

From: Sophie Truth <sophie.truth@pegasusgroup.co.uk>
Sent: 04 September 2024 09:16
To: localplans@charnwood.gov.uk
Cc: Helen Prangley
Subject: P21-2302 Anstey - Charnwood Main Mods Reps
Attachments: R001v2 Anstey - Charnwood Main Mods Reps 03092024 FINAL.pdf

Dear Sir/Madam

Please see attached representations to the consultation on Main Modifications to the Charnwood Local Plan 2021- 2037 – prepared by Pegasus Group on behalf of Davidsons Developments Limited, in relation to land interests west of Anstey (HA43).

Kind regards

Sophie

Sophie Truth
Associate Planner
My working days are Tuesday, Wednesday and Friday

E sophie.truth@pegasusgroup.co.uk
M 07551 171729 | **DD** 01509 279836 | **T** 01509 670806 | **EXT** 5009
4 The Courtyard | Lockington | Derby | DE74 2SL



Expertly Done. [LinkedIn](#) | [Instagram](#) | [Our Charity](#) | [Our Website](#)

[DESIGN](#) | [ECONOMICS](#) | [ENVIRONMENT](#) | [HERITAGE](#) | [LAND & PROPERTY](#) | [PLANNING](#) | [TRANSPORT & INFRASTRUCTURE](#)

Offices throughout the UK and Ireland. We are ISO certified 9001, 14001, 45001. Pegasus Group is the trading name of Pegasus Planning Group Ltd [07277000] registered in England and Wales. Registered Office: 33 Sheep Street, Cirencester, GL7 1RQ. This email and any associated files, is intended for the exclusive use of the addressee only. If you are not the intended recipient you should not use the contents nor disclose them to any other person. If you have received this message in error please notify us immediately. We have updated our Privacy Statement in line with GDPR; please [click here](#) to view it.

Please exercise extreme caution with attachments and website links or instructions to undertake financial transactions.



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*

2. Agent's Details (if applicable)

**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.*

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text" value="Sophie"/>
Last Name	<input type="text"/>	<input type="text" value="Trough"/>
Job Title (where relevant)	<input type="text"/>	<input type="text" value="Associate Planner"/>
Organisation (where relevant)	<input type="text" value="Davidsons
Developments
Limited"/>	<input type="text" value="Pegasus Group"/>
Address Line 1	<input type="text" value="c/o Agent"/>	<input type="text" value="4 The Courtyard"/>
Line 2	<input type="text"/>	<input type="text" value="Church Street"/>
Line 3	<input type="text"/>	<input type="text" value="Lockington"/>
Line 4	<input type="text"/>	<input type="text" value="Derbyshire"/>
Post Code	<input type="text"/>	<input type="text" value="DE74 2SL"/>
Telephone Number	<input type="text"/>	<input type="text" value="01509 670 806"/>

E-mail Address

Sophie.truth@pegasusgroup.co.uk

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation: Pegasus Group on behalf of Davidsons Developments Limited

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

Modification Reference

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

4.(1) Legally compliant	Ye s	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Ye s	<input type="text"/>	No	<input type="text"/>

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.

Please see enclosed document dated 3rd September 2024.

(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.

Please see enclosed document dated 3rd September 2024.

(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

Please see enclosed document dated 3rd September 2024.

(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: 03/09/2024

Representations on Main Modifications to the Charnwood Local Plan 2021–2037.

Land north and south of Groby Road, West of Anstey (Site:
HA43).

On behalf of Davidsons Developments Limited.

Date: 3rd September 2024 | Pegasus Ref: P21 3202

LPA Ref: HA43

Author: Sophie Truth



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
1	30/08/2024	ST		Client comments
2	03/09/2024	ST		



Contents.

1. Introduction.....	1
2. Schedule of Proposed Main Modifications.....	2
MM22 – Defining Limits to Development.....	2
MM28 – Site Specific Policy Diagrams.....	2
MM29 – Policy DS3 Table.....	2
DM1 and DM20 – Diagram HA43 Land West of Anstey.....	3
MM56 – DS3 (HA43).....	3
MM102 – Strategy for Countryside.....	3
MM152 – Infrastructure Prioritisation.....	4
MM155 and MM156 Viability.....	4
MM157 & MM158 – Policy INF2.....	4
3. Updated Housing Land Supply Position.....	6

Appendices.

Appendix 1 – Representations to LCC Charnwood Transport Contributions Strategy (August 2024).....	7
---	---



1. Introduction

- 1.1. Charnwood Borough Council is consulting on the Main Modifications to the Charnwood Local Plan. Following Examination hearing sessions held in June 2022, October 2022, February 2023 and February 2024 for the Examination of the Charnwood Local Plan, the Local Plan Inspectors have recommended Main Modifications in order to make the Plan 'sound'. Charnwood are now consulting on the Schedule of Proposed Main Modifications, the Updated Housing Land Supply Position and the Schedule of Proposed Changes to Policies Maps 1 and 2.
- 1.2. Davidsons has engaged fully in the preparation of the Local Plan, making submissions to Call for Sites, Regulation 18 and 19 consultations, as well as being part of the various Examination hearing sessions.
- 1.3. Pegasus Group act on behalf of Davidsons Developments Limited in relation to their land interests at West of Anstey (Policy DS3, Site HA43). Davidsons has various land interests in Charnwood, including land west of Anstey (HA43), which is a draft allocation in the emerging Charnwood Local Plan, that is allocated for 714 dwellings under Policy DS3. Davidsons, together with William Davis, are bringing forward the proposed allocation west of Anstey (Site HA43).
- 1.4. Davidsons has submitted three outline planning applications in relation to land north and south of Groby Road, which form part of the allocation west of Anstey (HA43); comprising 100 dwellings north of Groby Road (application reference number: P/20/2251/2), 120 dwellings south of Groby Road and Peartree Close (application reference number: P/20/2252/2) and 200 dwellings south of Groby Road (application reference number: P/21/2668/2). The three submitted planning applications demonstrate a comprehensive development solution to the south of Anstey, including a new Country Park along the Rothley Brook corridor, in accordance with Policy DS3. Davidsons is continuing to work with William Davis (who control the remainder of Site HA43) to bring forward the proposed allocation in a comprehensive manner.
- 1.5. These representations set out our commentary on the Schedule of Proposed Main Modifications, the Updated Housing Land Supply Position and the Schedule of Proposed Changes to Policies Maps 1 and 2. These representations are supported by representations made to the Charnwood Transport Contributions Strategy in August 2024, which Leicestershire County Council recently consulted on, and the accompanying Charnwood Local Plan – Transport Contributions Strategy Viability Report, produced by Aspinall Verdi. The submitted Charnwood Transport Contributions Strategy representations, together with the technical evidence provided by ADC Infrastructure, are enclosed at **Appendix 1**.

2. Schedule of Proposed Main Modifications

- 2.1. The Council is inviting comments on the Schedule of Proposed Main Modifications (Exam 81), the Schedule of Proposed Main Modifications to Local Plan Diagrams (Exam 82), Sustainability Appraisal Report Addendum 2024 (Exam 83A) and Sustainability Appraisal Addendum Appendix (Exam 83B). The following sections set out our commentary on the proposed Main Modifications; setting out the proposed Main Modification reference number, whether the modification to the Local Plan or Local Plan Diagrams is considered to be legally compliant and sound, the reason the proposed modification is supported or not, and any necessary changes required. This follows the format set out at Q3-6 of the enclosed response form.

MM22 – Defining Limits to Development

- 2.2. Main Modification 22 is supported as legally compliant and sound. The proposed amendment to paragraph 2.54 clarifies that Limits to Development follow the boundaries of the housing allocations and can only be refined once detailed planning permission has been secured through full planning permission or reserved matters approvals.
- 2.3. This proposed clarification is supported in order to make the Local Plan sound. It is necessary to clarify that the Limits to Development include the full extent of the allocations and therefore the extent of the Countryside, Areas of Local Separation and Green Wedges will only be capable of being amended once detailed planning permission are in place.

MM28 – Site Specific Policy Diagrams

- 2.4. Main Modification 28 is supported and considered legally compliant and sound. MM28 provides additional clarification that some of the site-specific policies are accompanied by illustrative diagrams to assist with supporting the policies. The amendment sets out that in some cases these diagrams show in darker orange where housing should be located within the allocation boundary. 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 development.
- 2.5. MM28 is supported in order to make the Local Plan sound. It is necessary to clarify that the diagrams supporting Policy DS3 are illustrative. It is also important to clarify that it will only be once development is completed that the designations of Countryside, Areas of Local Separation and Green Wedge are capable of being extended into the allocations.

