

From: Sam Perkins <sam@wearedefine.com>
Sent: 03 September 2024 10:25
To: localplans@charnwood.gov.uk
Cc: Mark Rose; Sally Smith
Subject: Charnwood Local Plan - Main Modifications Consultation - Representations by Define Planning and Design on behalf of Bloor Homes East Midlands
Attachments: Define Planning and Design on behalf of Bloor Homes - Representations in relation to Main Modifications - Documents EXAM 81 82 83A and 83B - 2024 09 03.pdf; Define Planning and Design on behalf of Bloor Homes - Representations in relation to Policies Maps - 2024 09 03.pdf

Good Morning,

I write in response to the Charnwood Local Plan Main Modifications consultation to provide representations by Bloor Homes East Midlands.

This comprises two sets of representations as attached; the first in relation to the Main Modifications themselves (EXAM 81-83), and the second in relation to the Policies Maps (EXAM 84).

I would be grateful if you could please confirm receipt of the attachments by return email. In the meantime, please do not hesitate to contact me if you have any queries.

Kind regards
Sam

Sam Perkins
Senior Planner

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For responding to:

- **Main Modifications**
(EXAM 81-83)
- **Housing Land Supply**
(EXAM 58J – 58M)



Charnwood
Charnwood Local
Plan 2021-2037
Main Modifications
Representation Form

Ref:

(For official
use only)

Please return to Charnwood Borough Council by 5PM on 4th September 2024 by:

- **Email:** localplans@charnwood.gov.uk
- **Post:** Local Plans, Charnwood Borough Council Southfield Road, Loughborough, LE11 2TX

The Privacy Statement can be found at: www.charnwood.gov.uk/privacy

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text" value="Sally"/>	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Smith"/>	<input type="text" value="Rose"/>
Job Title (where relevant)	<input type="text" value="Planning Director"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Bloor Homes East Midlands"/>	<input type="text" value="Define Planning and Design"/>
Address Line 1	<input type="text" value="Bloor Homes East Midlands"/>	<input type="text" value="Define Planning and Design"/>
Line 2	<input type="text" value="1 Wheatfield Way"/>	<input type="text" value="Unit 6, 133-137 Newhall Street"/>
Line 3	<input type="text" value="Hinckley"/>	<input type="text" value="Birmingham"/>
Line 4	<input type="text" value="Leicestershire"/>	<input type="text" value="West Midlands"/>
Post Code	<input type="text" value="LE10 1YG"/>	<input type="text" value="B3 1SF"/>
Telephone Number	<input type="text" value="c/o Agent"/>	<input type="text" value="0121 237 1901"/>
E-mail Address	<input type="text" value="c/o Agent"/>	<input type="text" value="mark@wearedefine.com"/>

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM27

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

MM27 seeks to introduce a requirement for “*development on our allocation sites to be considered comprehensively with development at nearby sites, especially with regards to the following clusters of adjacent or adjoining sites*” and sets out specific ‘clusters’ of sites on that basis.

As a supporter of high-quality development, Bloor Homes recognises that good design should appropriately respond to the site’s context. However, it is only appropriate for the Local Plan to require developments on different sites to be considered comprehensively where there is actually a significant relationship between those sites.

That is not the case for site HA16 which has no significant physical, functional or visual relationship with sites HA15 and HA17. The only matters that need to be considered are the requirement for its development to contribute towards the costs of the delivery of a primary school on site HA15 and consideration of the cumulative impact on the off-site transport network. However, these are not unusual matters, and can be dealt with in a straightforward manner through the usual development management process.

The proposed wording change therefore seeks to contrive a relationship between the development sites, which simply does not exist. In that regard, sites HA15, HA16, and HA17 should not be referred to in the proposed text.

Notwithstanding that, it should also be made clear that there is not an expectation for a single comprehensive application to be submitted across multiple sites; as that would clearly be an inappropriate and unreasonable requirement that could potentially delay the delivery of much-needed residential development.

Further modification is required to ensure that the Local Plan is clearly written and unambiguous (as required by NPPF paragraph 16d), and therefore effective and consistent with National Policy (as per NPPF 35c and d).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Sites HA15, HA16 and HA17 should be removed from the proposed text as there is no existing visual, physical or functional relationship between the sites.

Notwithstanding that, the additional text should also be revised as follows:

"The design and layout of development can contribute to managing its impact on, and accessibility to, infrastructure. Though it is likely that separate applications will be submitted for each allocation site, we expect the design and layout of development on our allocated sites to be considered comprehensively with development at nearby sites, especially with regards to the following clusters of adjacent or adjoining sites."

These changes will ensure that the Local Plan is clearly written and unambiguous (as required by NPPF paragraph 16d), and therefore effective and consistent with National Policy (as per NPPF 35c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

8. Signature: Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM28

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

The proposed modification states that *"When development is complete, designations of Countryside, Areas of Local Separation and Green Wedge will extend into the allocation up to the edge of the built form of the development."*

It is not clear from the text, that only one designation will be applied at one time and, therefore it is open to misinterpretation contrary to NPPF paragraph 16d.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed modification should be revised to read: *"When development is complete, designations of Countryside, Areas of Local Separation and Green Wedge (as appropriate) will extend into the allocation up to the edge of the built form of the development."*

This will ensure that the Local Plan is clearly written and unambiguous (as required by NPPF paragraph 16d), and therefore effective and consistent with National Policy (as per NPPF 35c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature:

Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM29

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Bloor Homes welcomes the Council's recognition that site HA48 (Land off Willow Road, Barrow upon Soar) has capacity to accommodate of 220 dwellings (rather than 215 dwellings). Indeed, the site's residential capacity has been robustly demonstrated through the pending outline and hybrid planning applications in relation to the site.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

8. Signature:

Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM61

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

The proposed modifications to the supporting text to Policy DS3(HA48) reflect that:

(i) the development of the site will accommodate a site for a new primary school, reflecting that the Barrow Education Strategy has evolved since the Regulation 19 consultation, and

(ii) that the existing farmstead within the site must be relocated to the north-eastern corner of the site, in order to facilitate the provision of site access from Cotes Road and delivery of the proposed development (as set out in BHL's Regulation 19 representations and subsequent Hearing Statements).

