

North West Leicestershire Local Plan Partial Review

Date: January 2020

Subject: North West Leicestershire Local Plan Partial Review Consultation

1. Introduction

- 1.0 Lambert Smith Hampton [LSH] is instructed by DJ&SC Smith [the Client] to make representations on its behalf to the North West Leicestershire Local Plan [NWLLP] Partial Review consultation. These representations are written in the context of the Client's land, namely land at Home Farm, Castle Donington [the Site]. The Client is promoting the Site for a major residential led, mixed use development in the emerging NWLLP. A Site Location Plan is included in Appendix 1.
- 1.1 These representations follow on, and should be read in conjunction with the Client's representations submitted to the Call for Sites consultation and the Emerging Options consultation, together with those submitted to the consultation on the Strategic Growth Plan [SGP]. A copy of the representations submitted to the consultation on the SGP is enclosed in Appendix 2.
- 1.2 Discussions have also taken place with the East Midlands International Airport [EMIA] and Derby 2 Nottingham 2 [D2N2] in relation to the promotion of the Site through the NWLLP for a strategic residential led mixed use development.

2. Context

- 2.0 The Council adopted the NWLLP in November 2017. The Inspector's Report set out that the Council is committed to an early review within the first three months following the adoption of the NWLLP. The reason for this is twofold:
 - A shortage of employment land up to 2031 compared to what is required in the Housing and Economic Development Needs Assessment [HEDNA] as published 2017; and
 - The possible need to accommodate the unmet housing need to arise from Leicester City and other parts of Leicestershire.
- 2.1 Work commenced on the NWLLP Review in April 2018. A consultation took place in August 2018 through a Strategic Housing and Economic Call for Sites with a further consultation on the Emerging Options in January 2019.
- 2.2 The representations to the NWLLP Review have been influenced by the preparation of the emerging SGP. The SGP is being prepared by the Leicester and Leicestershire authorities. A Draft SGP was consulted on in February 2018. LSH prepared and submitted representations to the consultation on behalf of the Client. The response set out the Client's general support for the overall direction of the SGP and its vision to deliver significant infrastructure changes to the city region. The representations provided a platform for the Client to promote its land at Home Farm, Castle Donington, and demonstrate that it is suitably located to deliver on the SGP's objectives which is to deliver significant and

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transformational economic growth.

- 2.3 In December 2018, the Leicester and Leicestershire authorities produced a final version of the SGP. The SGP sets out the strategy for growth and development within Leicester and Leicestershire over the plan period to 2050, enabling partners to consider the longer term development needs of the area, and the opportunities which extend beyond the development plan period.
- 2.4 The Site is included in the SGP as part of a broad area, identified as the 'Leicestershire International Gateway' [LIG], which is an area focussed around the northern parts of the A42 and the M1. The area is identified as having a significant quantum of employment development together with a number of permitted schemes. The SGP identifies the 'LIG' as having the capacity to deliver 10,000 new homes.
- 2.5 Following these earlier rounds of consultations, the Council has commenced a Partial Review of The NWLLP which focuses on Policy S1 (Future Housing and Economic Development Needs). It is understood that a Substantive Review will commence in summer 2020 which will address the longer term development needs of the district beyond 2031.

3. The Site

Site Location and Description

- 3.0 The Site is situated to the 1.3km to the immediate west of the centre of Castle Donington, approximately 13.2km to the north west of Loughborough and 11.7km to the south east of Derby. The Site abuts Housing Allocation H1c which secured outline planning permission [LPA ref. 09/01226/OUTM] for the erection of 895 dwellings, 6ha of employment development, a new link road, a primary school, public house and associated open space. Subsequent reserved matters applications¹ have been approved and development has commenced. The Site is therefore considered to abut the urban area of Castle Donington.
- 3.1 The Site is well contained by strong existing physical and landscape boundaries. The Site is bounded:
 - To the north by woodland, beyond which lies the River Trent. To the north east by a significant amount of employment development [East Midlands Distribution Centre [EMDC] beyond which lies the freight railway line interchange;
 - To the east by the permitted new link road and 'Housing Allocation H1c', beyond which lies the urban area of Castle Donington;
 - To the south by woodland and the Deer Park, beyond which lies the EMIA and the Donington Park Race Circuit; and,
 - To the west by the curtilage of Home Farm and woodland, beyond which lies the River Trent.
- 3.2 The Site comprises two parcels of land which are located to the north and south of Park Lane. The extent of these two parcels is shown on the Site Location Plan included in Appendix 1. In its entirety, the Site extends to approximately 95ha. The Site is greenfield and is currently in use for low intensity agriculture.

