increased figure, thus indicating the total capacity for the allocation.

The context set by the National Planning Policy Framework is particularly relevant to how yields might be treated by development plan policy wording:

- a Be aspirational [paragraph 16]
- b Be positive [paragraph 35]
- c Significantly boost the supply of homes [paragraph 60]
- d Be flexible [paragraph 86]
- e Promote an effective use of land [paragraph 123]

In this context, the increase in the approximate homes for allocation HA49 is considered to align with the ambitions of the NPPF and will help support the vitality of the Service Centres which has been identified to support growth for Charnwood in the draft Local Plan.

The wording of Policy DS3 (HA49), has been amended to reflect the change in location of the 1-form-entry primary school to allocation HA48 and now states “*contribute to the reasonable costs of the provision of a new 1 form entry primary school located at site HA48*”. The relocation of the school is welcomed and the wording of reasonable costs is considered acceptable as it allows for flexibility to enable the Council and the developer to negotiate an appropriate figure.

Justification for the relocation of the primary school is outlined within paragraph 4.1.3 of the SA which states:

“The location of the primary school has been determined through co-operation with the local education authority (Leicestershire County Council) and the promoters of allocated sites in Barrow upon Soar. This resulted in the preparation of a delivery strategy for the new primary school for the village (Exam 70) that included locating it on allocation HA48. There are no reasonable alternatives.”

Given the need for the early availability of the school site to help meet the delivery of the homes in Barrow upon Soar, the relocation to allocation HA48 is welcomed. The relocation of the school is reflected in the update to the local plan diagram in DM21 of Exam 82 which is considered sound.

In regard to the proposed changes to the Policies Maps, the changes to Barrow upon Soar involve the notation for limits to development which has been amended to reflect those in the Barrow upon Soar Neighbourhood Plan and the proposed housing allocations including HA49. In addition, the site boundary of Housing Allocation HA48 has been expanded to enable the new 1-form-entry primary school to be provided on the site. The Council’s rationale for the change is to ensure the map is effective and in compliance with the allocations outlined in policy DS3 of the draft Local Plan. St Philips considers these changes to be sound and in line with the main modifications of the draft Local Plan.

Housing Trajectory

An updated local plan housing trajectory under Exam 58K has been published as part of the consultation which provides updated figures on the delivery of housing for each allocation, reflecting developer comments. For the allocation at Cotes Road, Barrow upon Soar (HA49), the Council have increased the delivery rate in response to developer comments. The proposed housing trajectory as part of the main modifications is demonstrated in Figure 1.

Figure 1 Housing Trajectory

Policy Ref	CHARWOOD BOROUGH	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
HA49	Land off Cotes Road, Barrow upon Soar							65	75	50	30	0

Source: Exam 58J: Housing Trajectory Update 2024

St Philips considers this trajectory to be inaccurate as it displays the delivery of 220 dwellings. As previously highlighted, live planning applications P/23/0238/2, P/23/0226/2 and P/23/1582/2 relating to allocation HA49 are currently proposing a total delivery of up to 260 dwellings. As such, the housing trajectory should be updated to reflect the above quantum in the following format:

Policy Ref	2027/2028	2028/2029	2029/2030	2030/2031	2031/2032
HA49	68	105	52	35	0

These amended assumptions are considered appropriate as they reflect the housing figures and the anticipated timeline for the three applications. These assumptions are considered both realistic and reasonable in terms of lead-in times and build-out rates.

Policy INF2: Local and Strategic Road Network

Policy SC1 (Service Centres) has been amended to include reference to the cumulative impacts on infrastructure and contributing to the measures to be identified through the relevant Transport Strategy with reference now included to Policy INF2 (Local and Strategic Road Network). This policy is recently introduced as part of the main modifications which indicates that for “*significant cumulative traffic conditions across the Borough and/or indicates cross boundary impacts, a proportionate contribution will be required to the reasonable costs of measures required to mitigate such impacts*”.

This approach is considered to not only contravene the CIL Regulations and conflict with paragraph 57 of the National Planning Policy Framework (‘the Framework’) but could also jeopardise the deliverability of much-needed housing due to impacting upon viability.

In aligning with the Regulation 122(2) of the CIL Regulations, paragraph 57 of the NPPF is clear that planning obligations must only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonable related in scale and kind to the development

As confirmed in the related Planning Practice Guidance (PPG), planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms¹.

The Council must ensure that policies in the new Charnwood Local Plan requiring developer contributions for transport infrastructure on behalf of the County Council are evidenced in such a way that is demonstrably compliant with the CIL tests. As currently presented, the wording of policy INF2 is based on a 'roof tax' approach which is not considered to be directly related in scale and kind to the development in accordance with CIL Regulation 122(2). Development proposals are only required to mitigate their own impacts; to fund improvements to address existing deficiencies would not be compliant with the CIL Regs.

It is the case that each development proposal must be properly assessed through the planning application process to undertake its impacts and what, if any, improvements to relevant infrastructure are required by way of mitigation.

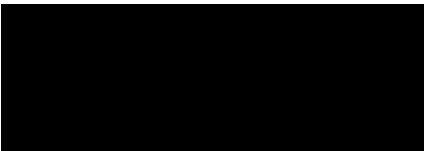
Summary

In summary, the approach towards focusing greater development towards service centres is welcomed by St Philips as it will support the future vitality of these settlements. Furthermore, an increase to the housing provision for allocation HA49 and the housing trajectory is considered appropriate to reflect the live applications and the ambitions of the NPPF.

However, St Philips remain concerned that Policy INF2 IN is contrary to CIL Regulations 122 and paragraph 57 of the NPPF. As such, the proposed approach will not be relevant where impact from development will not arise. Nor would it be fairly and reasonably related in scale and kind to the development. Furthermore, is it not apparent as to how such measures could be fully funded in an appropriate timeframe.

I trust that the above is helpful for the Inspectors' purposes, however, if there are any queries, please contact me or my colleague, Sam Gale (sam.gale@lichfields.uk).

Yours faithfully



Jon Kirby
Senior Director
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¹ Planning Obligations PPG (2019), para. 002 Reference ID: 23b-002-20190901