In that regard, Bloor Homes (BHL) welcomes the principle of the modifications. However, the proposed changes to the policies and allocation boundary are not sufficient to provide the required clarity and certainty within the Local Plan to ensure the timely delivery of the development.

At the Regulation 19 stage, BHL proposed that Charnwood Borough Council (CBC) should **either**:

- Revise the allocation boundary to reflect the area that is subject to the outline and hybrid planning applications – i.e. to cover the extents of the proposed residential development and any supporting infrastructure, the primary school and area for its potential future expansion, **and** the relocated farmstead; **or**
- Revise the allocation boundary to cover the extents of the proposed residential development and any supporting infrastructure and the primary school and area for its potential expansion, but not the

relocated farmstead, update the wording within the policy / supporting text to make clear that the relocation of the farmstead will be supported subject to satisfactory details **and** make amendments to Policy C1 to make clear that *“the development of a replacement farmstead within the countryside, but immediately adjacent to the Limits to Development, is required to facilitate residential development as allocated by Policy DS3. Development of this kind must give due regard to its landscape and visual impacts in accordance with Policy EV1 and other policies within the plan.”*

CBC has proposed to modify the allocation boundary excluding the relocated farmstead, as per amendment PC8 to the Policies Map, and proposes to modify the supporting text to confirm that CBC supports the relocation of the farmstead subject to the application of other policies. However, it has inexplicably not also modified Policy C1 so that it also applies to the circumstances of this scheme rather than just generically to proposals for isolated homes in the countryside.

That means there remains a lack of clarity and certainty in the Local Plan that the existing farmstead can be relocated to the north of the modified allocation site despite it having been thoroughly considered through the evidence base supporting the Local Plan. Indeed, the Further Landscape Sensitivity Assessment for HA48 has highlighted that the proposed location of the new farmstead is at low-medium landscape sensitivity for such a use.

This is not a new isolated home, but the relocation of an existing farmstead to a location adjacent to the proposed residential development within the allocation site. It is required in order to enable the construction of the access roundabout on Cotes Road, the provision of the proposed primary school, the creation of an appropriate new “gateway” into the village and to facilitate the wider residential development. It is, therefore, an essential part of the enabling development for the delivery of the scheme as a whole.

Therefore, CBC should further extend the allocation boundary for HA48 as shown on the Policies Map to include the location of the relocated farmstead. To provide certainty as to the intended distribution of uses, the policy should then include a “Local Plan Diagram” for the site to highlight the location of the access, school and expansion site, residential uses and the relocated farmstead. This approach has been used in other similarly complicated allocation sites in the emerging Local Plan and would provide the required certainty in respect of this site-specific matter.

Alternatively, CBC could (as previously proposed) modify Policy C1 as set out above. That would, however, be dealing with a site-specific matter through a plan-wide development management policy and, therefore, the further modification of the allocation site boundary is the preferred and recommended approach.

These changes to the policy and supporting text, and the allocation boundary, are required to provide clarity to the decision maker (as required by NPPF paragraph 16d), and ensure that the Local Plan and its constituent policies meet the test of soundness in terms of being positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

CBC should extend the allocation boundary for HA48 to include the location of the relocated farmstead, and introduce a "Local Plan diagram" to accompany the policy that highlights the location of the access, school and expansion site, residential uses and the relocated farmstead.

Alternatively (although it is not the recommended approach), CBC could modify Policy C1 to state that the development of isolated homes in the Countryside will be supported where *"the development of a replacement farmstead within the countryside, but immediately adjacent to the Limits to Development, is required to facilitate residential development as allocated by Policy DS3. Development of this kind must give due regard to its landscape and visual impacts in accordance with Policy EV1 and other policies within the plan."*

These changes to the policy and supporting text, and the allocation boundary, will provide clarity to the decision maker (as required by NPPF paragraph 16d), and ensure that the Local Plan and its constituent policies are positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024
EXAM 58K: Housing Trajectory Update Notes July 2024
EXAM 58L: Update to Five Year Supply on Adoption May 2024
EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature:

Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM62

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Bloor Homes (BHL) supports the proposed amendment to Policy HA48 that reflects that the proposed primary school, as well as additional land reserved for its potential future expansion, will be delivered within site HA48 (Land off Willow Road, Barrow upon Soar). However, there remains a lack of clarity and certainty in the Local Plan that the existing farmstead can be relocated to the north of the modified allocation site.

Therefore, as set out in the objection to MM61, Policy DS3(HA48) and its allocation boundary as shown on the Policies Map must be extended to include the location of the relocated farmstead that is required to facilitate the delivery of the much-needed residential development and a key piece of community infrastructure within a high-quality development. To provide certainty as to the intended distribution of uses, the policy should then include a "Local Plan Diagram" for the site to highlight the location of the access, school and expansion site, residential uses and the relocated farmstead. This approach has been used in other similarly complicated allocation sites in the emerging Local Plan and would provide the required certainty and clarity in respect of this site-specific matter.

