

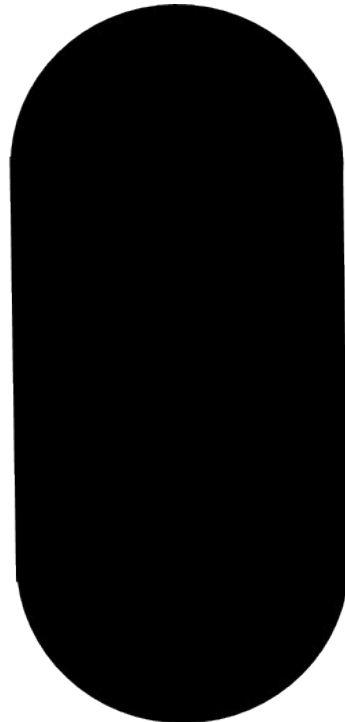
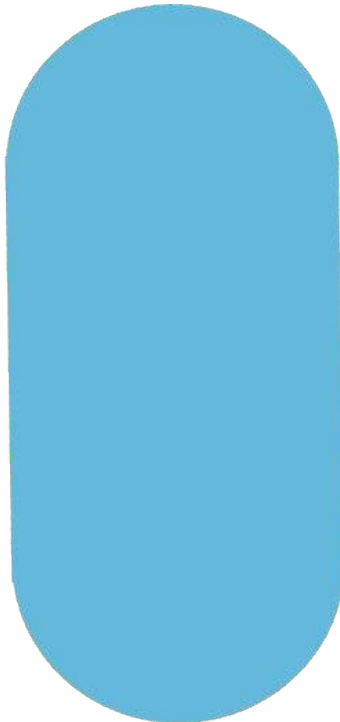
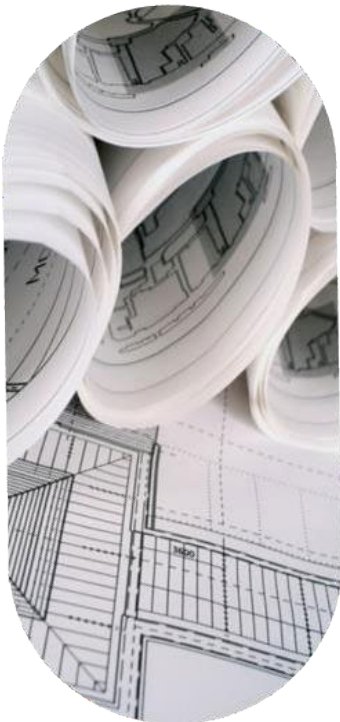


 Part of Shakespeare Martineau

Representation to Consultation on Main Modifications to the Charnwood Local Plan 2021- 2037

Bellway Homes – Land South of Barkby Lane, Thurmaston (HA7)

August 2024



1. Introduction

- 1.1. This representation is in response to the ongoing consultation of the proposed Main Modifications to the Charnwood Local Plan 2021-2037. The consultation period runs from 17th July to 4th September 2024 and seeks to ensure the material changes to the submitted plan make the local plan sound and legally compliant.
- 1.2. This representation has been prepared by Marrons on behalf of our client, Bellway Homes, in respect of the Land South of Barkby Lane, Thurmaston (Site Reference HA7)

2. Response to Main Modifications Consultation

Policy DS3: Housing Allocations

Main Modification - MM27

- 2.1. MM27 adds a significant set of explanatory text prior to Policy DS3: Housing Allocations. The Main Modification sets out that:

“The design and layout of development can contribute to managing its impact on, and accessibility to, infrastructure. We expect the design and layout of development on our allocated sites to be considered comprehensively with development at nearby sites, especially with regards to the following clusters of adjacent or adjoining sites:

- *Syston – sites HA1, HA2, HA3 and HA8*
- *Loughborough – sites HA15, HA16 and HA17.*
- *Loughborough – HA18 and LUC3 (Loughborough Science and Enterprise Park)*
- *Shepshed (West) – HA32 and HA34*
- *Shepshed (South) – HA39, HA40 and HA41*
- *Barrow upon Soar – HA45 and HA46*
- *Queniborough – HA64 and HA65*

Proposals should respond positively to opportunities for integrating infrastructure provision between sites, including in respect of site access arrangements, other highways and transport requirements and landscaping and other green infrastructure.”

