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**Sent:** 04 September 2024 12:43  
**To:** localplans@charnwood.gov.uk  
**Cc:** Ian Kemp; Richard Bennett; Matthew Rhodes  
**Subject:** Charnwood Local Plan Modifications Consultation - Representations on behalf of CEG [LICH-DMS.FID32368]  
**Attachments:** 12152 CEG Representations to CBC LP Modifications Consultation 04-09-24(32777196.2).pdf

Please find attached our representations to the modifications consultation, ahead of today's deadline at 5pm.

We would appreciate confirmation of safe receipt.

Kind regards

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Local Plans Team  
Charnwood Borough Council  
By email: localplans@charnwood.gov.uk

**Date:** 4 September 2024  
**Our ref:** 12152/01/NT/NB/32769088v5

Dear Sir/Madam

## **Response to Charnwood Local Plan Modifications Consultation**

We write on behalf of our client, Commercial Estates Group (CEG), in response to Charnwood Borough Council's (CBC's) consultation on proposed modifications (Proposed Modifications) to the emerging Charnwood Local Plan (ECLP). We note that in this case the consultation follows correspondence and discussions during the examination process and is ahead of any report with formal recommendations from the Inspectors, so its status is unclear.

CEG is the promoter of Thorpebury, the North East of Leicester Sustainable Urban Extension (NEoL SUE). We and CEG have been actively involved throughout the plan preparation and examination processes.

The Thorpebury/NEoL SUE is a long-standing strategic development site for approximately 4,500 homes, employment, retail, education and community uses, green space and other related infrastructure. The site is allocated as a SUE in the current Charnwood Local Plan Core Strategy (under Policy CS19), the Thorpebury development on the site was granted planning permission (the Thorpebury Permission) on 4 August 2016 (under CBC reference P/13/2498/2) and is now being implemented, with the first homes in the first phase now occupied.

The Thorpebury Permission, which accords with adopted local plan policy (CS19) and the full extent of the site allocation, and the extent of the site allocation as carried through into the ECLP at Regulation 19 stage, is subject to a s106 agreement and conditions which secure the delivery of a range of supporting social, transport and educational infrastructure, as well as affordable housing. The site is an important part of the Council's housing land supply provision for the forthcoming plan period.

The extent of the Thorpebury/NEoL SUE allocation for the purposes of the ECLP and the relevant site allocation (LUA2) was agreed between CEG and the Council at the start of the examination process and is recognised by CBC in a statement of common ground (**EXAM 24a**). The site area as agreed in the statement of common ground reflects the extent of the SUE permitted by the Thorpebury Permission and the Thorpebury development is now delivering new homes and infrastructure.

This site area and extent was also shown on **EXAM 33Q** (SUE Boundaries), which was tabled by the Council during examination sessions and we understood was, alongside the other **EXAM 33** maps, to form the basis for policies map and diagram changes.

These changes are now set out within the proposed Main Modifications and Detailed Modifications, including changes relating to Policies Map 1 and a number of the supporting diagrams relating to Policies LUA2 and DS3 (HA7) which we address in detail below. However, all of these modifications reduce the extent of Thorpebury/the NCoL SUE from that shown in **EXAM24a** and **EXAM33Q** in order to accommodate the HA7 (A and B) allocation.

Our representations therefore focus on three concerns:

- 1 How proposed housing allocation DS3 (HA7) has evolved through the examination and how this allocation (HA7, parts A and B) interacts with Thorpebury/the NCoL SUE;
- 2 A failure to represent the full extent of the Thorpebury/NCoL SUE Allocation (LUA2); and
- 3 Whether the Local Plan provides adequate policy safeguards, specifically within Policy DS3 (HA7), to ensure that the delivery of Thorpebury/the NCoL SUE (LUA2) is not compromised.

In relation to policy safeguards, throughout the plan preparation process we have consistently accepted the need for additional housing allocations within the emerging plan. However, we have also highlighted the need for any new allocations and the local plan generally to support the delivery of Thorpebury<sup>1</sup>, and above all to ensure that they do not put its delivery, and the associated provision of new homes in Charnwood to meet the identified housing needs, at risk in any way.

### **Housing Allocation DS3 (HA7) (MM33, DM2(c) and (d), DM3(b) and (c), DM14(b) and (c))**

CEG's current interest and concern relates principally to those Proposed Modifications which could affect the delivery of Thorpebury, and the proposed allocation of housing site HA7 (parts HA7A and HA7B) in particular. These modifications have been introduced as changes to DS3 (HA7).