Alternatively, the Borough Council (CBC) could modify Policy C1 to support the development of a replacement farmstead within the countryside. That would, however, be dealing with a site-specific matter through a plan-wide development management policy and, therefore, the further modification of the allocation site boundary is the preferred and recommended approach.

These changes are required to ensure that the Local Plan and its constituent policies are positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

CBC should extend the allocation boundary for HA48 further to include the location of the relocated farmstead, and introduce a "Local Plan diagram" to accompany the policy that highlights the location of the access, school and expansion site, residential uses and the relocated farmstead.

Alternatively (although it is not the recommended approach), CBC could modify Policy C1 to state that the development of isolated homes in the Countryside will be supported where *"the development of a replacement farmstead within the countryside, but immediately adjacent to the Limits to Development, is required to facilitate residential development as allocated by Policy DS3. Development of this kind must give due regard to its landscape and visual impacts in accordance with Policy EV1 and other policies within the plan."*

These changes will ensure that the Local Plan and its constituent policies are positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature: Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM96 and
MM97

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Proposed modifications MM96 and MM97 make reference to the area transport strategies that are now referred to in Policy INF2.

As set out in Bloor Homes' response in relation to Main Modifications MM157 and MM158, it has fundamental concerns in respect of the proposed approach in Policy INF2 and the County Council's Transport Contributions Strategy to seeking financial contributions via Section 106 obligations towards the area transport strategies. The approach in practice does not comply with statute or national policy, the supporting evidence base is inadequate, the identified mitigation is unjustified and the proposed means of implementation is ineffective. The Local Plan is, therefore, unsound in this respect and further modifications are required as set out in the response to MM157 and MM158 to make a clear commitment to the preparation of a DPD that properly addresses the matters set out above on the basis of a robust and tested evidence base and ensures the implementation of the spatial strategy with appropriate mitigation for the transport networks in the Borough as set out in the IDP.

Until the Transport Strategies are robustly evidenced, their impact on viability is fully accounted for, and they are introduced as a CIL requirement / adopted policy in a DPD, the Local Plan should seek contributions towards highways improvements that are directly related to a proposed development, and of an appropriate scope to mitigate the impacts of the proposed development; in accordance with CIL Regulation 122. Suggested wording in that regard is set out in BHL's comments relating to MM157 and MM158.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or

soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Until the Transport Strategies are robustly evidenced, their impact on viability is fully accounted for, and they are introduced as a CIL requirement / adopted through a DPD, the Local Plan should seek contributions towards highways improvements that are directly related to a proposed development, and of an appropriate scope to mitigate the impacts of the proposed development; in accordance with CIL Regulation 122. Suggested wording in that regard is set out in BHL's comments relating to MM157 and MM158.

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024
EXAM 58K: Housing Trajectory Update Notes July 2024
EXAM 58L: Update to Five Year Supply on Adoption May 2024
EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature: M. Rose

Date:

03/09/2024

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM128
and
MM129

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

It appears that the intention of main modification MM128 is to reflect the updated guidance in relation to Sequential Testing.

However, the topic of Sequential Testing has been subject to significant debate through recent appeal decisions and High Court judgements and, consequently, it is understood that the Government will provide further guidance in the near future. Therefore, taking such a prescriptive approach through the policy could potentially mean that it is very quickly outdated when the Government publishes further guidance. It would, therefore, be more appropriate to simply cross-refer to the latest National Planning Practice Guidance (NPPG).

Notwithstanding that, it is noted that the proposed modification does not accurately reflect the updated NPPG in that it seeks Sequential Testing for all sites that are subject to any extent of flood risk at the application stage. The NPPG, however, confirms (para 027 ref 7-027-20220825) that it is not necessary to apply the Sequential Test if the site is allocated and the matter has been dealt with through the Local Plan process (as it has in this case) or if the site is in an area of low risk from all sources. The Local Plan policies and explanatory text should recognise that.

Further modification is required to ensure that the Local Plan is clearly written and unambiguous (as required by NPPF paragraph 16d), and therefore effective and consistent with National Policy (as per NPPF 35c and d).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed prescriptive approach in relation to Sequential Testing could potentially mean that the policy is very quickly outdated when the Government publishes further guidance. It would, therefore, be more appropriate to more simply cross refer to the latest NPPF and NPPG.

Moreover, the Local Plan should be clear that the allocated sites and sites that are in areas of low risk of flooding do not need to be subject of the sequential test at the application stage.

That will ensure that the Local Plan is clearly written and unambiguous (as required by NPPF paragraph 16d), and therefore effective and consistent with National Policy (as per NPPF 35c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

8. Signature:

Date:

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Until the Transport Strategies are robustly evidenced, their impact on viability is fully accounted for, and they are introduced as a CIL requirement / adopted through a DPD, the Local Plan should seek contributions towards highways improvements that are directly related to a proposed development, and of an appropriate scope to mitigate the impacts of the proposed development; in accordance with CIL Regulation 122. Suggested wording in that regard is set out in BHL's comments relating to MM157 and MM158.

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

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EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature: M. Rose

Date:

03/09/2024

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM157 and
MM158

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

MM157 and MM158 seek to introduce significant modifications to Policy INF2 (The Local and Strategic Road Network), principally in light of LCC's emerging 'Transport Contributions Strategy' (TCS) for Charnwood Borough. However, Bloor Homes Limited (BHL) has fundamental concerns in respect of the Policy INF2 as proposed to be modified, its relationship to the TCS, and the consequent impact that it is already having on the realisation of the Local Plan's spatial strategy. The policy and explanatory text require further modification to ensure that the Local Plan is justified, effective and consistent with National Policy and, therefore, sound (NPPF para 35).

