

## **Charnwood Local Plan Examination**

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### **HEARING SESSION AGENDA**

**28 June 2022 10.00 am and 2.00pm**

Please Note: All participants are encouraged to familiarise themselves with the Hearing Statements (and any relevant evidence) produced by the Council and other parties in respect of the matters addressed at this session. These are available on the examination website.

The Matters, Issues and Questions (MIQs) relating to this session are appended for ease of reference. The MIQ number is listed on the left of this agenda together with the bullet points on which the Inspectors require further information or clarification and which will form the basis of the discussion at the hearing sessions.

#### Abbreviations

NPPF – National Planning Policy Framework  
SoCG – Statement of Common Ground

1. Inspectors' opening and introductions
2. Council's opening statement
3. Participant introductions
4. Points of clarification
  - Update to Topic Paper 2 Development Strategy and Site Selection (Exam7)
5. **Matter 1 – Duty to Cooperate and Other Legal Requirements**

#### **Key Documents**

Statement of Compliance with the Duty to Cooperate (SD15)  
Local Development Scheme (2021) (SD16)  
Development Strategy and Site Selection Topic Paper (Exam7)

Justification for Progressing Local Plan ahead of the Apportionment of Unmet Need (TP4)  
Various SoCG (SCG2 – 10)  
Leicester and Leicestershire Authorities SoCG relating to Housing and Employment Land Needs (March 2021) (SCG1)  
Leicester and Leicestershire Authorities SoCG relating to Housing and Employment Land Needs (April 2022) (Exam 15)  
Pre Submission Sustainability Appraisal (SD5)  
Strategic Growth Plan (EB/DS/6)  
Schedule of Proposed Main Modifications (Exam 4)

**Important Note:** The Inspectors will not be inviting or undertaking detailed discussion of the new evidence in Exam 14, 16 or 17 but participants at the hearing session are expected to be aware of the publication and role of these documents.

### **Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan**

MIQ

1.1

- The outcomes of cooperation including joint evidence documents and SoCG, in relation to:

1.2

1.3

Housing

- Joint approach to Strategic Housing and Economic Land Availability
- Gypsy and Traveller accommodation, including transit site provision in Blaby and North West Leicestershire

Employment

- Up to date position on need for strategic warehousing and logistics floorspace

(Note – cooperation in relation to the unmet need for housing and employment across the Leicester and Leicestershire authorities is a separate item below)

Highways and Transport

- Up to date position on the Strategic Transport Assessment
- Update on further work to improve cross boundary opportunities for sustainable transport into Leicester

Flood Risk

## Infrastructure

- Primary school provision
- Any outstanding concerns about cross boundary impacts in relation to the locations for wind and solar energy shown on Policies Map 2
- Burial space

## Green Infrastructure and the natural environment

### Site allocations with cross boundary impacts

1.4

### Unmet Need

1.6

- Update on the Council's position following the Cabinet meeting on 9 June 2022 on the Leicester and Leicestershire Statement of Common Ground (Exam 15)
- How the unmet need for housing and for employment is proposed to be addressed
- How much housing (in dwelling numbers) would be apportioned to Charnwood to address the unmet need and over what time period?
- How much employment land would be apportioned to Charnwood to address the unmet need and over what time period?
- The process by which the evidence behind the proposed apportionment in the SoCG for both housing and employment will be tested and examined and the implications for this and other Plan Examinations

1.5

- Can the Council demonstrate that it has engaged constructively, actively and on an on-going basis with the City of Leicester and other Leicestershire authorities to apportion Leicester's unmet housing need?

1.10

- If the unmet need for housing is to be addressed through a Plan review, would main modifications to the review mechanism in Policy DS2 be necessary for effectiveness and soundness?

- 1.11 • The Strategic Growth Plan’s status, timescales and the position on update/review
- 1.15 • Are there any outstanding matters in relation to the Duty to Cooperate?