¹ LPA ref: 16/00845/REMM, LPA Ref: 18/01509/REMM & LPA ref: 18/01893/REMM

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- 3.3 Access to the Site can be achieved via Park Lane which dissects the two parcels of land which make up the strategic land opportunity.

Technical and Environmental Constraints

- 3.4 There are no overriding technical or environmental constraints which would impact the ability to achieve residential development at the Site. Following on from the preparation of the SGP, preliminary assessments were undertaken to ascertain whether there were any technical and environmental constraints that would inhibit the development of the Site. The assessments confirmed that there are no overriding technical or environmental constraints that would impact on the Site coming forward for development.

Sustainable Development

- 3.5 The Site is sustainably located in relation to its proximity to services and facilities and its accessibility by modes of public transport. It abuts the urban area of Castle Donington which is identified in the NWLLP Policy S2 (Settlement Hierarchy) as a Key Service Centre providing access to a range of local services and facilities together with employment opportunities and primary and secondary education facilities.
- 3.6 The Site is accessible by means of public transport. A bus service is in operation along Station Road which dissects the centre of Castle Donington and provides frequent access to Coalville, Derby, Leicester, Loughborough and Nottingham. The nearest train stations are Long Eaton and East Midlands Parkway which are located to the 6.9km north and 6.9km to the east respectively. Both stations provide access to the East Midlands Trains services; Long Eaton also provides access to the CrossCountry service. A freight railway line is located to the north of the Site and serves the employment development to the north of Castle Donington.
- 3.7 The Site will also benefit from High Speed 2 [HS2]. The proposed route for HS2 Phase 2b will run to the east of Castle Donington. The East Midlands Hub planned for Toton which is approximately 9.6km to the north of the Site. Whilst only indicative, it is understood that the proposed route for the D2N2 runs in proximity to the Site which provide a fast track services between Derby, Nottingham and EMIA.
- 3.8 The Site is located to the north of the EMIA which is principally used for domestic and European flights together with freight activity.
- 3.9 In terms of access to the strategic road network, the Site is located approximately 1.8km to the west of Station Road which connects to the A50 bypass and the M1 motorway and the A50, both of which provide access to the wider strategic road network.

Deliverability

- 3.10 The Site is available with significant developer interest, and has the ability to come forward for development following the adoption of the NWLLP. It therefore has the ability to deliver units within the first five years of the plan period as part of a first phase of development. Given the scale of the Site it can also assist in providing a continuous, long term supply of housing land that can easily adapt to market conditions.
- 3.11 As set out in the preceding paragraphs, the Site is suitable for residential development. It

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abuts the urban area and presents the opportunity to deliver a well contained and sustainable extension to Castle Donington.

- 3.12 As stated, there are no overriding technical or environmental constraints which would impact on the ability to achieve residential development at this Site.
- 3.13 Drawing these points together, the Site is considered to be available, achievable, suitable and deliverable for residential development. It has the capacity to deliver up to 1,100 dwellings which would assist in meeting the need of the current plan period, to 2036 and beyond to 2050. A Masterplan was provided as part of the Call for Sites stage.
- 3.14 The allocation of the Site within the emerging NWLLP would assist in the delivery of sustainable development in the district. It would make a significant contribution towards meeting the requirements for Castle Donington, the district, and the wider sub region through the provision of both market and affordable dwellings. The allocation of the Site would enable opportunities for new residential development to be located within proximity to strategic infrastructure which is endorsed in the Housing White Paper: Fixing our broken housing market.
- 3.15 The Site would assist in delivering the forecasted growth set out in the SGP. It is acknowledged in the Publication Consultation Document [PCD] that this planned growth will need to be considered well in advance and addressed as part of the review.