The NPPF states (para 34) that Local Plans should set out the contributions expected from development, including transport, and that such policies should not undermine the deliverability of the plan. The National Planning Practice Guidance (NPPG) in relation to Planning Obligations provides further guidance in relation to both establishing policy requirements and the consideration of planning applications (Paragraph: 004 Reference ID: 23b-004-20190901).

"It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in Regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact

of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development."

The NPPG recognises that planning obligations can be pooled to fund specific infrastructure subject to meeting the CIL Regulation 122 tests (Paragraph: 006 Reference ID: 23b-006-20190901) and LCC have repeatedly referred to the approach in Melton Borough as a precedent. However, the circumstances there are very different to what is now proposed in the TCS, as it relates to specific development schemes contributing to a specific mitigation scheme that collectively addresses the direct impact of the development on the transport infrastructure.

In this case, however, the approach being taken by the Borough Council (CBC) and Leicestershire County Council (LCC) is seeking to impose a CIL via Section 106 Obligations, without complying with the statutory and national policy checks and measures of either.

LCC have very recently undertaken a consultation in relation to the TCS which sets out the proposed approach, to which BHL have responded (appended to these comments) highlighting the fundamental concerns in terms of compliance with statute and national policy, the adequacy of the supporting evidence base (both highways and viability assessments), the justification for the proposed mitigation, and the effectiveness of the proposed means of implementation.

Clearly, both statute and national policy requires that these matters are properly addressed through a policy in a Local Plan or other Development Plan Document (DPD) that is subject to consultation and examination. Nonetheless, CBC have confirmed that the TCS is intended to inform the preparation of its Developers Contribution SPD in 2025 following the adoption of the Local Plan at the end of this year. However, that is ignoring that the TCS is not part of the Local Plan and that an SPD cannot introduce new policies or add to the financial burden of development schemes (as set out in the NPPG above and tested through the High Court, for example *William Davis v CBC* in relation to its Housing Mix SPD in 2017).

Indeed, the Inspectors have already stated (EXAM 80) that: *"In the absence of a Community Infrastructure Levy (CIL), the mechanism for securing developer contributions to transport infrastructure needs to be clear and secure. We would ask the Council to provide clarification on and justification for its preferred approach. However, it is our view that the most secure way to achieve the desired outcome would be through a DPD."*

Furthermore, where contributions are to be secured via Section 106 planning obligations, as CBC and LCC are seeking to do, they must meet the CIL Regulation 122 tests. However, CBC and LCC are relying on the TCS and the lack of clarity in Policy INF2 to seek a blanket "roof tax" financial contribution from proposed developments towards the area transport strategies, regardless of the specific nature of the site or development, the evidence of the impact of the proposed development on the transport networks, or the relationship with and effectiveness of the proposed mitigation. This is significantly delaying the grant of permissions for the delivery of the allocation sites in the Local Plan.

Therefore, the Local Plan as proposed to be modified is unjustified, ineffective and fails to comply with national policy.

In order to make the Local Plan sound (in the continued absence of a CIL), Policy INF2 must be modified to make a clear commitment to the preparation of

a DPD that properly addresses the matters set out above on the basis of a robust and tested evidence base and ensures the implementation of the spatial strategy with appropriate mitigation for the transport networks in the Borough.

Moreover, to ensure that there is absolute clarity for decision makers that any Section 106 obligations, (including those towards the TCS) must be demonstrably necessary to make the specific proposed development acceptable in planning terms and directly, fairly and reasonably related in scale and kind, then Policy INF2 should be revised to refer to the requirements of CIL Regulation 122.

LCC should then respond positively to individual applications to assess their potential impacts on transport matters and identify, where necessary, specific (CIL Regulation 122 compliant) mitigation packages that allow the required development to advance. That will allow CBC to positively determine applications that would facilitate the delivery of development when and where needed in accordance with its new Local Plan.

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In light of the above comments, Policy INF2 and its supporting text should be modified to add a commitment to the preparation of a DPD that properly addresses this matter in accordance with statute, national policy and case law.

In the meantime, Policy INF2 should be modified to ensure that financial contributions sought towards the TCS are evidenced to be necessary and directly, fairly and reasonably related in scale and kind:

*"Where a transport assessment **evidences** that a proposed development will have a **direct and severe** impact on cumulative traffic conditions across the Borough, a proportionate contribution will be required to the reasonable costs of measures required to **directly** mitigate such impacts in accordance with Policy INF1 either through a financial contribution or scheme delivery."*

*"Specific requests for developer contributions **secured via a Section 106 obligation** to fund the delivery of the Transport Strategies will be informed by appropriate evidence and by the policy framework in the Local Plan, **and must be compliant with CIL Regulation 122.**"*

Further amendments will then be required to the remainder of the plan, notably to the Infrastructure Schedule as contained in Appendix 3.

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024
EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

8. Signature: Date:

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

MM188 and MM191

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

As set out in Bloor Homes' response in relation to Main Modifications MM157 and MM158, it has fundamental concerns in respect of the proposed approach in Policy INF2 and the County Council's Transport Contributions Strategy to seeking financial contributions via Section 106 obligations towards the area transport strategies. The approach in practice does not comply with statute or national policy, the supporting evidence base is inadequate, the identified mitigation is unjustified and the proposed means of implementation is ineffective. The Local Plan is, therefore, unsound in this respect and further modifications are required as set out in the response to MM157 and MM158 to make a clear commitment to the preparation of a DPD that properly addresses the matters set out above on the basis of a robust and tested evidence base and ensures the implementation of the spatial strategy with appropriate mitigation for the transport networks in the Borough as set out in the IDP.