In summary, the Proposed Modifications (**MM33, DM2(c) and (d), DM3(b) and (c), DM14(b) and (c)**) split the HA7 allocation; increase the indicative residential area within HA7B; propose some changes to the supporting text; and amend the diagrams.

The Council's published draft action list relating to the maps and diagrams (**EXAM 59E**) includes '3. Policies map change to remove overlap between Site HA7 and LUA2 (Thorpebury). Site HA7 to be shown as HA7a and HA7b, the intervening strip is the access road for the SUE'. However, within this note there is no detail as to *how* the overlap should be resolved and these allocations accurately shown. CEG has sought to actively and positively engage with the Council and the promoter of development on sites within the proposed HA7A and HA7B allocation areas, but we have not been able to reach agreement on a preferred way forward which could be mutually acceptable to all parties.

The modifications relating to DS3 (HA7) currently proposed by the Council are not effective or justified and must be reviewed to ensure the full extent of LUA2 (the SUE) is represented and afforded an

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<sup>1</sup> See our representations to the Preferred Options Consultation (16 December 2019) and the Pre-Submission Draft Consultation (23 August 2021).

appropriate status within the plan. CEG therefore object to **MM33, DM2(c) and (d), DM3(b) and (c), DM14(b) and (c).**

### **The Residential Area within HA7B and the Route of the New Road (DM1 and DM14)**

The Council has previously proposed an increase in the capacity of site HA7 during the examination stage and CEG has previously submitted representations<sup>2</sup>. These representations highlighted that no evidence to explain or justify the uplift in housing numbers within the allocation has been presented, and the additional areas for housing now identified will further encroach onto land identified for outdoor sports on the North East of Leicester/Thorpebury Landscape Infrastructure Parameter Plan (6) approved pursuant to the Thorpebury Permission. Development in these areas will also compromise the prescribed options for delivery of the secondary school required by the Council and the County Council within the S106 planning agreement that governs the delivery of the SUE.

These provisions, which are secured by the s106 agreement and, further, by conditions attached to the Thorpebury Permission, are part of a comprehensive package of infrastructure which will support the delivery of a significant number of new homes and which have been identified as necessary and required by the Council and the County Council.

If the area covered by HA7B is to be included within the plan, the 'Housing within Allocation' area indicated must be no greater than that indicated and consulted upon in earlier drafts of the plan. Further, the 'Route of New Road' on the diagram should be labelled as indicative, as the alignment within the access corridor parameter has not yet been settled with Network Rail or other stakeholders.

### **Policy Provisions to Support the Delivery of the SUE: Changes and Alternative Modifications to HA7 and Associated Diagrams**

The modification of the ECLP with the changes now being proposed presents risks to the delivery of Thorpebury, which is important in light of its contribution to housing delivery to meet the identified housing needs.

We and CEG have concluded, following our discussions with the Council and the promoter of development on HA7 that, if it is not possible to reconcile the overlapping allocations within the Plan, the Plan should recognise the issues arising and include explicit requirements for these to be resolved before any planning permission for the development on all or part of the HA7 allocation is granted (rather than modifying the plan as proposed by the Council).

We recognise that these representations should address only the ECLP, and the Proposed Modifications in particular, but it is relevant in this context to confirm that CEG has submitted representations to the current applications<sup>3</sup> for planning permission which have been submitted on sites within the proposed HA7A and HA7B allocation areas (ostensibly in reliance on the draft allocation in the ECLP). These

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<sup>2</sup> See our earlier response to the Inspector's previous consultation on further evidence base documents (Letter the Programme Officer dated 7 November 2023).

<sup>3</sup> These applications were highlighted in our earlier response to the Inspector's previous consultation on further evidence base documents (Letter the Programme Officer dated 7 November 2023).

representations<sup>4</sup> explain in further detail the physical compatibility issues which could arise from the grant of planning permissions for development within the HA7 allocation which overlap with the Thorpebury Permission. These current difficulties should not be compounded by the adoption of a (modified draft) local plan which does not address the physical compatibility issues arising from the additional (HA7) allocation.