MM29 – Policy DS3 Table

- 2.6. Main Modification 29 is supported as legally compliant and sound. MM29 amends the table at Policy DS3 which sets out the housing allocations to include “*Approximate Number of Homes*” as the table header. This modification is supported to make the Local Plan sound by providing sufficient flexibility for sites to come forward with an appropriate scale of housing to reflect the detailed technical work and consideration of constraints and opportunities as part of the planning application process for each site.
- 2.7. For Site HA43 – Land west of Anstey, the “Approximate Number of Homes” is amended from 600 to 714 dwellings. Davidsons has submitted three outline planning applications for the

part of Site HA43 within its control. This modification is supported and is informed by the planning applications submitted by Davidsons and William Davis, that together provide for more than 700 dwellings within the site allocation HA43.

DM1 and DM20 – Diagram HA43 Land West of Anstey

- 2.8. DM20 modifies the diagram prepared to illustrate geographically the application of the Local Plan policies and to ensure that the plan is effective. These modifications include the removal of the school notation, and amendments to the Charnwood Forest Regional Park, National Forest, Country Park and Local Wildlife Site have been amended to make the boundaries clearer. The modifications to the illustrative diagram for HA43 Land West of Anstey are supported. This is reflected at Policy DM1 and these modifications are therefore also supported.

MM56 – DS3 (HA43)

- 2.9. Main Modification 56 is supported as legally compliant and sound. Main Modification 56 adds further policy wording setting out what is required as part of the agreed masterplan for the allocation at HA43, to ensure the effectiveness in clarifying the key issues that the masterplan will need to address. The bullet point is therefore modified as follows:

“Before outline permission is granted for the site, or any part of the site, we will require:

a masterplan to be agreed which includes delivery and phasing arrangements for the whole allocation, in order to achieve comprehensive development that is integrated with the delivery of necessary infrastructure across the development as a whole, and so that the timing of the delivery of the new primary school, its location, and transport links to it reduce highway impacts and maximise the potential to use sustainable travel options.”

- 2.10. This modification is supported and reflects the approach Davidsons and William Davis are taking in masterplanning the site.

MM102 – Strategy for Countryside

- 2.11. Main Modification 102 adds two new paragraphs under paragraph 3.226. This new additional text explains that the Limits to Development follow the boundaries of the Housing Allocations and outline planning permissions where there is no detailed planning permission. The new text confirms that where detailed planning permission has been secured, the Limits to Development take account of approved plans and will define the settlement by enclosing the established, cohesive built form. The new text also confirms that Countryside, Green Wedge and Areas of Local Separation designations occupy the undeveloped land immediately beyond the cohesive built form (once defined by detailed planning permission).
- 2.12. The second paragraph added highlights that the Policies Map sets out the Limits to Development, Countryside, Green Wedge and Areas of Local Separation. It explains that the principles outlined in the first new paragraph will be applied to the Housing Allocations as they progress to detailed planning permissions which postdate the preparation of the Policies Map. The new text confirms that in those circumstances where the Policies Map shows an allocation boundary, but the extent of the built form is later established through a detailed planning application, designations which immediately adjoin the allocation boundary

will be considered to extend up to the limits of the built form, and such designations will be used for the purposes of decision making for planning applications in such areas.

- 2.13. This modification is supported as necessary to make the Local Plan sound. It provides clarity that for sites such as HA43, the Countryside and Green Wedge cannot be defined within the allocation boundaries until detailed planning permission has been granted confirming the extent of the built form.

MM152 – Infrastructure Prioritisation

- 2.14. Main Modification 152 is supported as legally compliant and sound. Main Modification 152 amends paragraph 9.5 to include additional new text in relation to the funding of infrastructure. In summary, the text sets out that due to the availability of funding compared with the total cost of infrastructure, it is likely that in most cases it will be necessary to prioritise the allocation of development contributions to different kinds of infrastructure. The new text confirms this exercise will be achieved by the preparation of a Planning Obligations Supplementary Planning Document (SPD) and that in the interim, the council will continue to require contributions on a site-by-site basis according to a scheme's overall viability.
- 2.15. This modification is supported as necessary to make the Local Plan sound. It is important that the need to prioritise developer contributions and consider viability on a site-by-site basis is acknowledged within the Local Plan and further guidance on this through an SPD is welcomed.

MM155 and MM156 Viability

- 2.16. Main Modifications 155 and 156 are supported as legally compliant and sound.
- 2.17. Main Modifications 155 and 156 amend paragraph 9.13 and Policy INF1 to set out that where viability is identified as a barrier to delivery, this will need to be evidenced and scrutinised as part of an open book viability appraisal. The new text explains that this will allow the Council to prioritise infrastructure needs appropriately and in accordance with the CIL Regulations.
- 2.18. These modifications are supported as necessary to make the Local Plan sound. It is important that the need to prioritise developer contributions and consider viability on a site-by-site basis is acknowledged within the Local Plan.

MM157 & MM158 – Policy INF2

- 2.19. Main Modifications 157 and 158 propose modifications to Policy INF2 in terms of both Policy INF2 and the supporting text in relation to the development and delivery of Transport Strategies. Davidsons responded to the Leicestershire County Council (LCC) consultation on the Draft Transport Contributions Strategy for Developments in Charnwood in August 2024, and the response submitted to the consultation is enclosed at **Appendix 1**. These representations provided a technical response by ADC Infrastructure (Appendix 1 of Appendix 1) to the proposed strategy, as well as setting out Davidson's concerns in relation to the mechanism for securing developer contributions.
- 2.20. The comments raised through that consultation set out our concerns that the proposed approach appears to be introducing policy outside the statutory plan making process. It is considered that the LCC consultation and viability testing is not a substitute for a full



Development Plan Document (DPD) process which would provide the opportunity for the issues raised through representations to be heard and considered by an independent Inspector. Furthermore, the Local Plan Inspectors have also been clear that the most appropriate planning document to seek developer contributions would be through a DPD.

3. Updated Housing Land Supply Position

- 3.1. The Council has updated its housing land supply position to reflect the position at the end of March 2024, and is inviting representations on the Housing Trajectory Update 2024 (Exam 58J), the Housing Trajectory Update Notes July 2024 (Exam 58K), An Update to Five Year Supply on Adoption May 2024 (Exam 58L) and Updated Housing Land Supply Site List April 2024 (Exam 58M).
- 3.2. The housing trajectory has been updated with 2023/24 completions, updated information on commitments and the trajectory for each housing allocation with planning permission has been updated. Housing allocations that do not have planning permission have been updated to reflect new information from promoters and/or in relation to the progress of planning applications where appropriate.
- 3.3. In terms of Site HA43 Land West of Anstey, delivery has been delayed by 6 months, with 425 dwellings to be delivered within the first five years of the plan period (2027/28 – 2031/32). The housing trajectory for Site HA43 is realistic. Davidsons has submitted three outline planning applications totalling 420 dwellings in relation to land north and south of Groby Road, which form part of the allocation. Davidsons, together with William Davis, is working with Charnwood Borough Council to bring forward Site HA43 in a comprehensive manner.
- 3.4. The updated Five-Year Supply on Adoption is identified as 5.01 years. This is a very marginal five-year supply and given the potential for delays in delivery from some allocations, it is considered important that the Council continues to be required to demonstrate an annual housing land supply.
- 3.5. The protection from housing land supply challenge for five years from adoption set out in the National Planning Policy Framework is proposed to be removed as part of the current government consultation, and the Charnwood Local Plan is being examined under the September 2023 version of the Framework where this protection was not included.



Appendix 1 – Representations to LCC Charnwood Transport Contributions Strategy (August 2024)

Response to the Draft Transport Contributions Strategy for Developments in Charnwood Borough

On behalf of Davidsons Developments Limited.

Date: 23 August 2024 | Pegasus Ref: P21 3202

Author: Sophie Truth



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
Draft 1	20/08/24	ST		Client comments
Draft 2	21/08/24	ST		



Contents.

1. Introduction.....	1
2. Comments on Charnwood Transport Contributions Strategy (CTCS).....	2
Introduction.....	2
Funding and Delivery	2
Community Infrastructure Levy – Legal Tests	3
Mechanism for Securing Developer Contributions	3
Technical Response to the CTCS	4
Justification for a Contribution Request.....	5
Discussion.....	5
Collective Treatment.....	6
Disproportionate Cost of LCWIP	6
Paying Twice	7

Appendices contents.

