

North West Leicestershire District Council
Council Responses to Local Plan Modifications Consultation Representations
August 2017

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Main Modifications – General Comments

Main Modifications - General Comments

Respondent: Natural England		Representation Number: 22/01/GEN
<p>Comments: Natural England has provided comments on various drafts of the North West Leicestershire Local Plan. We have no particular comments on the Main Modifications to the Publication Version of the North West Leicestershire Local Plan.</p>		<p>Council Response: Noted.</p>

Respondent: The Coal Authority		Representation Number: 51/01/GEN
<p>Comments: Thank you for your notification received on the 12 June 2017 in respect of the above.</p> <p>I have now had an opportunity to review the document and can confirm that the Coal Authority has no specific comments to make on the modifications proposed.</p>		<p>Council Response: Noted.</p>

Respondent: Sport England		Representation Number: 61/01/GEN
<p>Comments: We can confirm that Sport England does not wish to make any comments on the main modifications to the local plan.</p> <p>We would expect that the recently completed Playing Pitch Strategy will be used as additional evidence to support the local plan.</p>		<p>Council Response: Noted.</p>

Main Modifications – General Comments

Respondent: Long Whatton and Diseworth Parish Council		Representation Number: 73/01/GEN
<p>Comments: H6 - House types and mix - The limit of 10 or more dwellings is too high and will provide no benefit whatsoever in small rural communities - where developments are rarely 10 or more, or are split into "phases" in order to avoid any commitments to the community.</p> <p>In Charnwood the upper limit is 5 dwellings in all the villages.</p> <p>Suggested Revised Wording: If there really is a desire to provide a mix of housing in villages in NWL the limit in Policy H6 should be 5 or more dwellings, the same as in Charnwood.</p>		<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector (Council's response to 73/2/H6 at publication stage) and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Respondent: Highways England		Representation Number: 13/01/GEN
<p>Comments: Highways England welcomes the opportunity to comment on the main modifications document to North West Leicestershire Local Plan (NWLLP). It is noted that the main modifications document has been produced at the request of the Independent Planning Inspector in order to enhance the soundness of the plan in light of new evidence provided since the NWLLP was submitted for consultation.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is the role of Highways England to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the North West Leicestershire Local Plan, Highways England's principal interest is safeguarding the operation of the M1, A42 and sections of the M42, A50 and A453.</p>		<p>Council Response:</p> <p>Noted.</p>

Main Modifications – General Comments

<p>Highways England previously commented on the publication version of the Local Plan in July 2016 and noted that there was a requirement to deliver 10,400 dwellings over the plan period to 2031. It is noted that this allocation has reduced to 9,620 dwellings, whilst the employment land allocation has reduced from 96 hectares to 66 hectares. Despite this reduction in anticipated growth, Highways England considers that the proposed scale of growth still has the ability to impact upon the operation of the SRN.</p> <p>It is noted that developments in North West Leicestershire would be expected to contribute to improvements at A42 J13 and M1 J22, if they have a significant impact on the operation of the junctions, as set out in Policy IF4. This is welcomed by Highways England. Indeed Highways England is working alongside Leicestershire County Council in order to enable it to deliver improvement schemes to A42 J13 and M1 J22, which has recently been implemented.</p> <p>Highways England also expects significant improvements to the SRN and local road network to come forward at M1 J24/24a funded through and in conjunction with the East Midlands Gateway SRFI development. Construction of these improvements has recently commenced.</p>	
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<p>Respondent: Heather Parish Council</p>	<p>Representation Number: 121/01/GEN</p>
<p>Comments: Heather Parish Council have looked at this document in detail & do not wish to amend any item.</p> <p>Suggested Revised Wording: Heather Parish Council have looked at this in detail and do not wish to amend anything or add anything.</p>	<p>Council Response: Noted</p>

Main Modifications – General Comments

to the strategic highway network in MM40 to acknowledge explicitly the needs, demands and opportunities of the M42 Corridor

- deletion of the final sentence of paragraph 5.5 as proposed by MM2; or its amendment by way of deletion of “such provision has already been made through” so the wording is clearly policy neutral

These further modifications would, in IMP’s view, address the remaining shortcomings of the submitted Local Plan and assist in insulating it from challenge on the grounds of soundness and legal compliance and so are commended to the Council and the Inspector conducting the Examination of the Local Plan.

The wording in paragraph 5.5 is considered to be a statement of fact and so no further change is required.

Respondent: **WYG on behalf of William Davis**

Representation Number: 68/01/GEN

Comments:

We write on behalf of our client, William Davis, in relation to the recent proposed modifications to the North West Leicestershire Local Plan and specifically relating to the policy for Areas of Separation within Coalville covered by Policy EN5. We note the Council does not propose to make any changes to that policy and we maintain our client’s position that the approach taken to this issue is unsound for the purposes of the further continuance of the Local Plan to adoption. The recent Supreme Court case – the Richborough Case – made conclusions in relation to what may constitute a housing policy in the context of the Council not having a five year housing land supply. In that Judgement, however, Lord Gill made it clear that policies such as Areas of Separation – which under the Judgement would not be regarded as housing policies – should be considered in the context of the aims and objectives of the NPPF. An important objective is the provision of land for housing so as to provide a significant boost in housing provision across the country. The Local Plan has been argued not to meet those objectives.