Until the Transport Strategies are robustly evidenced, their impact on viability is fully accounted for, and they are introduced as a CIL requirement / adopted policy in a DPD, the Local Plan should seek contributions towards highways improvements that are directly related to a proposed development, and of an appropriate scope to mitigate the impacts of the proposed development; in accordance with CIL Regulation 122. Suggested wording in that regard is set out in BHL's comments relating to MM157 and MM158.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be

helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed contribution requirements of the TCS should be removed from the Infrastructure Schedule until such a point as they have been fully evidenced, their impact on viability has been considered, and they have been formally adopted either as a CIL requirement or as part of a new DPD.

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024
EXAM 58K: Housing Trajectory Update Notes July 2024
EXAM 58L: Update to Five Year Supply on Adoption May 2024
EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

8. Signature:

M. Rose

Date:

03/09/2024

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which modification to the Local Plan or to the Local Plan diagrams does this representation relate?

Modification Reference

DM2f

4. Do you consider the modification is (please tick as appropriate):

4.(1) Legally compliant

Yes

No

4.(2) Sound

Yes

No

5. Please give details of why you consider the modification is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the modification, please also use this box to set out your comments.

Bloor Homes (BHL) supports the proposed amendment to Policy HA48 that reflects that the proposed primary school, as well as additional land reserved for its potential future expansion, will be delivered within site HA48 (Land off Willow Road, Barrow upon Soar). However, there remains a lack of clarity and certainty in the Local Plan that the existing farmstead can be relocated to the north of the modified allocation site.

Therefore, as set out in the objection to MM61, Policy DS3(HA48) and its allocation boundary as shown on the Policies Map must be extended to include the location of the relocated farmstead that is required to facilitate the delivery of the much-needed residential development and a key piece of community infrastructure within a high-quality development. To provide certainty as to the intended distribution of uses, the policy should then include a "Local Plan Diagram" for the site to highlight the location of the access, school and expansion site, residential uses and the relocated farmstead. This approach has been used in other similarly complicated allocation sites in the emerging Local Plan and would provide the required certainty and clarity in respect of this site-specific matter.

Alternatively, the Borough Council (CBC) could modify Policy C1 to support the development of a replacement farmstead within the countryside. That would, however, be dealing with a site-specific matter through a plan-wide development management policy and, therefore, the further modification of the allocation site boundary is the preferred and recommended approach.

These changes are required to ensure that the Local Plan and its constituent policies are positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

6. Please set out the change(s) to the modification you consider necessary to make it legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. You will need to say why each change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

CBC should extend the allocation boundary for HA48 further to include the location of the relocated farmstead, and introduce a "Local Plan diagram" to accompany the policy that highlights the location of the access, school and expansion site, residential uses and the relocated farmstead.

Alternatively (although it is not the recommended approach), CBC could modify Policy C1 to state that the development of isolated homes in the Countryside will be supported where *"the development of a replacement farmstead within the countryside, but immediately adjacent to the Limits to Development, is required to facilitate residential development as allocated by Policy DS3. Development of this kind must give due regard to its landscape and visual impacts in accordance with Policy EV1 and other policies within the plan."*

These changes will ensure that the Local Plan and its constituent policies are positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

(Continue on a separate sheet /expand box if necessary)

7. Please set out any comments that you have on the updated housing land supply documents:

EXAM 58J: Housing Trajectory Update 2024

EXAM 58K: Housing Trajectory Update Notes July 2024

EXAM 58L: Update to Five Year Supply on Adoption May 2024

EXAM 58M: Updated Housing Land Supply Site List April 2024

BHL has no comments in relation to Examination Documents 58J, 58K, 58L and 58M.

(Continue on a separate sheet /expand box if necessary)

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

8. Signature:

Date:

**APPENDIX 1 – REPRESENTATIONS
BY BLOOR HOMES TO
LEICESTERSHIRE COUNTY
COUNCIL’S CONSULTATION IN
RELATION TO THE TRANSPORT
CONTRIBUTIONS STRATEGY**

Growth, Highways and Transport
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA
tsap@leics.gov.uk

23rd August 2024

DE_437_LCC_2024 08 23_MR

Dear Sir/Madam

DRAFT TRANSPORT CONTRIBUTIONS STRATEGY FOR DEVELOPMENTS IN CHARNWOOD

I write on behalf of Bloor Homes Ltd (BHL) to provide their comments in response to the consultation that Leicestershire County Council (LCC) are undertaking in respect of the Draft Charnwood Transport Contributions Strategy (CTCS). The comments relate specifically to its proposed approach to securing developer contributions towards the delivery of strategic transport improvements that are purportedly required to mitigate the impact of the growth planned by Charnwood Borough Council (CBC) in its new Local Plan.

The CTCS is based solely on the high-level evidence that was prepared to inform the preparation of the Local Plan. The assessments undertaken examined the potential impact of the emerging spatial strategy and the planned growth in the Borough on the transport networks and sought to identify a mitigation strategy. The CTCS sets out three Transport Strategies for the Soar Valley, Loughborough and Shepshed and North of Leicester areas that include highway, public transport and active travel infrastructure mitigation schemes. It is suggested in the CTCS that the only "*practicable and proportionate*" way of addressing the cumulative impact of the planned growth across the Borough is to pool financial contributions from development proposals to the delivery of the mitigation schemes. Consequently, a maximum financial contribution per dwelling is established for each of the three areas. In two of the three areas that figure is reduced to take account of the viability assessment work that accompanies the consultation.