Appendix 1: ADC Infrastructure Report.....	9
--	---



1. Introduction

- 1.1. Leicestershire County Council (LCC) is consulting on the Draft Transport Strategy for Developments in Charnwood District (July 2024). LCC, working with Charnwood Borough Council, has developed a new, draft strategy for securing contributions required from developers for key transport schemes that are said to be needed to mitigate the cumulative impacts of development across Charnwood. The consultation documents comprise the Draft Transport Contributions Strategy for Developments in Charnwood (for ease, referred to as the Charnwood Transport Contributions Strategy – “CTCS”), and the Charnwood Local Plan – Transport Contributions Strategy Viability Report produced by Aspinall Verdi.
- 1.2. These representations have been prepared by Pegasus Group on behalf of Davidsons Developments Limited, in response to the Charnwood Transport Contributions Strategy consultation by Leicestershire County Council, in relation to their various land interests across Charnwood.
- 1.3. The Charnwood Local Plan is expected to be adopted before the end of 2024, and Davidsons has engaged fully in the preparation of the Local Plan, making submissions to Call for Sites, Regulation 18 and 19 consultations, as well as being part of the Examination hearing sessions. This included making post examination representations to Charnwood Borough Council in November 2023 when the Borough Council consulted on the Transport Strategies to Enable Growth in the Borough of Charnwood document (July 2023) prepared by Leicestershire County Council to support the Charnwood Local Plan. This document was published in September 2023 alongside other key pieces of evidence for consultation at the request of the Charnwood Examination Inspectors.
- 1.4. Davidsons has various land interests in Charnwood, and Leicestershire, including land west of Anstey (HA43), which is a draft allocation in the emerging Charnwood Local Plan, that is allocated for 714 dwellings under Policy DS3. Davidsons, together with William Davis, are bringing forward the proposed allocation west of Anstey (Site HA43).
- 1.5. These representations set out our commentary on the Charnwood Transport Contributions Strategy. These representations are supported by technical evidence produced by ADC Infrastructure (**Appendix 1**). Appendix 1 has been prepared on behalf of a consortium of housebuilders, developers and landowners, which includes Davidsons.

2. Comments on Charnwood Transport Contributions Strategy (CTCS).

- 2.1. Davidsons support much needed development being brought forward in Charnwood Borough without delay, supported by the necessary infrastructure improvements, and for planning applications to be determined in a coherent and predictable decision-making framework. There is no question that development will require appropriate developer contributions to be made. Our comments on the Charnwood Transport Contributions Strategy are made in this context.

Introduction

- 2.2. The draft CTCS subject to the current public consultation, sets out Leicestershire County Council's (LCC) approach to requesting developer contributions towards the delivery of transport improvements that required to address the cumulative impacts of the growth proposed in the emerging Charnwood Local Plan (2021-2037), which is due to be adopted by Charnwood Borough Council later this year.
- 2.3. The CTCS is the latest in a series of reports published over the last six years as part of the evidence base for the Charnwood Local Plan, which is currently at Examination stage, having been through several rounds of Hearing Sessions. The Local Plan Inspectors subsequently have recommended a number of Main Modifications to make the Local Plan 'sound'. These Main Modifications, together with amendments to the Policies Maps and an updated Housing Land Supply Position, are now also subject to public consultation until 4th September 2024.
- 2.4. The latest CTCS summarises the work that has been undertaken to date, and seeks to explain and justify LCC's approach to requesting developer contributions. The document sets out that these contributions are intended to deliver the transport improvements required to mitigate the cumulative and cross-boundary impacts of sites allocated in the draft Local Plan. Whilst the purpose of the CTCS is understood, there are fundamental flaws with the approach proposed, and these are set out within the following sections of this report, and explored in more detail within the technical evidence (**Appendix 1**).

Funding and Delivery

- 2.5. Appendix A of the CTCS sets out the process for calculating proportionate developer contributions, and paragraphs A1 to A5 set out in further detail the approach to calculating residential development contributions. Table A1 summarises the sites allocated within the Charnwood Local Plan, within each of the transport strategy areas.
- 2.6. Site HA43 Land West of Anstey (714 dwellings) is included within the North of Leicester Transport Strategy area, and paragraph A3 confirms that for each strategy area, two figures have been calculated; i) a per dwelling contribution that would theoretically be needed to 'fully-fund' the identified components of that strategy, and ii) a reasonable per dwelling contribution that is likely to be affordable to developments within each strategy area in practice.
- 2.7. Paragraph A4 sets out that the per-dwelling figure that will be requested for each strategy area in practice will be the lower of the two figures, and Table A2 sets out that for the North

of Leicester Transport Strategy Area, the figure under i) is £35,800 and under ii) is £11,500, and therefore the proposed per-dwelling contribution is £11,500.

- 2.8. Notwithstanding the concerns raised in Section 2 of this report, in terms of the proposed approach, the consideration of viability at this stage of the process is supported, and the proposed use of a figure that is informed by viability evidence is also supported.
- 2.9. Paragraph 6.1 of the CTCS advises that LCC Highways considers the transport mitigation requirements set out in Chapter 5 to be relevant and necessary to accommodate development that comes forward across Charnwood in advance of an adopted Plan, and that they are capable of meeting the tests in Regulation 122 of the CIL Regulations and paragraph 57 of the National Planning Policy Framework (NPPF).

Community Infrastructure Levy – Legal Tests

- 2.10. Planning obligations can assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations must meet the tests that they are necessary to make the development acceptable in planning terms, which are set out in the NPPF and CIL Regulations, as summarised below.
- 2.11. Paragraph 57 of the NPPF states that, as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended), 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.

Mechanism for Securing Developer Contributions

- 2.12. The CTCS sets out that Main Modifications to the Local Plan will provide the basis for seeking to secure developer contributions. Whilst the Local Plan policy will provide a framework for considering appropriate contributions, it is not considered to be sufficient on its own for LCC to request the roof tax style contribution that is being proposed by the CTCS.
- 2.13. It is considered that any specific per dwelling developer contribution requirements should be set out in a Development Plan Document (DPD) and are clearly justified, taking account of viability evidence, appropriately consulted on and subject to Examination in Public. This approach would ensure that any new developer contributions are introduced in a fair and transparent way, taking account of the implications and impacts of new requests for developer contributions on other priorities such as delivery of affordable housing.
- 2.14. In a letter to Leicestershire County Council in August 2023 (Exam 74a), the Local Plan Examination Inspectors confirmed that this is not a matter that will be resolved through the adoption of the Local Plan alone:

“The mechanism for, and documentation behind, the requirement for developer contributions is a matter for the authorities to resolve as a matter of course”.

- 2.15. Subsequently, in March 2024, the Local Plan Inspectors subsequently wrote to Charnwood Borough Council and stated:

“There was discussion at the hearing session under Matter 8 on 21 February 2024 around whether the Council would be seeking to produce a Supplementary Planning Document (SPD) or a Development Plan Document (DPD) as the basis for securing developer contributions. 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.”(Exam 80A Inspectors Post Hearing Letter, paragraph 5)

- 2.16. The Local Plan Inspectors are therefore clear that the appropriate planning document to seek developer contributions would be through a Development Plan Document.
- 2.17. We have significant concerns about the proposed approach which appears to be introducing policy outside the statutory plan making process. The current consultation and viability testing is not a substitute for a full DPD process which would provide the opportunity for the issues raised in representations to be heard and considered by an independent Inspector. The proposed contributions strategy and policy have not been considered by the Local Plan Examination process and it is clear from the Inspector’s letters that this has not formed part of their work.

Technical Response to the CTCS

- 2.18. The CTCS sets out the components of the mitigation strategy and associated cost estimates that form the initial basis for the CTCS. LCC consider that three strategies are required, each focusing on the three distinctive geographies of the following areas; Loughborough Shepshed, Soar Valley Area and North of Leicester Area. Within each of the three areas, there are in turn three components to the mitigation strategy, as follows; cycling and walking, passenger transport, and targeted highway interventions.
- 2.19. **Appendix 1** provides a ‘Review of the Charnwood Transport Contributions Strategy’ by ADC Infrastructure. The report has been prepared by ADC on behalf of a consortium of housebuilders and land promoters, including Davidsons. It summarises the CTCS, and in transport terms provides advice to the consortium on matters such as the applicability of a Plan-level strategy to individual developments, its deliverability, and weaknesses. The document therefore provides a technical critique of the CTCS.
- 2.20. **Appendix 1** confirms that within each of the three geographical strategy areas, there are three components to the Plan-level mitigation strategy; walking and cycling, passenger transport, and targeted highway interventions (on the Major Road Network and Strategic Road Network). LCC then estimates costs for each of the three strategy areas, broken down into each of the three components, required to fully fund the transport strategy (method i)). The July 2024 CTCS introduced a second method (ii) which is the lower figure supported by the viability evidence.
- 2.21. Paragraph 3.11 of **Appendix 1** confirms that LCC makes clear that the contributions to be collected within each of the three areas will be insufficient to fully fund the strategy, because:

- a) multiple allocated sites have already gained consent, losing the opportunity to secure a contribution
- b) site specific viability assessments may evidence that they can only afford to pay less
- c) selecting only the affordable contribution results in a shortfall.