The maintenance of the Areas of Separation policy without a conclusion being reached as to whether the Local Plan provides for sufficient housing would be at best premature and otherwise inappropriate. This is particularly the case given Coalville is the principal settlement for growth in North West Leicestershire. The inappropriate allocation of large areas of the settlement as an Area

Council Response:

It is the Council’s view that the issues raised in this representation do not relate to either the Main Modifications or new documentary evidence produced since the Plan was submitted for Examination. Furthermore, the issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Main Modifications – General Comments

<p>of Separation could prevent the right amount of housing coming forward as our client has no doubt that the Council will operate the Area of Separation policy in a way equivalent to a local form of Green Belt. Thus whilst an Area of Separation policy may not legally be regarded as a 'housing policy' following the Supreme Court Case, this does not mean the Council should be permitted to designate such an area without considerations of the scale of housing required and where it should be located.</p> <p>That matter aside William Davis maintains its view that the Council has not carried out any credible assessment of the suitability of the land proposed to be designated as an Area of Separation for that purpose. The possibility of the function of 'separation' – which is not considered necessary by William Davis – being performed by a smaller area as part of a comprehensive development scheme has not been considered. The masterplan submitted by William Davis with its earlier representations demonstrates that even if some separation between parts of Coalville (not Coalville and another settlement) could be achieved in this way. William Davies continues to object to the Plan and modifications to it relating to the Areas of Separation and request the Inspector recommends their removal or at the very least recommends they are not designated until the scale of housing in Coalville has been calculated and the merits of specific parcels of land as part of any Areas of Separation has been fully addressed.</p>	
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<p>Respondent: Iceni Projects Representation Number: 45/04/GEN</p>	
<p>Comments: The Money Hill Consortium welcomes the main modification that provide the policy support for the production of a masterplan in consultation with a range of stakeholders, including the district and town council. The Money Hill Consortium has worked closely with stakeholders even before NWDLC first embarked on the preparation of a new Local Plan and wish to maintain this strong collaborative working. This is in the interests of ensuring that the Money Hill site is comprehensively developed and includes a range of land uses. Consequently, as acknowledged in the addendum to the Sustainability Appraisal, whilst the quantum of development identified at the "land north of Ashby" has risen through the Main Modifications process the requirement to prepare a masterplan for the site will seek to mitigate any harm.</p>	<p>Council Response: See response to MM25 (45/01/MM25)</p>

Main Modifications – General Comments

The Money Hill Consortium wish to create a balanced community at Money Hill with a balance of new jobs, homes and supporting infrastructure. Notwithstanding this, it is welcomed that the indicative employment target of 16 hectares of employment land is not prescriptive, and that it is recognised that a range of uses will need to be accommodated on the site. As a consequence, should the actual employment provision be lower than this it is helpful that draft Policy Ec1 provides flexibility to bring alternative undefined sites forward.

Matters relating to the potential constraints imposed by Packington pumping station requires further detail. The policy needs to provide greater clarity on the position relating to existing planning permissions and future allocations.

The Money Hill Consortium also recognises that NWLDC have taken steps to present policies more positively. Moreover, in many places, the amendments are simply factual (e.g. updated planning permissions) and, therefore, does not recommend any substantive changes.

Main Modification MM1

Respondent: Pegasus Group on behalf of Davidsons Developments Limited		Representation Number: 56/01/MM1
Comments: These various modifications propose an amendment to the overall housing requirements reducing it from 10,400 dwellings to 9,620 dwellings. Through the examination various parties including the Home Builders Federation raised concerns that the Housing and Economic Development Needs Assessment (HEDNA) under estimates the objectively assessed housing need (OAHN) for North West Leicestershire. There remains a concerns that the proposed modification provides a figure that will not meet the full OAHN for the district.	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.	
Respondent: Home Builders Federation		Representation Number: 85/01/MM1
Comments: It is disappointing that the housing requirement has been reduced from 10,400 dwellings to 9,620 dwellings. As set out in previous representations it is the opinion of the HBF and other interested parties that the latest HEDNA under estimates OAHN and therefore the revised housing requirement is too low.	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.	
Respondent: Kegworth Parish Council		Representation Number: 122/02/MM1
Comments: The Housing and Economic Development Assessment used in the local Plan forecasts for housing makes no allowance of the impact of students on housing in Kegworth, and does not identify the location of the University of Nottingham campus at Sutton Bonington. Students from the campus	Council Response: The HEDNA has considered the impact on overall housing requirements of those universities located within the HMA. Any impact in terms of future	