As set out in detail below, BHL have fundamental concerns with LCC's proposed approach to set out in the CTCS in terms of its compliance with statute and national policy, the adequacy of the supporting evidence base (highways assessment and viability assessment) and the proposed means of implementation. This letter is accompanied by a letter from Highgate Land and Development that specifically considers the viability assessment work that has been undertaken by Aspinall Verdi to support the CTCS.

Planning Obligations Regulations and the NPPF

Planning obligations can assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Section 106(1)(d) of the Town and Country Planning Act 1990 permits a Section 106 obligation to require "*... a sum or sums to be paid to the authority ... on a specified date or dates periodically*". However, the NPPF states (para 57) that, as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The NPPF later states (para 34) that Local Plans should sets out the contributions expected from development, including transport, and that such policies should not undermine the deliverability of the plan.

The National Planning Practice Guidance (NPPG) in relation to Planning Obligations provides further guidance in relation to both establishing policy requirements and the consideration of planning applications. It states (Paragraph: 004 Reference ID: 23b-004-20190901):

“It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory tests set out in Regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development.”

Clearly then, both statute and national policy requires that these matters are only addressed through a policy in a Local Plan or other Development Plan Document (DPD) that is subject to examination. Furthermore, where contributions are to be secured via planning obligations, as LCC are seeking to do, they must meet the CIL Regulation 122 tests as set out above. That is simply not possible if, as proposed in the CTCS, multiple developments are required to provide funding, effectively via a standardised “roof tax”, for a wide range of potential mitigation schemes in area based Transport Strategies that are not necessarily related to the specific development from which the contributions are sought. In these circumstances a Community Infrastructure Levy should be adopted.

The NPPG recognises that planning obligations can be pooled to fund specific infrastructure subject to meeting the CIL Regulation 122 tests (Paragraph: 006 Reference ID: 23b-006-20190901) and LCC have repeatedly referred to the approach in Melton Borough as a precedent. However, the circumstances there are very different to what is now proposed in the CTCS, as it relates to specific developments contributing to specific mitigation schemes that collectively address the impacts of that development on the transport infrastructure.

These concerns were repeatedly highlighted on behalf of BHL throughout the Charnwood Local Plan examination process.

CIL Regulation 122

Whether contribution requests in relation to specific planning applications meet the CIL Regulation 122 tests is an evaluative judgement for CBC, but there is a clear evidential burden on LCC to justify its requests in that context. The PINS Planning Obligations: Good Practice Guidance (2023) is helpful in highlighting what would be expected from LCC to enable a decision maker assess whether any financial contribution provided through a planning obligation meets the tests:

- the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance;

- quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development;
- details of existing facilities or infrastructure, and up-to-date, quantified evidence of the extent to which they are able or unable to meet those additional demands;
- the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands; and
- details of the facilities or infrastructure on which any financial contribution will be spent.

The CTCS fails to provide this critical information and it cannot, therefore, be relied upon to justify financial contributions towards the Transport Strategies via a Section 106 Agreement.

Policy Position

The CTCS includes a policy (Figure 3) that seeks to inform the determination of planning applications. LCC intend to “adopt” the CTCS in September, indicating that very little consideration will actually be given to the responses received to this “consultation”, and there will have been no independent examination. Consequently, its status will at best be questionable.

The CTCS would not in itself even constitute a Supplementary Planning Document (SPD), let alone a DPD, which is required to introduce a policy that addresses this matter as per statute and the NPPF as set out above. Indeed, LCC as the Highways Authority do not even have the powers to introduce such a DPD policy.

The CTCS makes reference to Policy INF2 in the new Local Plan, but that does not support LCC’s proposed approach. Policy INF2 (as proposed to be modified) states that development will be supported where there is a robust travel plan and a transport assessment of the impact of the development that demonstrates that such impacts can be proportionately and appropriately mitigated. It continues to state that specific requests for developer contributions to fund the delivery of the Transport Strategies will be informed by “appropriate evidence”, later referring to the identification of impacts in specific Transport Assessments. That policy approach potentially accords with CIL Regulation 122 (depending on the circumstances). LCC’s proposed standard “roof tax”, for the reasons set out below, does not. Notably, the CTCS does not countenance circumstances where the individual TAs do not justify the contributions sought.

It is understood that the CTCS will inform the preparation of CBC’s Developers Contribution SPD in 2025 following the adoption of the Local Plan at the end of this year. However, the CTCS is not part of the Local Plan and CBC are ignoring that an SPD cannot introduce new policies or add to the financial burden of development schemes (as set out in the NPPG and was tested through the High Court, for example *William Davis v CBC* in relation to its Housing Mix SPD in 2017).

Indeed, whilst the Local Plan Inspectors have not yet reported on the soundness of the Local Plan in respect of these matters, they did, write to CBC (EXAM 80) stating that: *“In the absence of a Community Infrastructure Levy (CIL), the mechanism for securing developer contributions to transport infrastructure needs to be clear and secure. We would ask the Council to provide clarification on and justification for its preferred approach. However, it is our view that the most secure way to achieve the desired outcome would be through a DPD.”*

The proposed approach in the CTCS is contrary to both statute and the NPPF (para 34) and NPPG, which have clearly not been taken into account by LCC as expressions of the Government’s policy and, therefore important material considerations.