2.22. Paragraph 3.12 continues that there would be a £124.8m shortfall against the fully funded requirement of £202.2m.

Justification for a Contribution Request

2.23. The CTCS sets out that LCC consider that the CTCS is an approach for sharing the costs of the mitigation package on a reasonable and proportionate basis, between development sites across the Borough, reflecting the three transport strategy areas. Paragraph 3.15 onwards of the ADC Report (**Appendix 1**) sets out commentary on the CTCS's justification for a contribution request.

2.24. In summary, the CTCS treats development collectively, rather than on its own merits. LCC consider that the development coming forward on allocated sites will cumulatively have a severe impact on the road network. Further, that in accordance with paragraph 115 of the NPPF, individual developments should consider their cumulative impact. On that basis, the document suggests that each and every development will have a severe impact, which should be mitigated, and the mitigation will be the transport interventions paid for by the CTCS.

2.25. Section 4 of **Appendix 1** sets out in further detail that the approach to the CTCS is problematic and will leave it open to challenge. It is considered that it does not provide robust evidence of appropriate and justified mitigation. In summary, the policy conflicts in treating development collectively, rather than individually, there are disproportionate costs associated with LCWIPs, a disregard to scale of development and funding shortfalls, are explored in further detail within **Appendix 1**.

Discussion

2.26. The ADC Infrastructure Report (**Appendix 1**) at Section 4 considers that the methods used within the CTCS do not provide robust evidence of appropriate and justified mitigation. The document provides detailed commentary and discussion on a number of themes including:

1. Collective treatment;
2. Scale of development;
3. Disproportionate cost of LCWIP;
4. The sustainability of a strategy area;
5. Paying twice;
6. Strategic modelling;
7. A thorough assessment?;
8. Preliminary design status of schemes and cost estimating;

- 9. Cross border impacts;
- 10. Improving buses; and
- 11. Shortfall in funding.

2.27. A number of these themes are summarised and explored in more detail below:

Collective Treatment

2.28. Paragraph 4.2 of the ADC Report sets out that there is a conflict with policy that sets out that a development must be treated on its own merits. It cannot be said that every development in Charnwood would have a severe impact on the road network. Section 2 of the CTCS sets out the requirement that, even where a formulaic approach is adopted, Planning Obligations must fund a project that is directly related to the individual development. While it may be the case that cumulatively all the proposed development in Charnwood would cause certain junctions to become severely congested, it is not reasonable to say that therefore every development would have a severe impact that should be mitigated. Equally, it is not reasonable to take the blanket approach and say that therefore every development must contribute in order to be acceptable.

Disproportionate Cost of LCWIP

2.29. The strategy notes that the Local Cycling and Walking Plans (LCWIP) have or will supersede the Local Plan evidence on walking and cycling infrastructure requirements. The focus on the new LCWIPs is understood as it provides a coherent framework for understanding priorities for walking and cycling within an area. It is important to note the role of LCWIPs; they are not prepared to identify the mitigation required for development impacts.

2.30. The Loughborough Area LCWIP sets out that:

“These LCWIPs will set out the vision and priorities for cycling, walking and wheeling improvement in each of the areas to create attractive, coherent cycling, walking and wheeling networks to help to encourage and enable our communities to travel actively for life.

Local Cycling and Walking Improvement Plans (LCWIPs) are documents which set out local authorities’ proposals for making a travel by cycling, walking, and wheeling easier, a more attractive, and more accessible for all. They include maps of the local authority’s networks for cycling and for walking and wheeling, and a programme of priority locations for improvements.” (Loughborough Area LCWIP, page 8)

2.31. LCWIPs are therefore County Council’s vision and priorities for walking and cycling, in order to make these methods more attractive for all, not just the residents of new developments. LCWIPs are therefore not directly focused on the need to mitigate the impacts of growth.

2.32. The accompanying ADC Infrastructure Report (**Appendix 1**) considers that in previous years, pedestrian infrastructure has been the focus, rather than cycling infrastructure, noting that the greatest part of the cost in an LCWIP is the cycle provision; which is well illustrated by the North of Leicester area LCWIP, that has a cost attributed to it of £106.9m, which is 53% of the overall CTCS mitigation package.

- 2.33. The North of Leicester LCWIP is therefore making up for past deficiencies in the provision of cycle infrastructure, resolving an existing problem, and would be infrastructure that would benefit all residents in the North of Leicester area, not just the residents of new developments. Therefore, it cannot be reasonable to attribute the whole cost of implementing that LCWIP to the allocated sites.
- 2.34. As these schemes have wider intended benefits than mitigating development impacts; they are intended to make improvements for existing residents and communities and deal with existing deficits in walking and cycling infrastructure, this goes beyond the role of the CTCS.
- 2.35. In terms of larger strategic sites, it is noted that as currently proposed, a contribution could be sought for walking, cycling or public transport, and there would be no accountability as to whether that contribution is spent on something that is necessary, directly related and fair and reasonable in scale to the development proposal.
- 2.36. The CTCS also notes that for the North of Leicester Area, the LCWIP is currently in development and is due to be presented to the County Council's Cabinet for approval in early 2025. The CTCS at Table 2 notes that:

“Due to an earlier stage of development of this LCWIP, current estimate has been derived from the conceptual designs developed for priority corridors within the South of Leicester LCWIP, which is of a comparable scale and nature to the North of Leicester LCWIP.”

- 2.37. It is important to note that there are therefore no proposed schemes behind the £106.9m for the North of Leicester LCWIP. As set out above, this is based on concept designs in relation to the South of Leicester Area. This is a significant amount of money with no details available to confirm what the contribution would be spent on. It is therefore unclear how contribution requests for undefined scheme can be CIL compliant.
- 2.38. This again highlights that there is no direct link between the schemes and costs associated with the LCWIPs and the proposed development in the Local Plan. This points to the need to deal with infrastructure for sustainable modes at a site specific level, rather than through strategic contributions.

Paying Twice

- 2.39. The ADC Report (**Appendix 1**) advises that the issue of paying twice is not addressed by the CTCS. ADC consider that if a developer is paying a contribution, a large part of which is to introduce a cycle lane in their area, why would they introduce a cycle lane as part of the development proposal. They would be paying twice, and ADC therefore consider this strategy likely to make developers reluctant to introduce works.
- 2.40. Importantly, there is no mechanism in the CTCS for a reduction in contribution where a developer proposes an intervention. ADC at paragraph 4.14 of their report set out that LCC could say in response that a developer must provide what is necessary and directly related to manage the travel demand created by their development, however, if they were not required to provide a cycle lane elsewhere, because it was being provided by the contribution, that would suggest it was not directly related to the development, or necessary to make the development acceptable.



- 2.41. It is important that the proposed approach takes account of larger strategic sites,. Larger sites will have different site specific infrastructure requirements, both on site and off site, which will impact on the justification for, and viability of, making strategic contributions. The inclusion of strategic contributions for sustainable travel, also could mean that there is greater potential for site specific requirements to overlap with what would be delivered through the strategic contributions from other sites, which could lead to double counting.



Appendix 1: ADC Infrastructure Report



TRANSPORT REVIEW

CHARNWOOD LOCAL PLAN
TRANSPORT CONTRIBUTIONS STRATEGY

DOCUMENT CONTROL

project number: ADC3593			report reference: ADC3593-RP-A	
version	date	author	reviewer	comments
1		David Cummins		internal draft
2	20/08/2024	David Cummins	Jamie Cassie	first issue to the client team
3	21/08/2024		David Cummins	minor amends
4	22/08/2024		David Cummins	% typo corrected

CONTENTS

1.0	INTRODUCTION	4
2.0	POLICY	5
3.0	SUMMARY OF THE CTCS	6
	Methodology	6
	Three strategy areas	6
	Total cost	8
	Contribution calculation	9
	Shortfall	9
	Commercial development contributions	10
	Justification for a contribution request	10
4.0	DISCUSSION	11
	Collective treatment	11
	Scale of development	11
	Disproportionate cost of LCWIP	11
	The sustainability of a strategy area	13
	Paying twice	13
	Strategic modelling	13
	A thorough assessment?	14
	Preliminary design status of schemes and cost estimating	14
	Cross border impacts	14
	Improving buses	15
	Shortfall in funding	15
5.0	CONCLUSIONS	16

1.0 INTRODUCTION

- 1.1 In July 2024, Leicestershire County Council (LCC) published their *Draft Transport Contributions Strategy for Developments in Charnwood District*. It is the subject of consultation that ends on 23 August 2024.
- 1.2 The report is the latest in a series of reports published over the last six years as part of the evidence base for the Charnwood Local Plan, which is currently at examination. The report summarises the work that has been undertaken, and seeks to explain and justify LCC’s approach to requesting developer contributions. Those contributions are intended to deliver the transport improvements required to mitigate the cumulative and cross-boundary impacts of sites allocated in the draft Local Plan. In other words, the Plan-level mitigation. For ease of reference, the July 2024 report is referred to as the Charnwood Transport Contribution Strategy (“CTCS”).
- 1.3 This report has been prepared by ADC Infrastructure on behalf of a consortium of developers and land promoters. It summarises the CTCS, and in transport terms provides advice to the consortium on matter such as the applicability of a Plan-level strategy to individual developments, its deliverability, and weaknesses. It is anticipated that this review will be used to support representations to the CTCS consultation by LCC, and/or to the Local Plan Main Modifications consultation by Charnwood Borough Council.