Further, rather than relying on the very minor changes to the supporting text at paragraph 2.70 (**MM33**) and the amendments to the diagrams (**DM14**), the requirements for DS3 (HA7) (HA7A and B) within the Local Plan policy should be amended for soundness as follows:

*We will support development proposals at site HA7 that:*

- *restrict built development to the north-western and south-eastern corners of the site to mitigate the impact on the settlement identities of Syston and Thurmaston **and ensure that the delivery of the North East of Leicester Sustainable Urban Extension is not compromised;***
- *include an appropriate width of landscaping and extensive tree planting on the land on both sides of the route of the road to enhance the visual separation between the settlements; and*
- *are accompanied by a Design and Access Statement, or similar document, that sets out how these and other measures will minimise the impact of the development on the settlement identities of Thurmaston and Syston and **safeguards the route of the road that will the delivery of the North East of Leicester Sustainable Urban Extension.***

*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 **and coordinated** development **of the allocation as a whole and the North East of Leicester Sustainable Urban Extension;** and*
- *a development brief, design code or equivalent to be prepared to inform decisions on detailed planning applications or reserved matters applications to ensure a cohesive approach to the design and impacts are satisfactorily mitigated.*
- **details of the design of the road corridor including associated structures, which have been agreed with relevant stakeholders.**
- **the applicant to demonstrate that the implementation and delivery of the North East of Leicester Sustainable Urban Extension will not be compromised by the approval or implementation of the development.**

### **The Extent of the LUA2 (the Thorpebury SUE allocation) (PC1, PC5, DM3 (b) and (c), DM4 and DM14)**

It is essential the plan supports the delivery of the SUE and, in order to do so, the full extent of the SUE boundary (as permitted and indicated in the statement of common ground (**EXAM24a**)) must be accurately and full indicated on all local plan maps and diagrams.

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<sup>4</sup> See Lichfields' letters dated 20 August 2023 and Town Legal's letters dated 19 December 2023 in respect of applications 22/2109/2 and 23/0932/2.

CEG supports the boundary and extent of LUA2 originally shown on the submitted ECLP Policies Map 1 (**SD-3**), and which accords with the full extent of the comprehensive development authorised by the Thorpebury Permission (the development having obviously been formulated in reliance on and with reference to that allocation extent). We also support the changes to the approach to ‘internal uses’ (**DM3(d)** and **PC1(j)** refer) and the employment uses within the Thorpebury SUE, and the proposed changes to Policy DS4: Employment Allocations (under **MM69**) to delete ES10, the specific employment allocation within the SUE.

The Proposed Modifications (including **PC5**, **DM3 (b) and (c)**, **DM4** and **DM14**) do not however maintain the established and allocated site boundary of LUA2, which in turn is reflected in the Thorpebury Permission.

Instead, these modifications indicate a reduction in the boundary of LUA2 to accommodate HA7(A and B). These modifications are inconsistent with modification **MM76** and are strongly opposed by CEG, as uncoordinated development on sites within the SUE boundary could compromise the delivery of the strategic site (for reasons we set above). We also note that this approach to identifying sites is unique to Thorpebury and the LUA2 area – the Council is not proposing any similar allocations within, or alterations to, SUE boundaries elsewhere within the Plan.

We have attached four Plans to these representations which detail suggested changes to the Policies Map (PC1 & PC5); LUA1 Leicester Urban Area Diagram (DM3); LUA2 North East of Leicester Sustainable Urban Extension Diagram (DM4); and Policy HA7 Diagram (DM14). These Plans demonstrate how the overlapping relationship between HA7 (A and B) and LUA2, and the importance of the SUE’s North West Link Road, could be illustrated. The proposed changes principally relate to how the SUE and link road are shown, but also include a reduction in the ‘Housing within Allocation’ area within HA7B and some associated changes to the plan/diagram keys for clarity. Where appropriate, the role of the link road in improving accessibility and connectivity is also recognised with an additional double arrowheaded green line.

Related to these changes, the text change at LP page 38 para 2.70 (**MM33**) should be amended by the addition of the following **text**, to read: ‘... The site, **which is within LUA2**, is divided into two parts (HA7A and HA7B) which are separated by the route of the road ...’ This change will also ensure consistency with **MM76** (LP page 80 para 3.30), which is supported.

**MM77** which clarifies the role of the illustrative diagram accompanying LUA2 (to be added under **DM1** and **DM4**) is also welcomed.

## **Summary**

In summary, as detailed above, the Proposed Modifications do not address the interactions between the Thorpebury/NEoL SUE (LUA2) and HA7 (A and B) and are not effective. We have engaged with the examination, the Council and the promoters of HA7 throughout the plan making process (and in relation to the current applications for planning permission on the HA7 parcels), but we have been unable to agree a mutually acceptable solution before these modifications were published.