Main Modification MM1

<p>occupy 141 of the dwellings in Kegworth - around 10% of the total housing stock and has a disproportionate effect on the available housing stock for purchase and rent available to locals, particularly younger people.</p>	<p>housing requirements arising from University of Nottingham campus upon the HMA as a whole or North West Leicestershire will be limited.</p>
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<p>Respondent: Dan Hatcher on behalf of Rosconn Strategic Land</p>	<p>Representation Number: 36/01/MM1, 3 & 6</p>
<p>Comments: We maintain our objection to the OAN/Housing requirement of 481 dpa for the reasons previously stated and consider that the requirement should be at least 619 dpa as supported by the evidence prepared by Barton Willmore on behalf of Gladman Developments. This is without making any provision for the identified unmet needs within the HMA.</p> <p>Notwithstanding the above, Counsel acting on behalf of the Council at the Examination on Day 2 of the resumed Hearing in March maintained that whilst they were of the opinion that the OAN was 481, it would retain the 520 dpa and associated trajectory as a target to ensure that 481 dpa could be achieved. This is not the case.</p> <p>Suggested Revised Wording: The OAN/Housing Requirement should be amended to read 619 dpa and all associated changes made as necessary. If this requires further allocations to be made, the Examination should be suspended to allow further sites to be identified and the appropriate consultation to take place.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

<p>Respondent: Hinckley and Bosworth Borough Council</p>	<p>Representation Number: 81/01/MM1-9</p>
<p>Comments: Hinckley and Bosworth Borough Council are satisfied that proposed Main Modifications 1-9 in relation to policy S1 - Future housing and economic development needs and its supporting text address our concerns as set out in our representations made to date on the emerging North West Leicestershire Local Plan.</p>	<p>Council Response: Noted</p>

Main Modification MM3

Respondent: Charnwood Borough Council		Representation Number: 54/01/MM3
<p>Comments: Objectively Assessed Need (MM3) Main Modification 3 sets out the Objectively Assessed Need (OAN) identified in HEDNA for the period 2011-31 of 481 dwellings per annum. The modifications do not however explain that this figure includes an upward adjustment of 56 dwellings a year (1,120 dwellings over the plan period) from the demographic led need of 425 dwellings per year to support economic growth within the District.</p> <p>It is important this upward adjustment is referenced in the Local Plan. Any increase in the demographic need can only be supported by an alternative distribution of housing provision from elsewhere to be agreed through the duty to cooperate in order to avoid double counting. This duty to cooperate issue is explained in HEDNA [paragraphs 12.37 and 12.38] and was set out in the Borough Council's written and oral submissions to the examination.</p> <p>Suggested Revised Wording: Main Modification 3 should be amended to explain that the OAN North West Leicestershire includes an upward adjustment to support economic growth. HEDNA is clear that this needs to be supported by an alternative distribution of housing provision to be agreed through the duty to cooperate in order to avoid double counting and this should be set out in new paragraph 5.6.</p>		<p>Council Response:</p> <p>This issue was considered in some detail in the evidence submitted to and debated at the Examination Hearing sessions.</p> <p>It is not for this Local Plan to address what the level of provision should be in other parts of the Housing Market Area.</p> <p>The HEDNA (paragraph 12.37) does not require an alternative distribution but rather only refers to an alternative distribution "could therefore be supported". The issue of where any unmet need should be redistributed to is being addressed as part of the Strategic growth Plan.</p> <p>It is considered unnecessary for the Local Plan itself to go into such a level of detail but rather to set out what the Objectively Assessed Need is that the plan is seeking to address.</p>

Respondent: Pegasus Group on behalf of Davidsons Developments Limited		Representation Number: 56/02/MM3
<p>Comments: These various modifications propose an amendment to the overall housing requirements reducing it from 10,400 dwellings to 9,620 dwellings. Through the examination various parties including the Home Builders Federation raised concerns that the Housing and Economic Development Needs</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector</p>

Main Modification MM3

<p>Assessment (HEDNA) under estimates the objectively assessed housing need (OAHN) for North West Leicestershire. There remains a concern that the proposed modification provides a figure that will not meet the full OAHN for the district.</p>	<p>and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
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<p>Respondent: Home Builders Federation Representation Number: 85/02/MM3</p>	
<p>Comments: It is disappointing that the housing requirement has been reduced from 10,400 dwellings to 9,620 dwellings. As set out in previous representations it is the opinion of the HBF and other interested parties that the latest HEDNA under estimates OAHN and therefore the revised housing requirement is too low.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

<p>Respondent: Gladman Representation Number: 58/01/MM3</p>	
<p>Comments: Gladman maintain their objection to Main Modification MM3 based upon the evidence which was submitted to the Examination in response to the publication of the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017. Our position remains as set out in the work prepared by Barton Willmore, on our behalf, in response to the Inspector’s request for the findings of the HEDNA to be considered through the Examination of the NWLLP (Document Ref 58-HEDNA2). Barton Willmore had some fundamental concerns with the HEDNA, as it related to North West Leicestershire which were highlighted in Document 58-HEDNA2.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Main Modification MM3

Whilst not precisely the same as Barton Willmore's analysis, it is agreed that the following projections from HEDNA represent a quantum of growth that is positive and realistic in the context of the Core Planning Principles of the Framework (para 17, 3rd bullet).

- A planned growth scenario for 54,300 jobs across the HMA, of which 13,000 will be created in North West Leicestershire, over the period 2015 to 2031;
- Full objectively assessed need for 96,520 dwellings, 2011 to 2031 (4,829 per annum), across the eight Leicester and Leicestershire Housing Market Area Districts.

5.1.5 Barton Willmore were also content with the approach taken by HEDNA to the first four years of the plan period (2011 to 2015) in that the ONS mid-year population estimates for 2012, 2013, 2014 and 2015 should determine population change by age and gender, in each district, over that period.