2.0 POLICY

- 2.1 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.” Planning obligations can assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.
- 2.2 Para 57 of the NPPF states 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:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.3 Under Planning Obligations, the Planning Practice Guidance states¹, “*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.*”
- 2.4 Paragraphs 114 and 115 of the NPPF state:
- “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - safe and suitable access to the site can be achieved for all users;*
 - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁶; and*
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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.”

¹ Paragraph: 004 Reference ID: 23b-004-20190901

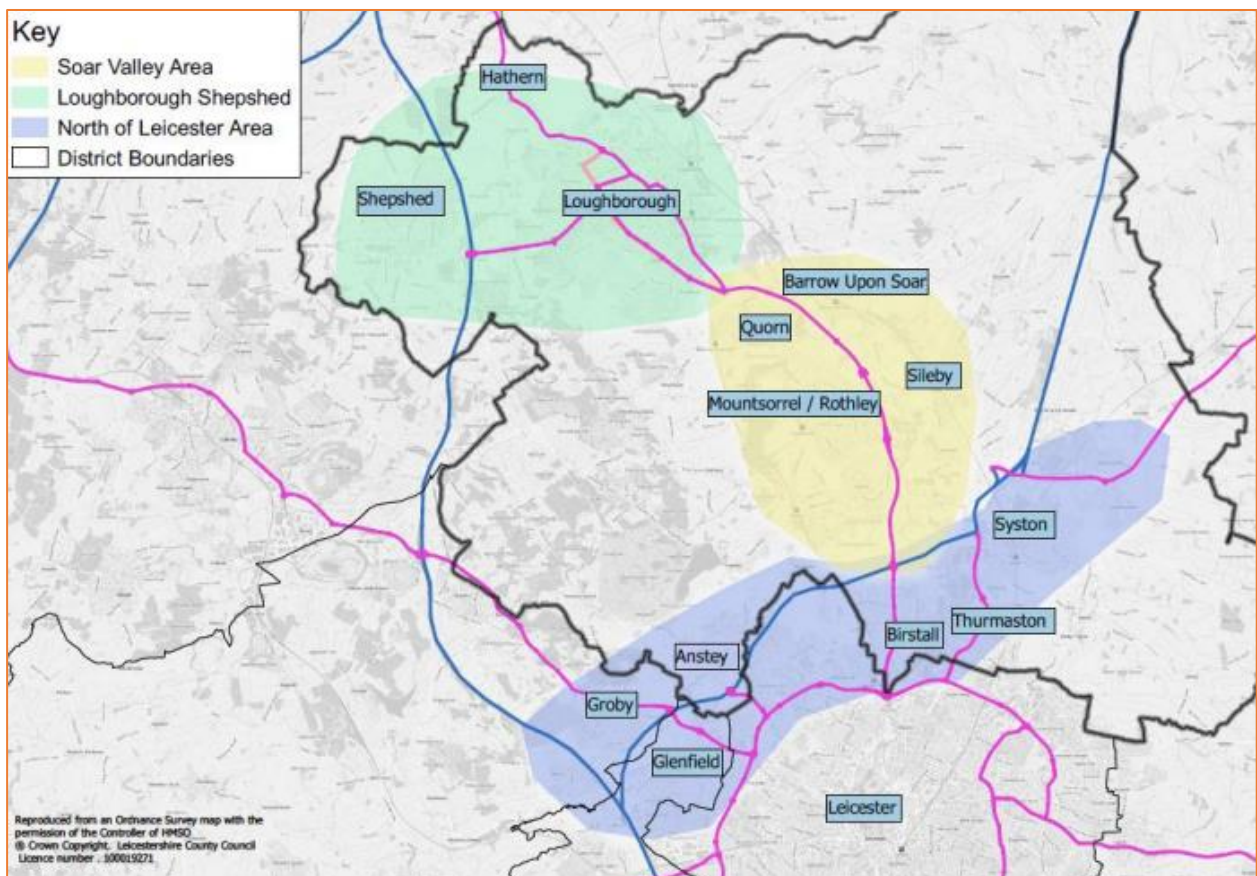
3.0 SUMMARY OF THE CTCS

Methodology

- 3.1 The Charnwood Transport Contributions Strategy (CTCS) has emerged following a series of assessments undertaken by LCC on behalf of Charnwood Borough Council. The first report was dated November 2018. The assessments were increasingly detailed, within the limitations of the strategic transport model that was employed to assist, initially LLITM and more recently PRTM (Pan-Regional Transport Model). Initial assessments considered growth options, and later assessments considered the draft allocations. Initially mitigation was explored crudely, assuming a simple 10% uplift in capacity at key junctions. More recently preliminary designs of mitigation works have been prepared.
- 3.2 One of the key conclusions of the initial work was that enabling sustainable travel and increasing walking, cycling, and bus journeys, could only ever mitigate a small amount of the travel demand created by the planned growth. Such measures were nevertheless important, and part of the overall mitigation package. Highway improvements were essential to mitigate the significant impacts arising from the planned growth.

Three strategy areas

- 3.3 A further key conclusion of LCC's assessments was that three strategies are required, focused on the three distinctive geographies in the following areas:
- Loughborough Shepshed
 - Soar Valley Area
 - North of Leicester Area



- 3.4 Within each of the strategy areas, there are three components to the Plan-level mitigation strategy:
- cycling and walking
 - passenger transport
 - targeted highway interventions (on the Major Road Network and Strategic Road Network)

Cycling and walking

- 3.5 The cycling and walking elements are based on the Local Cycling and Walking Infrastructure Plan (LCWIP) for the various areas, as summarised in the table below. The large cost associated with the North of Leicester Area LCWIP should be noted, making up 53% of the whole mitigation package (£106.9m/£202.2m).

strategy area	proposals	estimated cost
Loughborough Shepshed	Loughborough Area LCWIP	£36.4m
North of Leicester	North of Leicester Area LCWIP	£106.9m
Soar Valley	initial work has been undertaken on the required improvements, but not to the level that would allow it to be titled an LCWIP	£2.0m
total		£145.3m

Passenger transport

- 3.6 The passenger transport strategy comes from the Leicestershire Bus Service Improvement Plan (BSIP). It assumes that future enhancement of passenger transport provision within Charnwood will be based on a digital Demand Responsive Transport (DRT) model comparable to LCC's 'FoxConnect' Rural Mobility Fund (RMF) pilot project for South Leicestershire. It is further assumed that such a service would operate with three internal combustion engine vehicles, at an estimated net cost of £10,000,000 over a 15 year period. Around 75% of this cost would be attributable to the digital DRT service in the more rural Soar Valley area, with the remaining 25% being attributable to the 'fixed route' element between Shepshed and eastern Loughborough. The northern extents of Leicester are better provided for by existing bus services and therefore attract no cost.