- 2.2. The Framework requires policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals (paragraph 16d).
- 2.3. Whilst the list of clustered sites does not include HA7 'especially' it appears that the wording is designed to apply to any of the allocations, should the decision taker consider it relevant.
- 2.4. Plainly, the wording introduced by MM27 is not presented as a specific policy but seeks comprehensive design and layout with adjoining allocations. This requirement does not extend to the site specific policies such as Policy DS3(HA7) which require an agreed masterplan for the whole allocation and not a consistent development brief with any other allocations. A requirement to do so would be entirely inappropriate. As currently drafted MM27 is entirely unclear and as a result unsound.
- 2.5. If MM27 were continued in its drafted form through to the adopted plan it would cause serious potential for inconsistent interpretation by applicants and application by officers. Regardless, there is no associated planning policy to rely on. Additionally, the 'clusters' of adjacent sites are not necessarily directly linked and in some cases are clearly separated by significant existing built form.
- 2.6. The requirement for integration of infrastructure between sites must have been considered in the preparation of the Local Plan 2021-37. Certainly, the specific policies reference the need for contributions to be made to fund infrastructure on other allocated sites. Highways and transport matters can be dealt with on a site by site basis under INF1 and INF2 as proposed to be modified. MM27 provides no additional function other than to seed confusion when reading the drafted policies.

Main Modification - MM28, MM29, MM33, DM1 and DM14

- 2.7. Bellway Homes are supportive of the main modifications that increase the yield of HA7, provide for the safeguarding of the road corridor to serve the SUE and explain the relationship between road infrastructure required in association with LUA2.
- 2.8. For the avoidance of doubt Bellway Homes are comfortable with the amendments to the proposals map under PC5 of EXAM84. The Council has confirmed that the local

plan diagram proposed under DM1 and DM14 is illustrative and both parties recognise that the 'housing within allocation' areas are not representative of the constraints led approach taken through the pending applications (P22/2109/2 and P23/0932/2) and as a result are not reflective of the deliverable site. Bellway Homes remain supportive of the objective to safeguard the road corridor for access to the SUE, which has been demonstrated through both planning applications as appropriate and suitable.

- 2.9. We note the clarity provided within MM28 in respect of the illustrative diagrams but the wording in respect of housing within the 'orange' areas on the illustrative diagrams has strength which implies the illustrative diagrams are more than the title suggests. This wording needs to be amended to clarify that the illustrative diagrams are advisory and not part of the policies plan. This then begs the question of how future Countryside, Areas of Local Separation and Green Wedge designations within the proposed allocation boundaries can extend up to the edge of built areas within the allocations in those instances where there are future phases to come forward that have not been signalled. To amend the batch of landscape designations post initial permissions in the absence of any understanding or clear interrogation of the basis for those designations in the context of land supply and outside of a DPD process would be wholly improper.
- 2.10. We would therefore suggest that the text below which is struck out is deleted to ensure the plan is effective and consistent with national policy:

~~*"Some of the site policies are accompanied by illustrative diagrams to assist with interpreting the policies. In some cases these diagrams show, in darker orange, where housing should could 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 the development."*~~

Main Modification - MM28, MM29, MM33, DM1 and DM14

- 2.11. EXAM58J anticipates 40 homes being delivered each year between 2028/29 and 2031/32 and a further 20 homes in 2032/33. In April we wrote to the Council to advise that lengthy delays to the determination of the applications for the northern and southern parts of HA7 (P22/2109/2 and P23/0932/2) meant that whilst we expected start on site in Spring 2028 we would need to take a view if delays persisted. Regardless of any

delays, it is unlikely that 40 homes could be delivered in the 2028/29 monitoring year and we would suggest that delivery for HA7 is now pushed back a full monitoring year to account for the delays in determining the two applications. This will remove 40 homes from the available supply within the first five years upon adoption.

- 2.12. NPPF paragraph 69 requires that planning policies identify a supply of specific, deliverable sites for five years following the intended date of adoption. Paragraph 76 sets out that:

Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- a) their adopted plan is less than five years old; and*
- b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

- 2.13. We would raise serious concern were the Council's position at 5.01 years to be determined sufficient to meet the requirement of NPPF paragraph 76.b. in the context of even a marginal delay in delivery resulting in the Council falling below 5 years. We consider that a detailed supply assessment would conclude that the council would be unable to demonstrate a 5 year supply at adoption and thereby prevent the protection from supply assessments under paragraph 76 and the tilted balance being engaged of paragraph 11d of the NPPF. Furthermore, we note the deletion of this paragraph within the recently published NPPF Draft Text for Consultation.