**Issue 2 - Whether the Plan has been informed by a Sustainability Appraisal**

- 1.16 • Testing reasonable alternatives for the scale and distribution of new development
- 1.17
- 1.18
- 1.19 • The role of the Sustainability Appraisal in site selection
- Whether the requirements of the Strategic Environmental Assessment Directive have been met?

**Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements**

- 1.22 • Update to the submitted Local Development Scheme (SD16)
- 1.23 Consultation and the Statement of Community Involvement (SD14)
- 1.24 • Does the Plan include policies designed to mitigate and adapt to climate change, including supporting the transition to a low carbon future? Should Policy DS1 include a reference to climate change?
- 1.26 • Superseded policies
- (ii)
- 1.26(i) • Neighbourhood Plans - update, strategic policies and proposed changes to the Policies Map for consistency with
- 1.27 Neighbourhood Plans

**Other Matters**

- 1.21 Whether any adjustments to the Plan period are necessary for consistency with national policy in the NPPF
- 6. Review of Matter 1 main modifications necessary for the Plan to be legally compliant
- 7. Follow up items and close of hearing session

## **MATTER 1: DUTY TO COOPERATE AND OTHER LEGAL REQUIREMENTS**

### **Issue 1 – Whether the Council has complied with the Duty to Cooperate in the preparation of the Plan**

- 1.1 What are the relevant cross boundary strategic matters that have arisen through the preparation of the Plan (defined as matters having a significant impact on at least two planning areas<sup>1</sup>)?
- 1.2 What outcomes have resulted from engagement and cooperation on the relevant strategic matters and how have these informed the Plan's policies, including in relation to:
  - a. Housing
  - b. Employment
  - c. Highways and Transport
  - d. Flood risk
  - e. Infrastructure including renewable energy
  - f. Green Infrastructure and the natural environment
  - g. Site allocations with cross boundary impacts
- 1.3 Is the process of cooperation demonstrated with clear evidence, including Statements of Common Ground as expected by National Planning Policy Framework paragraph 27 and the Planning Practice Guidance? Do the Statements of Common Ground identify the relevant strategic matters, actions in relation to cross boundary issues, and the outcomes of actions taken?

#### Unmet need

Context – The consultation on the City of Leicester's draft Local Plan in December 2020 indicated a potential unmet need of 7742 dwellings and 23 hectares of employment land from 2019 to 2036. The revisions to the standard method for assessing local housing need in December 2020 to incorporate the cities and urban centres uplift of 35% increased the unmet housing need between 2020 and 2036 by an additional 9712 dwellings. The apportionment of unmet need is a key element of the Duty to Cooperate across the eight Leicestershire authorities.

- 1.4 When will the Statement of Common Ground on Housing and Employment Need (SCG-1) be updated to apportion the unmet need for housing and employment from Leicester to 2036?
- 1.5 What liaison has taken place between the Leicester and Leicestershire authorities to address the unmet need for housing

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<sup>1</sup> S33A(4) of the Planning and Compulsory Purchase Act 2004

and employment since the announcement of the cities and urban centres uplift in December 2020? Where is this documented?

- 1.6 Paragraph 3.25 of SCG-1 states that the Leicester & Leicestershire authorities agree that there is a sufficient supply of employment land in the Charnwood Local Plan to accommodate the unmet need for 23 hectares of employment land to 2036. However, page 96 of the Statement of Consultation (SD/13) indicates that the Plan does not accommodate unmet need for employment. What is the correct position?
- 1.7 If the outcome of cooperation on the Statement of Common Ground is that none of the unmet housing need will be apportioned to Charnwood, would there be any implications for the Plan or for Policy DS2?
- 1.8 If the Statement of Common Ground concludes that more housing is needed in Charnwood to meet Leicester's unmet need, does the development strategy set out in Policy DS1 represent a robust and appropriate approach for the distribution of further housing, employment and other development in the longer term?
- 1.9 Are there any other issues that could trigger the need for a Plan review apart from Leicester's unmet need?
- 1.10 Will Policy DS2 be effective in its submitted form and are any main modifications necessary to improve its clarity in relation to timescales and its effectiveness? Should the policy include a reference to strategic warehousing and distribution needs?
- 1.11 What is the role and status of the Strategic Growth Plan (EB/DS/6)? What consultation has been undertaken and is it subject to external scrutiny? How much weight does the Strategic Growth Plan have for plan making purposes?