However, Barton Willmore did not find the HEDNA assessment of economic led housing need (future jobs OAN) to be sound, because the future jobs OAN was, in their opinion, unrealistically low based on two grounds:

- First, in the context of the economic activity rate projections from the Office for Budget Responsibility (OBR), HEDNA makes ambitious, and apparently unrealistic assumptions about future increases in economic activity.
- Second, HEDNA assumes that the housing market area and North West Leicestershire will increasingly rely upon labour from outside of the HMA. This is risky and the available evidence (annual population survey resident and workplace based employment estimates) does not appear to support such an approach, but instead supports holding the commuting ratio constant over the plan period.

Taken together, the implication of using the OBR (FSR 2017) economic activity rates and holding the commuting ratio constant, increases the future jobs OAN (planned growth scenario) to 4,755 dwellings per annum at Leicester and Leicestershire Housing Market Area (LLHMA) level and 642 dwellings per annum at North West Leicestershire level.

Barton Willmore's alternative future jobs OAN for the LLHMA is less than the full OAN of 4,892 dwellings per annum calculated by HEDNA after making a market signals/affordable housing need based adjustment to demographic projections. However, in North West Leicestershire, Barton

Main Modification MM3

Willmore's future jobs OAN is higher than the full OAN proposed by HEDNA. Accordingly, a full OAN of 642 dwelling per annum for North West Leicestershire should be preferred to the HEDNA alternative.

Gladman therefore consider that Main Modification MM3 should relate to 642 dwellings per annum as the OAN for North West Leicestershire and we recommend the Inspector to consider the representations made on the HEDNA when considering the soundness of the NWLLP along with the Main Modifications.

Main Modification MM6

Respondent: Environment Agency		Representation Number: 14/01/MM6
<p>Comments: Support - Paragraph 5.8, duplication of the word "to" in the modified text -"makes provision sufficient to to ensure etc</p> <p>Suggested Revised Wording: Remove the additional "to" word</p>		<p>Council Response: Noted and agreed. The Council proposes to make this change under Additional Modification AM1 as it ensures the correct use of punctuation, capital letters or tense or corrects typing errors, and does not materially affect the policies set out in the Local Plan.</p>
Respondent: Pegasus Group on behalf of Davidsons Developments Limited		Representation Number: 56/03/MM6
<p>Comments: These various modifications propose an amendment to the overall housing requirements reducing it from 10,400 dwellings to 9,620 dwellings. Through the examination various parties including the Home Builders Federation raised concerns that the Housing and Economic Development Needs Assessment (HEDNA) under estimates the objectively assessed housing need (OAHN) for North West Leicestershire. There remains a concerns that the proposed modification provides a figure that will not meet the full OAHN for the district.</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
Respondent: Home Builders Federation		Representation Number: 85/03/MM6
<p>Comments: It is disappointing that the housing requirement has been reduced from 10,400 dwellings to 9,620 dwellings. As set out in previous representations it is the opinion of the HBF and other interested</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in</p>

Main Modification MM6

<p>parties that the latest HEDNA under estimates OAHN and therefore the revised housing requirement is too low.</p>	<p>previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
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<p>Respondent: Gladman</p>		<p>Representation Number: 58/02/MM6</p>	
<p>Comments: Gladman object to Main Modification MM6 in that it fails to make adequate provision for housing within the NWLLP to meet the full OAN as set out in the Barton Willmore assessment detailed above in Section 5.1.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>		

Main Modification MM8

Respondent: David Bigby		Representation Number: 5/01/MM8
Comments: I welcome this clarification that additional employment land may be allocated once further work with other HMA authorities is completed. This negates any need for MM12 or the new section 2 of Ec2 under MM40 which sanction a wholesale and unsustainable increase in employment land within the countryside.	Council Response: MM40 (and subsequently MM12) are required precisely because there is a mismatch of the type of employment land compared to the HEDNA. It would not be appropriate to delay provision to any subsequent review. MM41 makes it clear that the issue of shortfall may be addressed through the application of Policy E2 (2) and/or a review of the local plan.	

Respondent: Home Builders Federation		Representation Number: 85/04/MM8
Comments: There is also a likelihood of future unmet housing needs across the wider Leicester & Leicestershire HMA which at this time remains unresolved. Therefore the policy commitment to an early review is essential to the soundness of the North West Leicestershire Local Plan. The specified timetable for the commencement of this review and the submission for examination of the reviewed Plan as set out in Policy S1 is supported.	Council Response: Support welcomed	

Respondent: Gladman		Representation Number: 58/03/MM8
Comments: Gladman welcome the recognition set out in Main Modification MM8 that not all of the other authorities within the HMA will be able to meet their housing need within their own boundaries. This situation makes it all the more important to ensure that, the NWLLP is flexible enough to be	Council Response: Support welcomed	