Policy INF1: Infrastructure and Developer Contributions

Main Modification – MM156

- 2.14. The proposed modifications to Policy INF1 under MM156 seek to “*improve soundness and clarity with cross referencing to the full range of infrastructure in the Infrastructure Schedule, arrangement for transport improvements and collaborative working on transport.*”
- 2.15. In this regard, we would raise the need to provide further clarity in respect of the provision of the reasonable costs of the on and off-site infrastructure needed to mitigate the impacts of the development. As currently drafted, and subject to the acceptance of MM156, Policy INF1 fails to relate the highways infrastructure impacts of a development to those identified within any associated Transport Assessment submitted as part of a planning application. We consider that this is a central mechanism in the

pursuit of understanding a sites direct impact on the road network and should be utilised to determine whether off-site transport infrastructure improvements/contributions are required.

2.16. We would therefore propose a further modification to INF1 as follows, inter alia:

contributes to the reasonable costs of any infrastructure required to mitigate the impacts of the development strategy including through the pooling of developer contributions where it is demonstrated through appropriate and robust evidence including Transport Assessments, that the impacts can only be addressed in a comprehensive way including cumulative and cross boundary impacts; and

Policy INF2: Local and Strategic Road Network

Main Modification – MM158

2.17. Significant redrafting and modifications have been undertaken in respect of Policy INF2. The policy sets out how specific and cumulative transport impacts of the Local Plan's development strategy will be mitigated through the preparation of three Transport Strategies.

2.18. Modification MM158 refers to "*Specific requests for developer contributions to fund the delivery of the Transport Strategies will be informed by appropriate evidence and by the policy framework in the Local Plan*".

2.19. Whilst in principle this approach may be appropriate, our clients are concerned that the mechanism by which the Transport Strategies are in reality being developed and adopted (as wholly separate from the Local Plan by Leicestershire County Council in its role as Local Highway Authority) is to support Leicestershire County Council's (LCC) financial contribution requests detailed within their Charnwood Transport Contributions Strategy (CTCS). This approach does not allow for the proper testing and scrutiny that would come through a development plan or CIL process.

2.20. Separate representations have been submitted to that consultation regarding the Site, and the Inspectors will be well aware of their own view expressed in EXAM80 that such an approach should be a Development Plan Document (DPD) rather than any other

document type such as a Supplementary planning document (SPD) or 'standalone policy' as claimed by LCC, which is being consulted on 10th July to 23rd August 2024.

2.21. Furthermore, MM158 provides no clarity on how the policy should function alongside the CTCS, were this to be adopted by LCC and if this was the intention of the policy, nor how contributions requested on the basis of Policy INF2 are balanced against any contributions required through the CTCS.

2.22. We note that MM158 proposes to modify INF2 (inter alia) as below:

Specific requests for developer contributions to fund the delivery of the Transport Strategies will be informed by appropriate evidence and by the policy framework in the Local Plan.

Where improvements are being delivered to the MRN or SRN, we will look for these to include measures that deliver, as appropriate, improved facilities for walking, cycling and passenger transport.

We will support development that is supported by a robust travel plan and robust transport assessment of the impact of the development on the road network, including its relationships to any identified significant cumulative and/or cross-boundary traffic impacts, and that demonstrates such impacts can be proportionately and appropriately mitigated.

Where a transport assessment indicates that a proposed development will have an impact on significant cumulative traffic conditions across the Borough and/or indicates cross-boundary impacts, a proportionate contribution will be required to the reasonable costs of measures required to mitigate such impacts in accordance with Policy INF1 either through a financial contribution or scheme delivery.

2.23. We specifically note the reference to transport appraisals and would suggest that to avoid any lack of clarity that additional wording be included as below in relation to the Transport Strategies:

Specific requests for developer contributions to fund the delivery of the Transport Strategies will be informed by appropriate evidence, such as transport appraisals, and by the policy framework in the Local Plan.



 **Marrons**

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