The proposed amendments detailed in these representations, which follow our earlier written and verbal submissions regarding LUA2 and HA7, will address our concerns as follows:

- 1 The continued delivery of the Thorpebury/NEoL SUE, as an important source of housing supply with appropriate related social, transport and educational infrastructure, will be protected and supported;
- 2 The extent of the Thorpebury/NEoL SUE (CS19/LUA2) as allocated and permitted will be clearly and accurately reflected, maintained and protected in the new local plan policy, diagrams and on the policies map; and
- 3 The opportunity for additional housing development within the HA7 area, where this can be demonstrated to accord with and support the delivery of the SUE, will be maintained.

We trust these further representations will assist the examination, and would be pleased to discuss the detail with the Council, other parties and/or the Inspectors if that would be helpful. Please contact Nick Baker at the above office as necessary in this regard.

We would also wish to participate in any further examination session(s) which the Inspectors may decide to convene to discuss the modifications within this latest consultation.

Yours faithfully



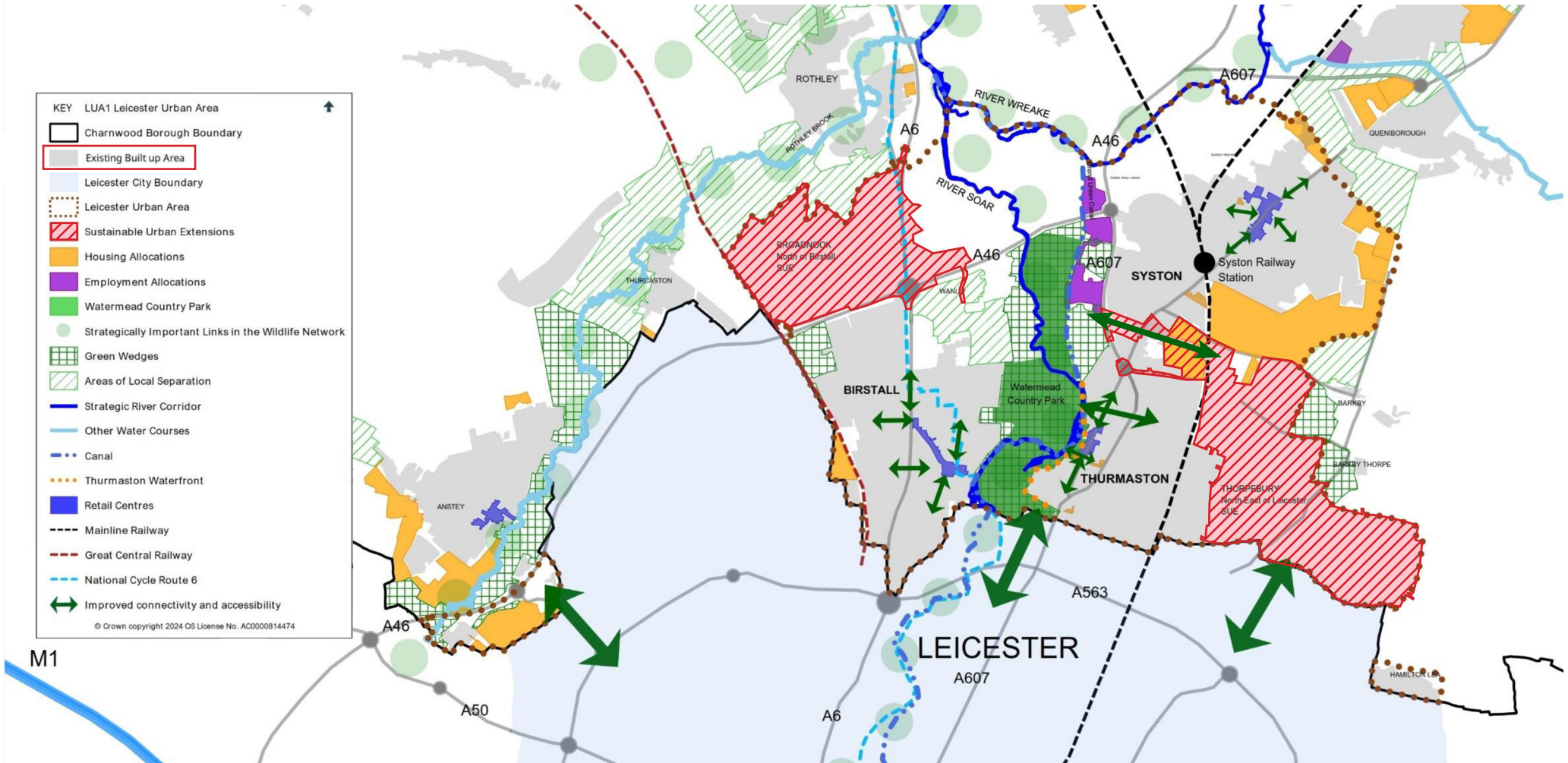
**Lichfields**

Copy Richard Bennett, Head of Planning & Growth, CBC  
The Charnwood Local Plan Inspectors, c/o Ian Kemp, Programme Officer



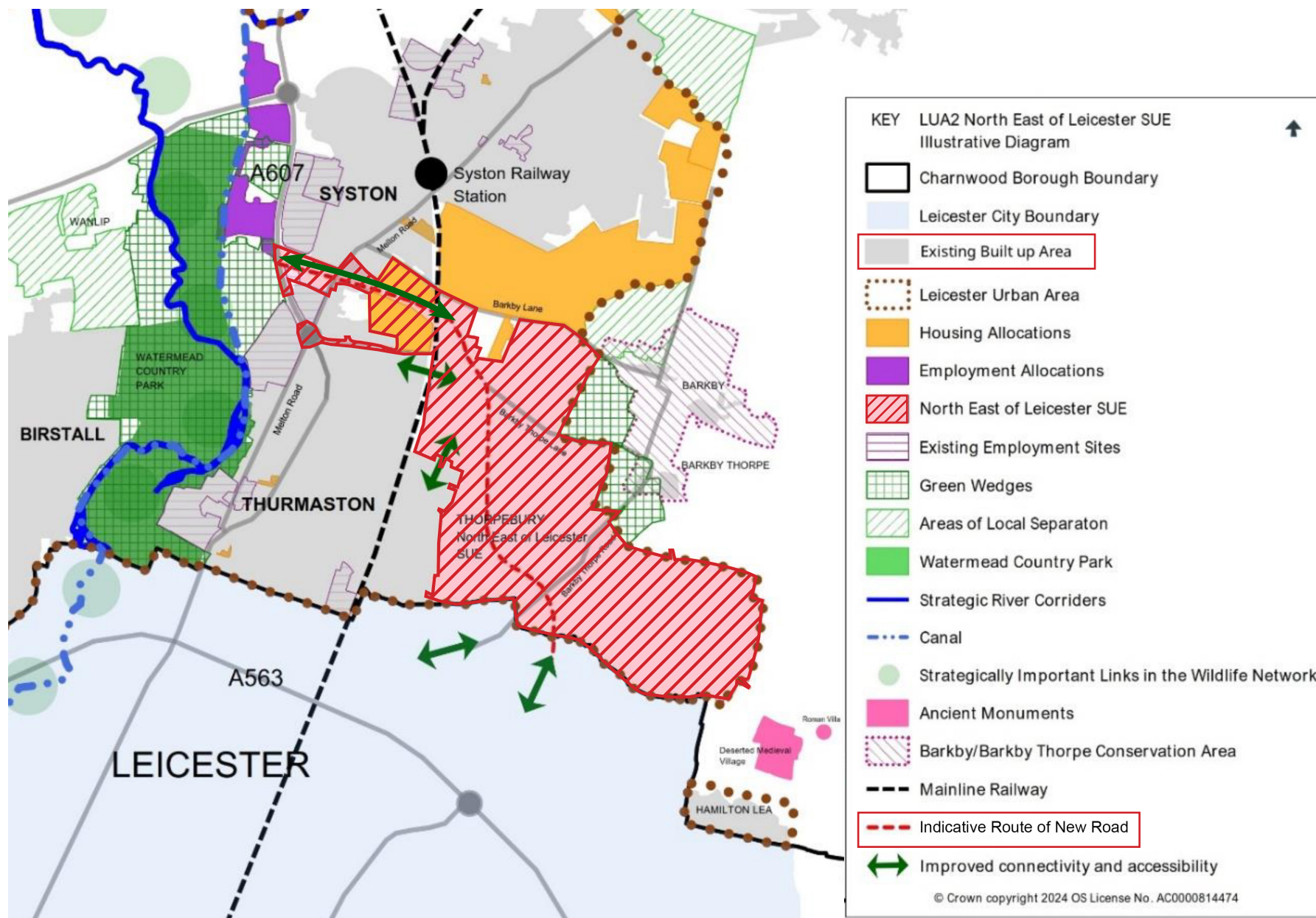
# CEG Response to modification consultation