Main Modification MM8

<p>able to accommodate its share of the unmet housing need within the HMA and for an effective review mechanism to be in place to ensure that the Plan reflects the outcomes of the Strategic Growth Plan for Leicester and Leicestershire, once it is adopted.</p>	
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<p>Respondent: Charnwood Borough Council</p>	<p>Representation Number: 54/04/MM8</p>
<p>Comments: Employment Provision (MM8) Main Modification 8 identifies the mismatch between the type of employment land identified as being needed in the HEDNA and the actual provision made by the plan. It states that the shortfall amounts to about 29 hectares when the provision is compared to the objectively assessed need for employment land identified in HEDNA.</p> <p>It is important that this shortfall in employment land is considered within the context of a significant over provision of housing land within the plan. This is particularly important in the context of the upward adjustment to the housing OAN to support economic growth, which the plan does not make provision for. This raises concerns about whether the plan as modified is robust and meets the tests of soundness in this regard. The implication arising from a plan that delivers high housing but low jobs (rather than balancing them in accordance with evidence) is that the plan potentially results in a mismatch of commuting and migration patterns when compared to the evidence. This prevents the role of North West Leicestershire District from being understood in the context of the HMA when planning for homes and jobs. Furthermore, without reconciliation the shift in provision causes issues for the efficacy of HEDNA and its ability to be applied to the strategic plan making processes, including understanding the context for re-distribution.</p> <p>The significant departure from the OAN for homes and jobs established by HEDNA and the mismatch which sees an increase in homes and a reduction in jobs requires explanation within the plan and reconciliation at the Housing Market Area level.</p> <p>Suggested Revised Wording:</p>	<p>Council Response:</p> <p>Whilst the Local Plan makes more provision of housing than the OAN identified in the HEDNA, as demonstrated in the housing trajectory (EX/73) the reality is that not all of these will be built in the plan period. As such the over provision is not considered to be ‘significant’ but rather represents a pragmatic and flexible approach to ensure that the OAN will be met.</p> <p>As noted in MM8 the total provision of all employment land (which includes strategic B8) is about 291 hectares which is significantly more than the HEDNA requirement of 66 hectares (excluding strategic B8). It is, therefore, incorrect to say that the Local Plan does not support economic growth.</p> <p>Notwithstanding this, the Council does recognise that there is a mismatch in respect of employment land and MM41 makes it clear that the issue of shortfall may be addressed through the application of Policy E2 (2) and/or a review of the local plan.</p> <p>It is agreed that there is a need to reconcile housing and employment provision across the HMA, but this is</p>

Main Modification MM8

Main Modification 8 It is important that this shortfall in employment land is considered within the context of a significant over provision of housing land within the plan and the upward adjustment to the housing OAN to support economic growth, which the plan does not make provision for. The significant departure from the OAN for homes and jobs established by HEDNA and the mismatch which sees an increase in homes and a reduction in jobs requires explanation within the plan and reconciliation at the Housing Market Area level.

not something which this Local Plan can or should address in isolation but is being carefully considered as part of the ongoing work on a Strategic Growth Plan for the HMA.

Respondent: **Leicester City Council**

Representation Number: 70/01/MM8

Comments:

The City Council welcomes the recognition that there is a need to undertake an early review of the plan and also that 'not all of the other HMA [Authorities] will be able to accommodate their housing needs within their boundaries.' However Leicester City Council have formally declared an unmet need arising in the city and this should be specifically acknowledged within the Local Plan.

Suggested Revised Wording:

The text of para 5.8 should be amended as follows:

In addition, it is apparent that not all of the other HMA will be able to accommodate their housing needs within their boundaries. Leicester City Council have formally declared an unmet need arising within their administrative area. The Council is committed to working with the other HMA authorities to agree how and where this unmet need will be accommodated. It may, therefore, be necessary for additional provision to be made for housing (and/or employment) when this work is completed.

Council Response:

The text already recognises that not all of the HMA authorities are likely to be able to meet their own needs. It is considered unnecessary for the Local Plan itself to go into such a level of detail, particularly as the extent of any unmet need is unknown and so inclusion of the suggested wording would add nothing to the plan.

Main Modification MM9

Respondent: **Savills on behalf of Conygar Ashby Limited**

Representation Number: 14/01/MM9

Comments:

Our representations principally concern policy matters that affect the land known as Ashby Gateway, forming part of Ashby Business Park, Nottingham Road, Ashby-de-la-Zouch (“the site”), owned by Conygar. The site is located to the east of Ashby-de-la-Zouch, covering an area of approximately 1.25 hectares (3 acres) within the wider Ashby Business Park. Outline planning permission was granted in 1994 (ref. 93/0284) for the development of Ashby Business Park for Class B1 and B2 uses. Divided into numerous plots, the development of the majority of Ashby Business Park has now come forward for a mixture of uses, including those considered ‘traditional’ employment uses.

Consistent with the 1994 planning permission, the North West Leicestershire Local Plan (August 2002) Proposals Map currently identifies the site as falling within the settlement boundary of Ashby-de-la-Zouch, known as ‘limits to development’, and a ‘High Quality Employment Site’ at Flagstaff (Policy J5). It is noted that whilst the allocation at Flagstaff Interchange has been saved, Policy J10 which sought to prevent alternative forms of development on the employment area specified in Policy J5, has expired. Moreover, the wider context of this employment allocation under Policy 4: Employment of the Leicestershire, Leicester and Rutland Structure Plan 1991-2006 (March 2005) has since expired, replaced by the East Midlands Regional Plan which itself was revoked in April 2013. There is therefore no saved policy in the development plan to safeguard this employment site from alternative forms of development. Until recently the site remained one of only a few vacant parcels of land within Ashby Business Park with no development forthcoming in over 20 years. Paragraph 8.38 of the Publication Version recognised that “development [of Ashby Business Park] commenced in the 1990’s but in recent years there has been limited progress in developing the remainder of the site”. This had been despite the site’s prominent corner plot location fronting the Ashby Business Park and genuine efforts by past and present owners to attract traditional employment and other uses.