4. Local Plan Review Strategy

- 4.0 The Client acknowledges that the Council is committed to an early review of the NWLLP following the comments received by the Inspector during the examination and the subsequent modifications to Policy S1. The Inspector was clear in their modifications to Policy S1 that the Council is committed to an early review of the NWLLP to accommodate any unmet needs identified by agreement within the Housing Market Area [HMA] according to the SGP, and to reconsider the adequacy of the housing and employment land supply.
- 4.1 In this context, the Client broadly supports the Council's two staged approach to reviewing the NWLLP. The reason for this is threefold:
 - The Council is committed to an early review by Policy S1. Failure to adhere to this commitment would render NWLLP out of date.
 - There is still uncertainty surrounding the unmet housing and employment need arising from the HMA. To ensure that this need can be met clarity is required as to the quantum of development North West Leicestershire will be expected to accommodate.
 - Detailed consideration needs to be given to the SGP and the strategic location of new development in the context of the Leicestershire International Gateway [LIG]. The PCD identifies the district as potentially delivering up to 5,200 dwellings as part of the LIG. that both NW Leicestershire and Charnwood could accommodate about 11,200 new dwellings up to 2050 as part of the LIG, of which 5,200 dwellings could be provided in North West Leicestershire.
- 4.2 In this context, it is considered that the Council's two staged approach to reviewing the NWLLP is appropriate. The Partial Review adheres to the commitment set out in Policy S1 and mitigates the risk of the NWLLP being considered out of date.

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- 4.3 Commencing the Substantive Review in summer 2020 enables the Council to robustly consider how the identified unmet need within the wider HMA can best be accommodated within the administrative boundaries of North West Leicestershire. Furthermore, it will enable the Council to appropriately consider the SGP, and identify strategic locations for growth in this context to address the longer term development needs of the district. Endorsing the strategic nature of the SGP within the review of the NWLLP and extending the plan period will provide certainty for the resident population and the development industry as to where future growth in the district will be directed. It will also ensure that the NWLLP is brought into accordance with the National Planning Policy Framework² [the Framework] which states that strategic policies should look ahead over a minimum 15 year period to anticipate and respond to long-term requirements and opportunities.
- 4.4 Notwithstanding, it is important that that the Council adheres to the timetable for the preparation of the Substantive Review and that work does not slip. The National Planning Practice Guidance³ [the Practice Guidance] is clear that to be effective plans must be kept up-to-date. Furthermore, the issues regarding the unmet housing and employment need will likely worsen overtime if not addressed through a timely review of the Plan. Failure to address these issues in a timely manner could undermine the credibility of the NWLLP and prejudice the delivery of sustainable development in the district.
- 4.5 In light of the circumstances, the Client broadly supports the Council's two stage approach to reviewing the NWLLP, albeit it has concerns of the potential slippage to the timetable which has been evidenced over the last six months due to political and economic changes. As stated, it is important that the timetable for the preparation of the Substantive Review does not slip so as to ensure that the issues regarding the unmet housing and employment need arising from the HMA are resolved in a timely manner.

5. Amendments to Policy S1

- 5.0 Policy S1 sets out the future housing and economic development needs for the district over the plan period to 2031. Text has been added to the Policy which sets out that a Statement of Common Ground [SOCG] will be prepared which will deal with the redistribution of unmet need arising from the HMA, and that the submission of a replacement Local Plan will take place within 18 months of agreeing the SOCG.
- 5.1 The Client supports the requirement for North West Leicestershire to assist in meeting the unmet need arising from the HMA. It also supports the requirement to prepare a SOCG which will quantify and redistribute the unmet need arising from HMA to those authorities within the HMA who are able to assist in accommodating this unmet need.
- 5.2 Notwithstanding, the Client has concerns that the proposed additional text, as worded, lacks effectiveness. There is no timeframe for when the SOCG must be prepared or even agreed by the HMA authorities. Whilst it states that a replacement Local Plan will be submitted within 18 months of the SOCG being agreed by all the authorities this lacks any weight as no indication is given as to the timescales for preparing or agreeing the SOCG. The Client recommends that this additional text is reworded to make clear when a SOCG is expected

² National Planning Policy Framework - §21

³ National Planning Practice Guidance - Paragraph: 062 Reference ID: 61-062-20190315

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to be completed and agreed by the HMA authorities.