#### Cross Boundary Infrastructure

- 1.12 Have the Plan's transport impacts been considered on a cross boundary basis, including the role of active and sustainable travel modes? What is the role of the Strategic Transport Assessment which is currently underway? Is this separate from the assessment of the specific impacts of the Plan's proposed growth on the strategic and local highway network as outlined in EB/TR/11, 12 & 13?
- 1.13 Is the need for new burial space a strategic cross boundary matter, and if so how is it being dealt with?
- 1.14 Are there any relevant strategic matters that have not been considered on a cross-boundary basis? If so, why?

- 1.15 In overall terms, is there evidence to demonstrate that, during the preparation of the Plan, the Council has engaged constructively, actively and on an on-going basis with relevant authorities and prescribed bodies on relevant strategic matters? Has the Duty to Cooperate been met in a manner consistent with paragraphs 24 - 27 of the Framework?

## **Issue 2 - Whether the Plan has been informed by a Sustainability Appraisal**

- 1.16 Is it clear how the Sustainability Appraisal (SD/5 & 6) has informed the preparation of the Plan and its policies at each stage, and how mitigation measures have been dealt with?
- 1.17 Does the Sustainability Appraisal robustly test the Plan against reasonable alternatives for the scale and distribution of housing, employment, retail and other types of development set out in Policy DS1?
- 1.18 What alternative spatial strategy options were considered, which were discounted and are the reasons for this clear? What was the purpose of the 'additional focussed assessment' in Appendix G of the Sustainability Appraisal and how has this informed the development strategy in Policy DS1?
- 1.19 Have any concerns been raised about the Sustainability Appraisal and, if so, what is the Council's response to those? Have the requirements of the Strategic Environmental Assessment Directive been met?

## **Issue 3 – Whether the Plan has been prepared in compliance with other legal requirements**

- 1.20 Is the Habitats Regulations Assessment (SD/8) robust and have the requirements of the Conservation of Habitats and Species Regulations 2017 been met? Are any main modifications necessary for legal compliance with the Regulations?
- 1.21 Are any adjustments to the Plan period necessary for consistency with the NPPF's provision that strategic policies should look ahead for a minimum 15 year period from adoption?
- 1.22 Has the submitted Local Development Scheme (SD/16) been updated as set out in the Council's letter (Exam 2) and has the Plan been prepared in accordance with the scope, timescale and content set out in the revised document?
- 1.23 Has consultation on the Plan been carried out in accordance with the Town and Country Planning (Local Planning) (England)

Regulations 2012 and the Council's adopted Statement of Community Involvement (SD/14)?

- 1.24 Does the Plan include policies designed to ensure that the development and use of land in the Borough contributes to the mitigation of, and adaption to, climate change in accordance with the legislation?<sup>2</sup>
- 1.25 In what ways has Plan preparation and the Plan's content had regard to the aims expressed in S149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?
- 1.26 Has the preparation of the Plan complied with the Planning and Compulsory Purchase Act 2004 (as amended) Part 2 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in all other respects, including in terms of:
- i. Having regard to the Planning Practice Guidance<sup>3</sup> that the preparation of the Plan should take into account policies and proposals in Neighbourhood Plans;
  - ii. Making clear which policies will be superseded if the Plan is adopted.
- 1.27 Do the strategic policies (page 3 of the Plan) provide an appropriate framework for the preparation of Neighbourhood Plans and what is the up-to-date position with Neighbourhood Plan preparation in the Borough?
- 1.28 Has Plan preparation had regard to the additional matters set out in Section 19 of the 2004 Act and in Regulation 10 of the 2012 Regulations?

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<sup>2</sup>Section 19(1A) of the Planning and Compulsory Purchase Act (2004) (as amended)

<sup>3</sup> PPG Reference ID 61-006-20190723