Council Response:

This representation largely repeats those made to previous stages to which the Council has responded, including proposing Additional Modification 58. It relates to an area of about 1.25 hectares located at the north-east corner of the Ashby Business Park adjoining the A511 and Nottingham Road.

It is the clear intention of the Council that employment land is provided in appropriate locations, and it is considered that this site is a suitable location for an employment use.

Policy Ec3 (2) allows for non-employment uses on Primary Employment areas such as the Ashby Business Park in a number of specified circumstances. Some weight was attached to Policy Ec3 in the determination of the application for the retail unit referred to in the representation.

This demonstrates the pragmatic implementation by the Council of Policy Ec3(2). It is considered that the change suggested as part of this representation is not necessary as the plan has sufficient built in flexibility to allow none employment uses (i.e. those uses not falling within Use Classes B1, B2 or B8) whilst ensuring that any uses considered to be appropriate do not

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While there has been a continued lack of interest in the site for traditional employment uses, there has been a strong interest in the site from operators of other uses, namely retail, hotel, food and drink and leisure operators in recent years. These uses, which are employment generating in their own right (and potentially more so than traditional employment uses) demonstrate positive market signals with a commitment towards delivery being expressed through planning applications for the various parcels of the site.

Since Conygar's ownership, tangible progress has been made in securing development and investment into the site. An internal access road to divide the site into three distinct plots has been constructed following the grant of planning permission (ref. 15/00278/FULM) in July 2015. Significantly, planning permission (ref. 16/00499/FULM) has also been granted on the northern plot for the erection of a food store (Class A1) to include ancillary cafe, car parking, servicing yard, substation, landscaping and all associated works. Planning permission was granted on 9 February 2017, with the development now implemented and construction well underway. The intended occupier, Marks and Spencer ("M&S"), are expected to be trading by the end of 2017 under one of their Foodhall formats. Discussions are ongoing in respect of the remaining two plots.

The recent conclusions and assessment of the M&S application by Officers are important in putting the proposed changes to the emerging NWLLP requested by Conygar in context. As well as assessing the technical acceptability of development of the site (flood risk, drainage, transport etc.), the principle of delivering retail (Class A1) use upon the allocated employment land in an out of centre location was assessed at length. The Delegated Report acknowledged the otherwise long term vacancy of the site, its limited contribution to the employment allocations of North West Leicestershire (and beyond) at just 1.25ha and employment opportunities arising from retail uses as important material considerations meaning the proposals would not necessarily be in conflict with adopted planning policy. A similar conclusion on land use was previously reached in the assessment of another recent application at the site for a restaurant use (ref. 15/01048/FULM) where it was concluded in the Delegated Report that "...whilst "traditional" employment uses have been those falling under Use Class B, it is considered that other uses could offer employment opportunity and therefore...would not necessarily be in direct conflict with the Policy [J5]."

These conclusions reached through the Development Management function of the Council are highly relevant to, and consistent with, Conygar's past and present consultation responses to the

detract from the employment function and character of the wider site and create job opportunities consistent with the aims of the allocation.

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emerging NWLLP that flexibility should be afforded to appropriate land uses at the site, justifying its removal from the 'Primary Employment Area'.

Conygar has made representations at Draft (in November 2015) and Publication (in July 2016) consultation stages of the emerging NWLLP as well as the Pre-Submission Consultation Draft of the Ashby-de-la-Zouch Neighbourhood Plan (in November 2015). Conygar's position during these consultations has been consistent and clear, being:

- i) A strong objection to the continued allocation of the site as a Primary Employment Area under Policy Ec3. These objections do not seek to bring into question the well intended objective or intent of the principle of the policy, but rather the inclusion of the specific site within such an area. The flexibility the Council contend is provided through the wording of Policy Ec3 is considered insufficient;
- ii) Seeking the deletion of the fifth and sixth sentences of Paragraph 8.38 of the emerging NWLLP which are overly restrictive to the alternative uses that may be suitable on the site; and
- iii) A recommendation that the site be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include retail (Class A1), hotel (Class C1), food and drink (Classes A3, A4 and A5) and leisure operators (Class D2).

Comments on Schedule of Main Modifications (June 2017) and Amendments Sought
Conygar's position remains the same as in previous representations. Conygar strongly object to the site's continued designation as a Primary Employment Area and instead propose the site is recognised within the emerging NWLLP as being suitable for a mix of uses or, alternatively, as undesignated land (i.e. 'white land') within Ashby-de-la-Zouch's settlement boundary.