Evidence Base

Impact on Highways

In this respect the NPPF states (para 115) that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

LCC are of the view, that without the mitigation identified in the CTCS, a severe cumulative impact would arise after the growth proposed within the Local Plan is added to the highway network. This view is informed by the strategic modelling undertaken to inform the preparation of CBC’s Local Plan. However, the use of strategic modelling is not appropriate for this purpose at the application stage because the conclusions about the actual impacts is likely to differ when individual sites are subject to more detailed assessments in TAs (as Policy INF2 requires) that also consider the local road network (which the CTCS explicitly does not) and appropriate mitigation strategies are identified.

Critically, there is no assessment of the impact of individual schemes and whether the impacts arising from those would be “severe” in the CTCS. LCC is, therefore, ignoring the statutory and NPPF policy requirement to directly relate the proposed scheme to specific junctions where it is suggested that there would be a severe impact as a result of that development and for the contribution to be fairly and reasonably related in scale. LCC are apparently trying to address that through the geographical area approach, but the current blanket per dwelling financial contribution approach masks the differential impact of different schemes on the junctions in that area.

Moreover, LCC’s evidence base does not identify the baseline position for the assessments undertaken or distinguish between the current issues experienced on the transport networks and the impacts that might result as a result of the planned growth. Critically, the CIL tests do not require the new development to resolve the existing problems on the transport networks.

It is also necessary to accurately define all of the development that would be contributing to the “severe” impact. That should include employment and commercial developments as well as housing and also cross boundary traffic. Whilst two employment schemes have now been added it is not clear from the evidence that all of the relevant schemes have been included in the assessment or how other developments will be taken into account in the future.

Notwithstanding the above matters, it is also not clear from the available evidence that the cumulative development in the Local Plan will actually result in a “severe impact”. The traffic modelling undertaken to underpin the strategy was necessarily high level based on simple metrics that are not sufficiently detailed to be acceptable for a Transport Assessment, such as an increase in delay. It identified junctions whose performance would deteriorate, but that is inevitable given extra traffic is being added to the roads, and does not necessarily constitute a severe impact in NPPF terms. Furthermore, the modelling did not take account of the mitigation that would be delivered by developments as they come forward, including those draft allocation sites that already benefit from a permission, which could result in double counting.

Viability

The consultation includes an assessment of viability matters undertaken by Aspinall Verdi on behalf of LCC. However, the attached review of that assessment undertaken by Highgate Land and Development highlights significant concerns in relation to assumptions used in respect of values and key costs, the site/scheme typologies assessed and the conclusions drawn in respect of the level of contributions that could be made in the three areas without undermining the viability of schemes in

those areas (the “headroom”). Consequently, Highgate Land and Development identify much lower “headroom” figures for each of the three areas.

Mitigation Strategy & Measures

SRN and MRN

Ten specific highway improvement schemes on the MRN and SRN are identified in the CTCS with concept scheme drawings and indicative costs. These are clearly indicative schemes with very limited detail and there has been no scrutiny to date of what is proposed, how it will mitigate the impact of new development rather than address existing issues, the costs (that the CTCS indicates will increase) or potential funding sources. Clearly the evidence presented to date is not sufficient to warrant a financial contribution secured via a Section 106 obligation.

For example, the proposed improvement to Junction 23 on the M1 is estimated to cost £15.1 million for what appears (see Appendix F) to be relatively minor widening but, more significantly, the addition of a new cycle bridge. There has been no scrutiny of whether this scheme is deliverable and will effectively mitigate the impacts of the proposed growth in Loughborough and Shepshed area, much of which is proposed to be located some distance away and arguably completely unrelated, as opposed to addressing an existing issue.

Passenger Transport

Reference is made in the CTCS to “*targeted passenger transport enhancements for each area*” but it is apparent that there is not even a strategy in place, let alone specific measures identified. Instead, an assumption is made that future enhancement in passenger transport provision will be based on a digital Demand Response Model and an indicative cost of £10 million is placed against that and divided proportionately across the three areas. However, that approach seeks to reverse the decisions it made as a result of funding cuts that led to a decline in service and, therefore, it is unreasonable to require new developments to overcome this existing deficiency. Moreover, the proposed approach is unlikely to be effective in mitigating the impact of the proposed growth in any case. Clearly the evidence presented to date is not sufficient to warrant a financial contribution secured via a Section 106 obligation.

LCWIP

The costs of the LCWIP requirements are disproportionately high, largely because the strategies seek to now provide extensive cycle facilities in existing settlements in accordance with LTN1/20. Notably, the North Leicester LCWIP alone accounts for 53% of the overall CTCS mitigation package and seeks to resolve existing issues to the benefits of all residents in the area, and as such it is unreasonable to expect the costs to be met by new developments alone.

There is no LCWIP for the Soar Valley strategy area. Instead, the CTCS refers to the identification of a number of “*potential conceptual schemes*” that are not illustrated. The CTCS caveats its position in this respect, which very much brings into question whether they are actually required, appropriate and effective in terms of mitigating the cumulative impact of the proposed development over and above the mitigation that is already being provided as part of individual scheme proposals. Clearly the evidence presented to date is not sufficient to warrant a financial contribution secured via a Section 106 obligation.

Mitigation Scheme Costs & Funding

As highlighted, the TCS mitigation schemes are all conceptual at best and entirely undefined at worst. They have not been subject to the assessment and design rigour that would be required in a TA process, and consequently, they are very likely to be subject to significant change. Clearly then the cost estimates provided cannot be considered to be robust.