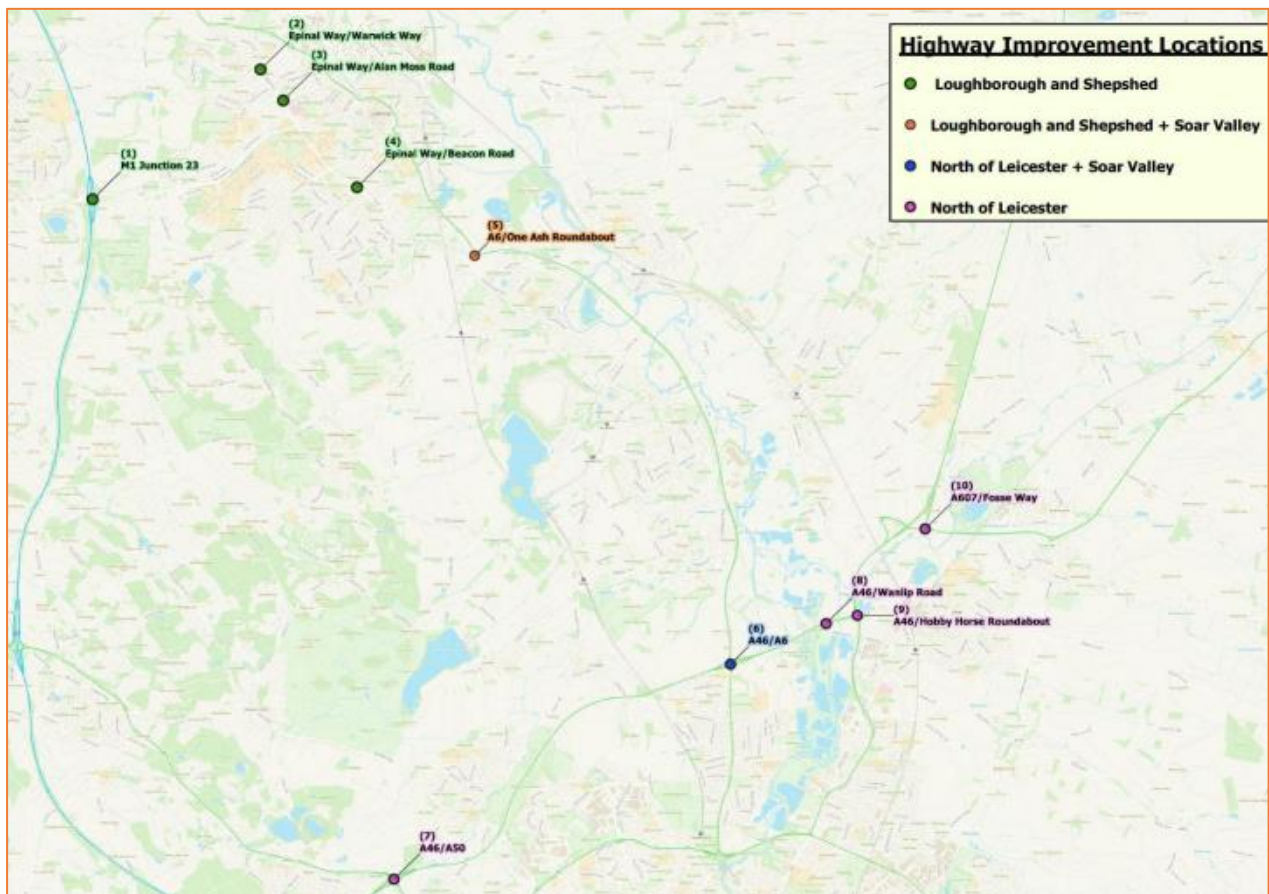
strategy area	proposals	estimated cost
Loughborough Shepshed	based on DRT model explained in the BSIP	£2.5m
North of Leicester		£0m
Soar Valley	based on DRT model explained in the BSIP	£7.5m
total		£10m

Targeted highway interventions to the Major Road Network and Strategic Road Network

- 3.7 Reviewing measures of congestion such as journey times and ratio of flow to capacity, the traffic modelling work has identified a set of junctions that would perform poorly in the future with the Local Plan growth. Mitigation schemes have been identified at 10 junctions (listed below), on the: Major Road Network (maintained by LCC) and Strategic Road Network (maintained by National Highways).

ref	location	strategy area	cost
1	M1 Junction 23	(SRN) Loughborough and Shepshed	£15.1m
2	Epinal Way/ Warwick Way	(MRN) Loughborough and Shepshed	£1.0m

3	A6004 Epinal Way/Alan Moss Rd	(MRN) Loughborough and Shepshed	£0.7m
4	A6004 Epinal Way/Beacon Rd	(MRN) Loughborough and Shepshed	£1.6m
5	A6/A6004 One Ash Rbt.	(MRN) Loughborough and Shepshed (+ Soar Valley)	£2.8m
5	A6/A6004 One Ash Rbt.	(MRN) (Loughborough and Shepshed +) Soar Valley	£0.8m
6	A46/A6	(MRN) (North of Leicester +) Soar Valley	£2.5m
6	A46/A6	(MRN) North of Leicester (+ Soar Valley)	£6.8m
7	A46/A50	(SRN) North of Leicester	£6.4m
8	A46/Wanlip Rd	(SRN) North of Leicester	£4.8m
9	A46/A607 Hobby Horse Rbt.	(SRN) North of Leicester	£2.9m
10	A607/Fosse Way	(MRN) North of Leicester	£1.6m
total			£47.0m



Total cost

3.8 From the above, LCC estimated costs for each of the three strategy areas, as summarised in the table below.

strategy area	cycling and walking	passenger transport	highway interventions	total
Loughborough Shepshed	£36.4m	£2.5m	£21.2m	£60.1m
North of Leicester	£106.9m	£0m	£22.4m	£129.3m
Soar Valley	£2.0m	£7.5m	£3.3m	£12.8m
total	£145.3m	£10m	£46.9m	£202.2m

Contribution calculation

- 3.9 Policy DS3 of the draft Local Plan² sets out the proposed housing allocations. The number of dwellings has been modified as a result of examination. The current number of allocated dwellings in each of the strategy areas has therefore been determined, as shown in the table below. Each allocation is attributed to one of the transport strategy areas, also as shown in the table below. Hence, a cost per dwelling has been derived to cover the costs of the transport strategy in each area. This is method (i), the amount required to fully-fund the transport strategy. This was the method LCC were employing until their July 2024 report was released. The method (i) figures were those requested in consultation responses issued by LCC.
- 3.10 In their July 2024 report, LCC introduced method (ii). It was the affordable per dwelling contribution, calculated using Charnwood Borough Council’s viability evidence. LCC state that the per dwelling contribution they will request will be the lower of the two figures calculated in each area.

transport strategy area (and LP site ref.)	dwellings	£m	£/dwelling	
			method (i)	method (ii)
Loughborough/Shepshed HA15 to 42, HA61 to 63	4,336	£60.1	£13,900	£5,300
North of Leicester HA1 to 14, HA43 to 44, HA60, HA64 to 69	3,617	£129.3	£35,800	£11,500
Soar Valley HA45 to 59	1,322	£12.8	£9,700	£22,100
total	9,275	£202.2		

Shortfall

- 3.11 While it does not form part of LCC’s report, they nevertheless make clear that the contributions they will gather in each area will be insufficient to fully fund the strategy, because:
- multiple allocated sites have already gained consent, losing the opportunity to secure a contribution
 - site specific viability assessments may evidence that they can only afford to pay less
 - selecting only the affordable contribution results in a shortfall.
- 3.12 Setting aside points a) and b), point c) can be tested, because the numbers can be used to derive the maximum amount LCC could expect to collect, as shown in the table below. There would be a £124.8m (62%) shortfall against the fully-fund requirement of £202.2m.

transport strategy area	dwellings	£/dwelling	amount raised	amount to fully fund	shortfall
Loughborough/Shepshed	4,336	£5,300	£23.0m	£60.1m	£37.1m
North of Leicester	3,617	£11,500	£41.6m	£129.3m	£87.1m
Soar Valley	1,322	£9,700	£12.8m	£12.8m	£0.0m
total	9,275		£77.4m	£202.2m	£124.8m

² Policy DS3: Housing Allocations, Charnwood Local Plan 2021-37 Pre-Submission Draft July 2021

Commercial development contributions

- 3.13 LCC note that there are two new commercial sites allocated in the draft Local Plan, which total 7.3 hectares of floorspace (although it should say site area). Development of these sites will be expected to contribute. However, the relatively small amount of commercial use will create only a small dent in the shortfall in funding.
- 3.14 The contribution requested will be derived by equating daily employment trips to daily residential trips and the per dwelling contribution for the relevant area. As with housing sites, commercial sites carried over from the 2015 adopted Core Strategy are not expected to contribute.