The justification for the removal of the site from this allocation is best considered in the context of the guidance provided by national planning policy in respect of employment sites. Paragraph 22 of the National Planning Policy Framework ("NPPF") (March 2012) notes, in full:

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be

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regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

From this paragraph, three important areas of consideration for the removal of the allocation emerge, being:

- Avoiding the long term protection of sites;
- Regular review of land allocations; and
- Alternative uses should be treated on their merits having regard to market signals.

These matters, in the context of the site, are considered in the following paragraphs.

Avoiding the long term protection of sites

As previously mentioned, the site has had the benefit of both a planning policy allocation and an earlier planning permission for typical employment development for over 20 years with no such development forthcoming. This is considered a substantial period of time for such uses to be forthcoming, the conclusion being that there is no reasonable prospect of the site being used for these typical employment uses in the foreseeable future. This has been accepted through the assessment of the M&S application where the Delegated Report noted that:

“It is not considered that a reason for refusal based on the loss of employment land could be sustained.”

This is a clear recognition that alternative uses to the site would not be contrary to Paragraph 22 of the NPPF. In addition, the Delegated Report considered the site’s protection for employment uses within the wider context of other employment sites, both existing and allocated, in Ashby-de-la-Zouch and North West Leicestershire as a whole. The Delegated Report noted that there could in fact be an over-supply of employment land given the allocation of 16ha at Money Hill to the north of the site and an extant permission for 9ha of employment uses at Victoria Road, Ellistown. Accordingly, to continue protecting the site as a Primary Employment Area under Policy Ec3 would be contrary to Paragraph 22 of the NPPF and should therefore be removed for the NWLLP to be found sound.

While it is acknowledged limited flexibility is proposed within Policy Ec3, and the opportunity exists (as per Section 38(6) of the Planning and Compulsory Purchase Act 2004) to indicate a

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departure from the development plan where material considerations indicate otherwise, the preference must be for the development plan to be appropriately evidence based to provide certainty to landowners and developers.

Regular review of land allocations

It is understood the Council's evidence base and most recent assessment of the site is through the Assessment of Employment Sites: Final Report (Roger Tym & Partners, August 2010), undertaken almost seven years ago. Paragraph 8.38 of the Publication Version indicates that this assessment of employment sites noted that:

“Whilst the [Ashby Business Park] site should continue to be protected for employment use that it would be appropriate to consider allowing some B8 development to the rear of the site so as to add value to the site.”

We question the reliability of the 2010 assessment and the recommendation that the whole of Ashby Business Park should be retained for employment uses given its age. While this may have been the case almost seven years ago, the assessment is now considered significantly dated, pre-dating the publication of the NPPF, recent market signals which have, and continue to be, demonstrated to Conygar since its acquisition of the site in 2012 and the recent grant of planning permission for M&S described above.

Whilst a Housing & Economic Development Needs Assessment (GL Hearn, January 2017) has been produced since Conygar's last representations, it is strategic in nature, covering Leicester itself and the surrounding seven authorities. It focuses on the demand for employment land rather than an assessment of the quality and deliverability of the supply of land. Accordingly, the document does not provide an assessment of individual sites and thus no evidence is contained within the document to demonstrate that there is a reasonable chance of the site being occupied by a traditional employment use. Given the age of what is understood to be the most recent assessment of the site (i.e. August 2010), the continued protection of the site would therefore be

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contrary to Paragraph 22 of the NPPF in that a regular review of the site, and therefore the merits of its retention as an employment site, has not been undertaken.

Alternative uses should be treated on their merits having regard to market signals
Paragraph 22 of the NPPF is also clear in that it emphasises the importance of alternative uses being considered through market signals. As demonstrated by the long term undeveloped nature of the site, typical employment uses have not been forthcoming but there is now clear market interest and potential development opportunities for a number of alternative uses suited to its location as demonstrated by the nature of planning applications (both outline and full) since 2009 comprising a mixture of Class A1, A3, A4 and C1 uses.

Fundamentally the site represents a sustainable site that is well located for a variety of development opportunities. The site has limited technical constraints and is ready for development. It is recommended that the site be identified as an area of opportunity for the delivery of a mixed use development. Suitable uses that could be promoted as part of this mixed use allocation include, but are not limited to, retail (Class A1), hotel (Class C1), food and drink (Classes A3, A4 and A5) and leisure operators (Class D1). Such uses would stimulate economic growth, provide employment opportunities (potentially in excess of those offered through traditional employment uses), and increase the local tax base.

In this context, it is clear there are strong market signals for the development of the site for alternative appropriate uses, which should be considered favourably in the context of Paragraph 22 of the NPPF, and reflected through the emerging NWLLP.

The site has been identified for traditional employment uses for over 20 years. Market signals in recent years have identified demand for alternative uses to the site and, as such Conygar strongly object to the continued inclusion of the Ashby Gateway site within the Primary Employment Area of the wider Ashby Business Park, as allocated under Policy Ec3. It is considered the evidence base for the employment sites is out of date, and does not reflect policy or market signal changes which have occurred since the assessment of the site was undertaken in 2010. The recent grant of planning permission (ref. 16/00499/FULM) for retail clearly demonstrates alternative uses are acceptable in land use terms and offer a number of significant benefits. The continued allocation

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of this site for employment uses is therefore contrary to paragraph 22 of the NPPF and it is requested the site instead be allocated for mixed use development or white land to enable the emerging NWLLP to be found sound. It is respectfully requested the Main Modifications be updated to reflect these conclusions.