- 5.3 Furthermore, there is no penalisation for not submitting a replacement Local Plan within 18 months of agreeing the SOCG. The omitted text makes reference to the Local Plan being deemed out of date if it is not reviewed within two years. The Client recommends that similar text be included to commit the Council to submitting the replacement Local Plan within a specified time period, failure to do so rendering the adopted Plan out-of-date.
- 5.4 The Client acknowledges that the unquantified, unmet need arising from the HMA is causing uncertainty with the housing figures, and supports that this has been reflected in the proposed additional text in Policy S1. However, as acknowledged in the PCD, there are other factors which are influencing the uncertainty with the housing figures, namely the Government's standardised methodology and the changes to household and population projections, together with the development requirements emerging from the SGP. This is reflected in the Inspector's Report⁴ which states that:
- "The Council therefore proposed to modify the overall requirement of the Plan in line with the lower figures of the HEDNA and to defer to consideration of accommodating any unmet needs from the HMA authorities to an early review of the Plan, depending on whether, and to what extent, the future SGP shows this to be necessary."*
- 5.5 To ensure that Policy S1 is positively prepared the Client recommends that text is included in either the Policy or reasoned justification which sets out that the housing requirement identified in the Local Plan is used for indicative purposes until such time that:
- Clarification is sought on the standardised methodology and the 2018 based projections; and,
 - That the scale of development proposed in the LIG is quantified in the context of North West Leicestershire.
- 5.6 It is important that Policy S1 is based on up-to-date, robust and sound evidence. It is therefore important that the Council acknowledges all factors that are likely to influence the housing requirement within the wording of the Policy, or the reasoned justification. The Client also recommends that additional wording is included which states that the housing requirement will be reviewed where appropriate in light of up-to-date evidence so as to ensure that the need arising from the district and the wider HMA is accounted.
- 5.7 As set out in the representations to the Emerging Options consultation, the Client has concerns in relation to the adopted requirement to deliver 481dpa considering it to be too conservative. This concern is consistent with that expressed by other third parties during the consultations on the NWLLP. The adopted housing requirement of 481dpa does not necessarily allow for the significant economic development that has been earmarked for Leicester and Leicestershire through the SGP. Consequently there is significant scope for the housing requirement to be increased, and aligned with the borough's economic growth aspirations. In the context of the tests of soundness, the Client does not consider the adopted housing requirement to be justified and strongly recommends that the Housing and

⁴ Inspectors Report (October 2016) - §95

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Economic Need Assessment [HEDNA] is updated in light of the 2018 based projections, and the forecasted growth for the LIG. Furthermore, it is requested that consideration is given to the previous levels of housing completions that have been achieved in the district since 2013.

- 5.8 In the context of the tests of soundness, it is considered that as worded Policy S1 fails to meet the following tests:
- **Effective** – No timescales are provided for the preparation of the SOCG. This consequently impacts on the timescales for the preparation of the replacement Local Plan, and makes the requirement to submit a replacement Local Plan within 18 months of agreement arbitrary.
 - **Positively Prepared** – Neither Policy S1 or its reasoned justification makes reference to the other factors that are influencing the housing requirement. The PCD is clear that until such time that clarity is provided on the housing requirement, the 481dpa figure should be treated indicatively.
 - **Justified** – The Client has concerns that the housing requirement remains too conservative and does not necessarily allow for the significant economic development that has been earmarked for Leicester and Leicestershire through the SGP. The housing requirement does not necessarily reflect the levels of recorded housing completions⁵ that have been continually delivered across North West Leicestershire since 2013.
- 5.9 To ensure that Policy S1 can be found sound, the Client recommends the following:
- Timescales are provided for the preparation and agreement of the SOCG;
 - Text be included within the Policy to commit the Council to submitting the replacement Local Plan within a specified time period, failure to do so resulting in the adopted Plan being considered out-of-date;
 - Text is included which sets out that the housing requirement will be reviewed as appropriate in light of up to date evidence to ensure that the need of the district and the wider HMA is accounted;
 - Highlight that the requirement to deliver 481dpa is indicative until such time that clarity is provided regarding the quantum of unmet need, the standard methodology, the 2018 based projections, and the scale of development proposed in the LIG quantified in the context of North West Leicestershire; and,
 - Reviews the HEDNA in light of the 2018 based projections and the forecasted growth for the LIG.

⁵ Table 1 of the North West Leicestershire Annual Monitoring Report Monitoring Report 2017/2018 (December 2018)