## Plan I: DM3 changes (EXAM 82)

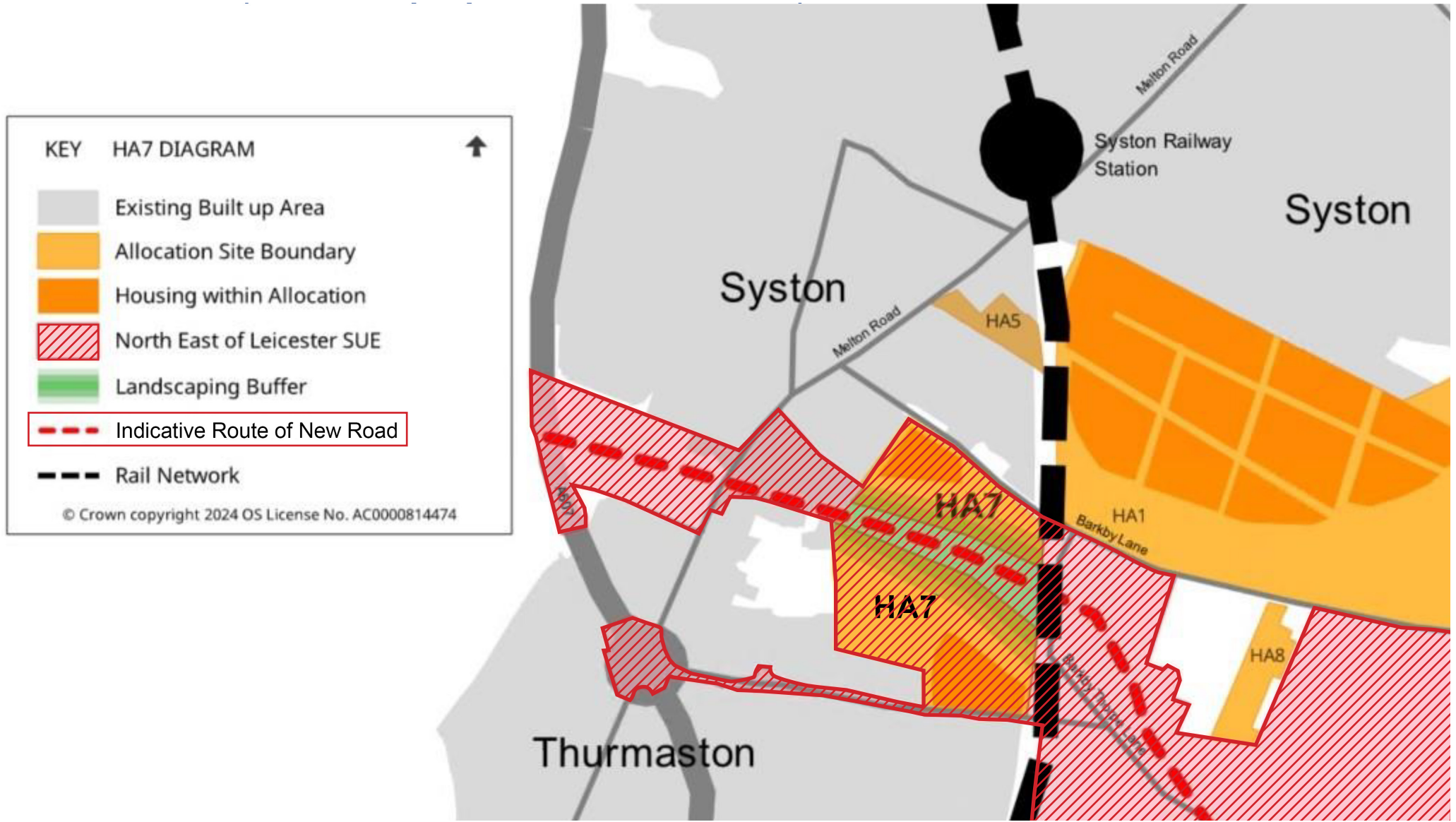




**CEG Response to modification consultation**  
**Plan 2: DM4 changes (EXAM 82)**



**CEG Response to modification consultation**  
**Plan 3: DMI4 changes (EXAM 82)**





# CEG Response to modification consultation

## Plan 4: Policies map I changes.