Moreover, the Local Plan and CTCS recognise that funding for the mitigation schemes will come from a variety of sources, including bids to Government, road funding and developer contributions. That was an area of significant discussion at the Local Plan examination hearings given the identified funding gap and impact on scheme viability. There is no indication as to how other known or potential funding sources will be taken into account in calculating financial contribution requests for specific applications.

It is also unclear what will happen if the significant (54% of the total cost) funding gap is not filled. The CTCS seems to indicate that certain mitigation schemes will be prioritised without any indication how that will be done or how the spending will be controlled. That approach, however, also further breaks the direct link between the proposed developments and proposed mitigation contrary to CIL Regulation 122.

Finally, whilst the CTCS refers to periodic future reviews of the strategy, no detail is given as to when and how they will be undertaken.

Conclusion

No robust evidence has been provided to demonstrate that the required financial contributions in the CTCS will be necessary to make individual proposed developments acceptable, that the mitigation schemes will be directly related to the individual development and are also fair and reasonable in scale and kind.

The only conclusion that can be drawn is that LCC's proposed approach to securing financial contributions as set out in the CTCS is not CIL Regulation 122 or NPPF compliant.

Put simply the proposed approach as set out in the CTCS is an attempt by LCC to impose a CIL levy via Section 106 Obligations. Why CBC and LCC have not sought to implement CIL has never been addressed, but it is clear that at this time it is the only way of securing the funding LCC seeks for its proposed mitigation package.

In the meantime, LCC should promptly and positively respond to individual planning applications to assess their potential impacts on transport matters and identify, where necessary, specific (CIL Regulation 122 compliant) mitigation packages that allow the development to come forward in a timely manner. That will then allow CBC to positively determine applications that will facilitate the delivery of the much needed development when and where it needed to address the national and local housing crisis in accordance with its new Local Plan.

I trust that the comments are clear and will be appropriately addressed, but if you have any queries in relation to the matters raised, then I would be very happy to discuss them further.

Yours faithfully,

Mark Rose
Director

Enc.



**Charnwood
Local Plan
2021-2037**

Policies Map
Consultation Form

For responding to:

- **Policies Maps Changes**
(EXAM 84)

Ref:

**(For official
use only)**

Please return to Charnwood Borough Council by 5PM on 4th September 2024 by:

- **Email:** localplans@charnwood.gov.uk
- **Post:** Local Plans, Charnwood Borough Council Southfield Road, Loughborough, LE11 2TX

The Privacy Statement can be found at: www.charnwood.gov.uk/privacy

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text" value="Sally"/>	<input type="text" value="Mark"/>
Last Name	<input type="text" value="Smith"/>	<input type="text" value="Rose"/>
Job Title (where relevant)	<input type="text" value="Planning Director"/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Bloor Homes East Midlands"/>	<input type="text" value="Define Planning and Design"/>
Address Line 1	<input type="text" value="Bloor Homes East Midlands"/>	<input type="text" value="Define Planning and Design"/>
Line 2	<input type="text" value="1 Wheatfield Way"/>	<input type="text" value="Unit 6, 133-137 Newhall Street"/>
Line 3	<input type="text" value="Hinckley"/>	<input type="text" value="Birmingham"/>
Line 4	<input type="text" value="Leicestershire"/>	<input type="text" value="West Midlands"/>
Post Code	<input type="text" value="LE10 1YG"/>	<input type="text" value="B3 1SF"/>
Telephone Number	<input type="text" value="c/o Agent"/>	<input type="text" value="0121 237 1901"/>

E-mail Address

c/o Agent

mark@wearedefine.com

(where relevant)

Part B – Please use a separate sheet for each comment

Name or Organisation:

3. Please set out any comments that you have on EXAM 84: Schedule of Proposed Changes to Policies Maps 1 and 2.

Modification PC8 seeks to modify the allocation boundary for site HA48 (Willow Road, Barrow upon Soar).

However, as set out in Bloor Homes' response to MM61, there remains a lack of clarity and certainty in the Local Plan that the existing farmstead can be relocated to the north of the modified allocation site despite it having been thoroughly considered through the evidence base supporting the Local Plan.

This is not a new isolated home, but the relocation of an existing farmstead to a location adjacent to the proposed residential development within the allocation site. It is required in order to enable the construction of the access roundabout on Cotes Road, the provision of the proposed primary school, the creation of an appropriate new "gateway" into the village and to facilitate the wider residential development. It is, therefore, an essential part of the enabling development for the delivery of the scheme as a whole.

Therefore, CBC should further extend the allocation boundary for HA48 as shown on the Policies Map to include the location of the relocated farmstead. To provide certainty as to the intended distribution of uses, the policy should then include a "Local Plan Diagram" for the site to highlight the location of the access, school and expansion site, residential uses and the relocated farmstead. This approach has been used in other similarly complicated allocation sites in the emerging Local Plan and would provide the required certainty in respect of this site-specific matter.

These changes to the policy and supporting text, and the allocation boundary, are required to provide clarity to the decision maker (as required by NPPF paragraph 16d), and ensure that the Local Plan and its constituent policies meet the test of soundness in terms of being positively prepared, effective in facilitating the timely delivery of much-needed residential development and a key piece of community infrastructure and consistent with National Policy (as per NPPF 35a, c and d).

Continue on a separate sheet /expand box if necessary)

Please note In your comments you should provide succinctly all the evidence and supporting information necessary to support your comments and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

4. Signature:

M. Rose

Date:

03/09/2024