Justification for a contribution request

- 3.15 Aside from the derivation of the contribution request, the CTCS sets out the justification for a request. It states LCC's opinion that the CTCS is an approach for sharing the costs of the package on a reasonable and proportionate basis between development sites across the Borough, which reflects the broad geographic extent of the three area transport strategies.
- 3.16 It notes that proposed site allocations are already coming forward as planning applications (or are anticipated in the near future), whilst a minority of sites have already secured planning permission. Sites approved prior to the development of the CTCS have not been required to contribute to the Plan-level cumulative mitigation, leaving an increasing funding shortfall.
- 3.17 LCC note that there is currently no alternative or better evidence and package of interventions on which to base a coordinated, borough-wide, approach to mitigating the cumulative and cross-boundary impacts of growth.
- 3.18 For these reasons, LCC considers the Local Plan's transport evidence base and mitigation package to be the most appropriate foundation on which to base the draft approach to securing contributions to transport infrastructure across Charnwood, with the proviso that the approach can be reviewed and updated as and when any significant additional evidence emerges.
- 3.19 Conversely, LCC note, continued failure to secure such contributions would result in residual severe cumulative transport impacts, contrary to paragraphs 114 (a) and (d) and 115 of the NPPF.
- 3.20 It is this last reason that is at the crux of LCC's justification for the CTCS. It treats development collectively, rather than on its own merits. LCC say, that the development coming forward on allocated sites will cumulatively have a severe impact on the road network. Further, that in accordance with para 115 of the NPPF, individual developments should consider their cumulative impact. On that basis, each and every development will have a severe impact, which should be mitigated. The mitigation will be the transport interventions paid for by the CTCS.

4.0 DISCUSSION

- 4.1 It is acknowledged that deriving a package of Plan-level measures for a whole borough is not a simple task. Nevertheless, in this case, in our opinion the methods employed to derive the CTCS are problematic and will cause it to be challenged, as explained below. The CTCS is not based on robust evidence of appropriate and justified mitigation.

Collective treatment

- 4.2 At the highest level, there is a conflict with policy that says a development must be treated on its own merits. It cannot be said that every development in Charnwood would have a severe impact on the road network. Section 2 describes the requirement that, even where a formulaic approach is adopted, Planning Obligations must fund a project that is directly related to the individual development.
- 4.3 While it may be the case that cumulatively all the proposed development in Charnwood would cause certain junctions to become severely congested, it is not reasonable to say that therefore every development would have a severe impact that should be mitigated. Equally, it is not reasonable to take the blanket approach and say that therefore every development must contribute in order to become acceptable.

Scale of development

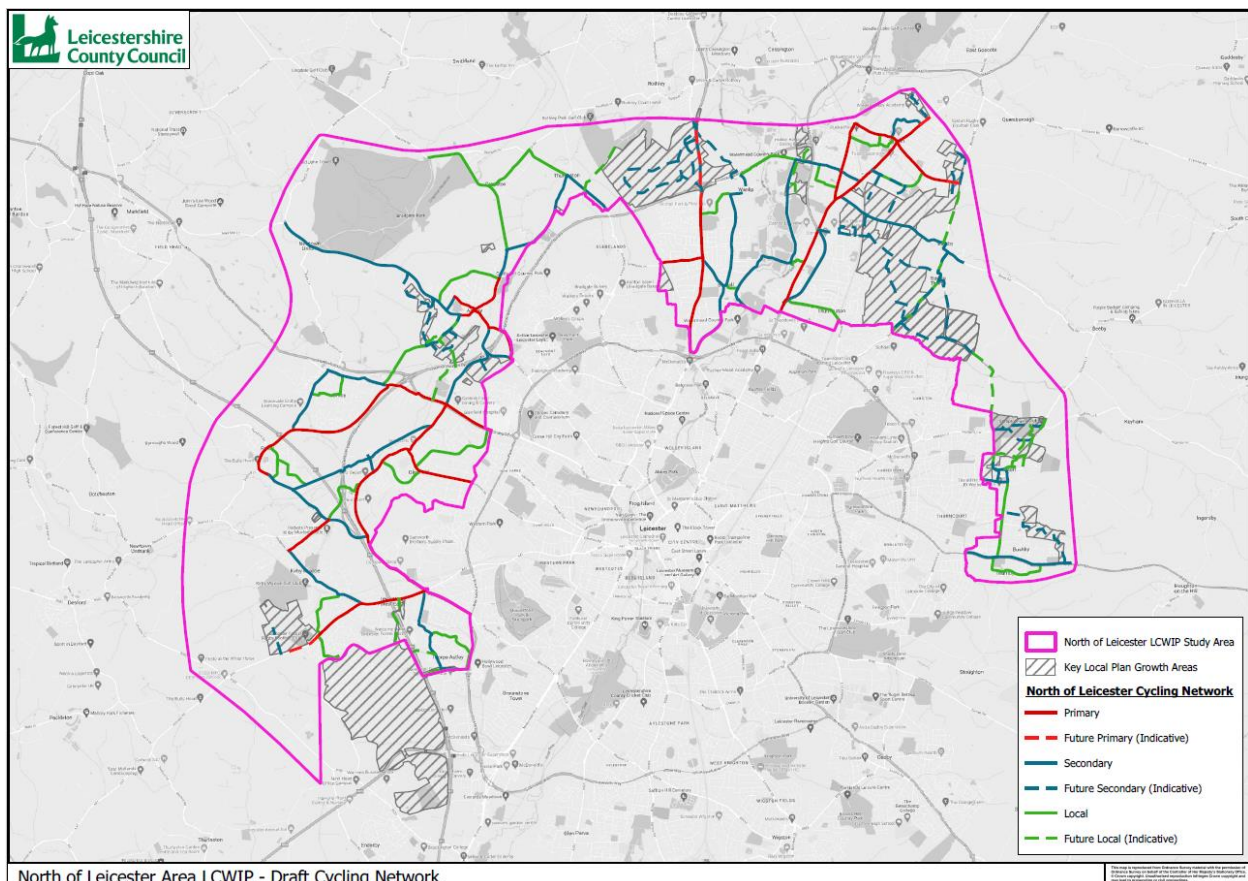
- 4.4 Linked to the point above, the CTCS takes insufficient account of scale. This is best illustrated through an example. Draft allocation HA69 (The former Rectory and Land at Thurcaston) is in the North of Leicester Area. It is allocated for development of 19 dwellings. There is an undetermined planning application for that site (reference P/22/1252/2) for which LCC have provided a consultation response, raising no objections subject to conditions. They conclude that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Despite that, LCC request a contribution, based on method (i) above, of £679,800 (= £35,778.93 per dwelling x 19 dwellings).
- 4.5 The Highways Report that accompanied the planning application determined that the 19 proposed dwellings would generate 15 and 13 traffic movements in the morning and evening peak hours respectively. That traffic was assumed to split evenly at the site access, so there would be increases of around 7 vehicles on the roads either side of the access. That increase is considerably below the 30 vehicles threshold used by LCC as a starting point to consider whether a development will have an adverse impact on the road network, let alone a severe impact.
- 4.6 The developer also proposed off-site footway enhancements, to ensure connectivity with the village centre. No off-site provisions were made for cyclists. Bus stops are within 300m of the centre of the site.
- 4.7 Therefore, despite a well located development of modest scale, it is caught in the formulaic approach that considers it would be part of the Local Plan growth that cumulatively has a severe impact on the road network.

Disproportionate cost of LCWIP

- 4.8 Local Cycling and Walking Infrastructure Plans (LCWIP) are gradually being adopted for areas across Leicestershire. Although pedestrian infrastructure has had due attention for many years,

cycle infrastructure has had less attention. Plus, the publication of LTN1/20 in July 2020 changed the design requirements for cycling infrastructure. For many years shared footway/cycleways have been incorporated within developments in Leicestershire. Segregated facilities are now the preferred option with share facilities only as a last resort. Segregated facilities require much greater land and come at considerably greater cost.

- 4.9 The wide spread provision of measures also seeks to catch up with the lack of facilities provided for decades. As such, the greatest part of the cost in an LCWIP is the cycle provisions, rather than pedestrian provisions. It also means the proposed measures are extensive. That is well illustrated by the North of Leicester area LCWIP, that has a cost attributed to it of £106.9m, which is 53% of the overall CTCS mitigation package.
- 4.10 Further the North of Leicester LCWIP is making up for past deficiencies, resolving an existing problem, and would be infrastructure that would benefit all residents in the North of Leicester not just the residents of the new developments. Therefore, it cannot be reasonable to attribute the whole cost of implementing that LCWIP to the allocated sites.
- 4.11 The Loughborough Area LCWIP was approved by LCC's Cabinet in November 2023. However, the North of Leicester Area LCWIP is a work in progress and not in the public domain. LCC's website says that public engagement on the final draft will be in Autumn/Winter 2025. It is therefore far from complete. An interim cost is therefore derived on the basis it will be similar to the South of Leicester Area LCWIP, which has been adopted. That is not a robust assumption.
- 4.12 The Draft Cycling Network element of the North of Leicester LCWIP is shown below. It clearly covers not just Charnwood, but also parts of Blaby District and Harborough District. The costing is unclear, but it would clearly be unreasonable for Charnwood residents to bear the costs of works in other districts.



The sustainability of a strategy area

- 4.13 Linked to the point above, there is a contradiction in the sustainability of the strategy areas and the amount they are expected to contribute. The North of Leicester area is the most sustainable, closest to the primary destination for the majority of journeys to work (central Leicester). For that reason, there is greatest potential to enable residents of the area to cycle. Hence the extensive proposals for the area, and the disproportionately large cost associated with the LCWIP. That might be acceptable if there was a correspondingly small contribution required for highway interventions attributable to that area. Instead, the North of Leicester area also attracts the highest cost for highway interventions.
- 4.14 This is in contrast to the Soar Valley strategy area, which is the least sustainable, having greatest reliance on the car, where the total costs of £12.8m are a tenth of those in the North of Leicester strategy area (£129.3m).

Paying twice

- 4.15 The issue of paying twice is not addressed by the CTCS. In other words, if a developer is paying a contribution, a large part of which is to introduce a cycle lane in an area, why should they introduce a cycle lane as part of their development proposal. They would be paying twice. The strategy is therefore likely to make developers reluctant to introduce works.
- 4.16 There is no mechanism in the CTCS for a reduction in contribution in cases where a developer proposes an intervention. LCC could say in response that a developer must provide what is necessary and directly related to manage the travel demand created by their development. However, that being the case, if they were not required to provide a cycle lane elsewhere, because it was being provided by the contribution, that would suggest it was not directly related to the development, or necessary to make the development acceptable.

Strategic modelling

- 4.17 The assessment of highway impacts has been undertaken using a strategic transport model. That is necessary given the scale of the area being assessed (Charnwood Borough). However, it means detail is lost and conclusions about impact are likely to differ when individual sites are subject to the much greater detail that is part of a Transport Assessment.
- 4.18 Again, that is best illustrated by way of an example. Draft allocation HA48 (Land off Willow Road, Barrow Upon Soar) is the subject of an undetermined planning application. Again, LCC have provided a consultation response raising no objection subject to conditions, and requesting a contribution in line with the CTCS.
- 4.19 However, the Transport Assessment produced for that development undertook a cumulative assessment considering all the allocated development in Barrow Upon Soar. Although the strategic transport model was used (PRTM), it was subject to more detailed scrutiny, applicable to the development management process. The result was a conclusion that there would not be adverse traffic impacts beyond Barrow Upon Soar, and hence not at the junctions where interventions are proposed to be paid for by development in the Soar Valley area (A6/A6004 One Ash Roundabout and A46/A6 Birstall Interchange).
- 4.20 In fact, the more detailed Transport Assessment found that there would be an impact requiring mitigation at another junction that does not form part of the CTCS, and was not identified as

problematic by the Borough wide cumulative development. This clearly calls into question the thoroughness of the findings of the CTCS.

A thorough assessment?

- 4.21 Related to the point above, about the thoroughness of the strategic modelling, there are several locations of known traffic congestion that have not been identified as requiring highway interventions. Those areas are already congested because of a lack of traffic capacity, and will become severely congested as a result of the Local Plan growth. They include, for example, Nanpantan crossroads on the western side of Loughborough, which early stages in the modelling work identified as problematic. Despite that, a mitigation scheme has not been identified for the crossroads.
- 4.22 They also include the A512 Ashby Road through Shepshed. The considerable growth in Shepshed resulting from the previous tranche of development resulted in an LCC commissioned Shepshed Transport Study. It identified capacity enhancements paid for by developer contributions along the A512 Ashby Road corridor that have since been implemented. However, the works merely mitigated that earlier tranche of development and Ashby Road remains congested. The considerable growth of Shepshed set out in the draft Local Plan will again worsen the already very congested Ashby Road. Despite that, it does not feature at all in the highway interventions required to mitigate the Local Plan growth.

Preliminary design status of schemes and cost estimating

- 4.23 The highway interventions in the CTCS are high level and have not been subject to the assessment and design rigour that would be required in a Transport Assessment process. It is very likely that the high level preliminary schemes currently identified will be subject to considerable change. For example, the known congestion at the A46/A607 Hobby Horse Roundabout is mitigated by a single improvement to only one approach, widening the current one lane wide slip road that turns left and northwards from the A46. The cost estimate of that scheme is £2.9m, which has a healthy contingency, and yet will still have many unknowns such as the cost of utility diversions.
- 4.24 Equally, LCC note themselves the costs for the LCWIP schemes are approximate. They say, “*The scale and complexity of the proposed LCWIP networks means that it would be disproportionate and prohibitively costly to prepare designs and cost estimates for every single corridor of the networks at this stage. Therefore, the LCWIP cost estimates have been derived from preliminary conceptual design work and cost estimates for selected priority corridors within the relevant LCWIP area and Active Travel England cost bench marking data, which represents the most robust and proportionate approach at this time.*”
- 4.25 That is reasonable, but gives considerable scope for cost variation, particularly as much of the proposed cycle network is in urban areas where there is a lack of spare land, footways and carriageways will be altered, and there could be significant costs associated with utility diversions.

Cross border impacts

- 4.26 The strategic traffic modelling that was undertaken tried to isolate the impacts caused by the traffic generated by the Charnwood allocations. However, at a strategic level that is relatively inaccurate. The performance of any junction is caused by two interacting factors. The amount of traffic already passing through the junction, and hence the residual capacity, and then the

additional traffic that is added on top by the development, and hence the deterioration in performance.

- 4.27 Traffic does not confine itself to borough council borders. For example, new residents in North West Leicestershire travelling through Charnwood to Leicester will increase background traffic and reduce the residual capacity. Traffic will also travel between and through the different strategy areas. For example, traffic from the Soar Valley area will route through the North of Leicester area to reach Leicester city centre. Thus, congestion at junctions in the North of Leicester area is not necessarily directly related to new residents of houses built in the North of Leicester area.

Improving buses

- 4.28 Although it is only a small part of the total cost, the contributions towards buses are to reverse decisions made by LCC as a result of funding cuts. Bus services throughout Leicestershire have declined, and it is unreasonable for new developments in Charnwood to overcome that existing deficiency.
- 4.29 The proposed Demand Responsive Transport services would cater for all residents in the area they are introduced, and not just those of the new developments. Such services are rarely viable, and are largely to ensure accessibility to facilities for those who cannot drive, rather than being a measure that mitigates severe peak hour traffic congestion.

Shortfall in funding

- 4.30 As noted above, even if LCC were to gain the maximum possible funding they request from all allocated sites, there would be a 62% shortfall of £124.8m from the amount required to fully-fund the mitigation package. The shortfall will be considerably greater, because various allocations already have consent, and viability appraisals on other sites are likely to demonstrate that the full contribution is not viable.
- 4.31 In a situation where less than half of the mitigation package can be implemented, prioritisation will be required. It is highly likely that measures directly related to some sites will not be delivered. The CTCS is silent on phasing, and therefore less than robust.
- 4.32 LCWIPs were partly derived as a means by which local highway authorities could apply for Government funding. Should LCC gain Government funding, the balance to be found from developer contributions would reduce. That could lead to the inequitable situation where LCC is paid twice for implementing a piece of cycling infrastructure.

5.0 CONCLUSIONS

- 5.1 This paper summarises the Charnwood Transport Contribution Strategy. It recognises that attempting to mitigate the dispersed borough wide transport impacts is not simple. Nevertheless, the methodology chosen by Leicestershire County Council is problematic and subject to challenge.
- 5.2 Treating the proposed development collectively, and saying that cumulatively it would have a severe impact, and therefore each individual development would have a severe impact, is not a reasonable argument. A number of the aspects of the mitigation package would not be directly related to the developments to which they are attributed. They would not be necessary to make the development acceptable.
- 5.3 Certain of the measures would also be disproportionate and not fairly related in scale to the impact of the development. The LCWIPs in particular make up a significant amount of the package cost, yet mainly address a deficit in infrastructure provision unrelated to the allocations. In certain places where measures would be expected, such as highway interventions along the A512 Ashby Road in Shepshed, they are missing.
- 5.4 Overall, therefore, in transport terms it cannot be concluded that the CTCS sets out robust evidence of appropriate and justified mitigation.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

East Midlands

4 The Courtyard, Church Street, Lockington,
Derbyshire, DE74 2SL
T 01509 670806
E EastMidlands@pegasusgroup.co.uk
Offices throughout the UK.

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, GL7 1RQ
We are ISO certified 9001, 14001, 45001



Pegasus Group



pegasusgroup



Pegasus Group

PEGASUSGROUP.CO.UK