Respondent: **David Bigby**

Representation Number: 5/02/MM9

Comments:

I support this MM as it provides a clear framework for review of the plan to take account of the discrepancy between the HEDNA and actual provision of employment land. It clearly states that "provision will be made for 66 hectares of land for employment purposes (B1, B2 and B8 of less than 9,000sq metres)". However this is contradicted by MM12 which allows almost uncontrolled employment land development in the countryside, provided it meets several loose criteria. This MM also makes it clear that the current need for housing provision is 9620 dwellings, a figure which has already been more than met by existing permissions and resolutions.

Council Response:

Support is noted. MM12 does not contradict MM9 but provides a framework for ensuring that the discrepancy with the HEDNA can be addressed through means other than the review of the Local Plan. Whilst permissions and resolutions may exceed the housing requirement the key test is in respect of the amount of development which can be delivered. As noted elsewhere in the plan it is estimated that there is still a shortfall and so it is necessary to allocate additional land.

Respondent: **Willesley Environment Protection Association (WEPA)**

Representation Number: 29/01/MM9

Comments:

Policy S1 Policy S1 – Future housing and economic development needs

We welcome the District Council’s proposal to commence a review of the Local Plan by the end of January 2018 or within 3 months of the adoption of the Local Plan. This will ensure that future major planning applications are determined in line with the provisions of a development plan that is ‘current’.

Council Response:

Noted

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Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/01/MM9
<p>Comments: The council propose an immediate review of the local plan on adoption. This confirms our view that the housing and employment provision is unsound, compounded by the council ignoring the Hedna recommendations. Approving a plan with unsound provision will lead to continued uncertainty for a further two years with the plan carrying no weight. The review does not commit to extending the plan period to 2035 to bring it in line with national policy of 15 years life and HEDNA</p> <p>Suggested Revised Wording: To make the plan sound the HMA provision issues should be resolved and appropriate provision inserted into the plan before adoption Future review of the plan should extend the period to 2035.</p>		<p>Council Response: The final part of MM9 makes it clear that the Local plan will only be considered out-of-date if the review is not submitted for examination within two years of the commencement of the review. Delaying adoption of the Local Plan will only lead to more uncertainty. The period to be covered by the review is a matter to be considered as part of the review.</p>

Respondent: Home Builders Federation		Representation Number: 85/05/MM9
<p>Comments: There is also a likelihood of future unmet housing needs across the wider Leicester & Leicestershire HMA which at this time remains unresolved. Therefore the policy commitment to an early review is essential to the soundness of the North West Leicestershire Local Plan. The specified timetable for the commencement of this review and the submission for examination of the reviewed Plan as set out in Policy S1 is supported.</p>		<p>Council Response: Noted</p>

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Respondent: **Gladman**

Representation Number: 58/04/MM9

Comments:

Gladman object to Main Modification MM9 in that it fails to make adequate provision for housing within the NWLLP to meet the full OAN as set out in the Barton Willmore assessment detailed above in Section 5.1.

Gladman consider that Main Modification MM9 should relate to 642 dwellings per annum as the OAN for North West Leicestershire and we recommend the Inspector to consider the representations made on the HEDNA when considering the soundness of the NWLLP along with the Main Modifications.

However, Gladman support, in part, Main Modification MM9 in relation to the NWLLP review mechanism.

Gladman consider that the wording of the review mechanism is clear, easily understandable, and effective and sets achievable targets for the completion of the review. As set out in our Hearing Statements, the triggers for the NWLLP review needed to be meaningful, needed to have teeth and should contain an end date that was in the control of the Local Planning Authority whilst also setting out the consequences of failing to meet the target dates.

The proposed wording of the review mechanism which is contained in Main Modification MM9, appears to address the key elements listed above. However, given the recognition in Main Modification MM8 that there will be unmet housing need within the HMA and the fact that all Leicester and Leicestershire authorities are committed to the preparation of a Strategic Growth Plan (SGP) to address the spatial distribution of housing and employment needs across the HMA, it is surprising that there is no mention of the SGP in Main Modification MM9.

It is essential therefore for Main Modification MM9 to make reference to the SGP as the adoption of this document is the trigger for the commencement of the NWLLP review and is the reason for the January 2018 commencement date mentioned in the review mechanism. This issue was raised at the Examination in Public and the Council agreed that mention should be made in the supporting text of the SGP. It would be even more effective if reference to the SGP was woven into

Council Response:

The issues raised in this representation are considered to have largely already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add in respect of these at this stage.

One issue which is raised relates to whether MM9 should include reference to the Strategic Growth Plan. It is not necessary for the Local Plan to be explicit regarding the means by which the issue of redistribution of any unmet housing need will be addressed, it is sufficient to be clear that this will be achieved through co-operation amongst the HMA authorities as proposed by MM9.

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<p>the actual policy. However, suggested additional wording should be added to Main Modification MM9 to state;</p> <p>North West Leicestershire are committed to working with all Leicester and Leicestershire Local Planning Authorities on the preparation of the Strategic Growth Plan which is anticipated will be adopted in January 2018. Once adopted, North West Leicestershire will commit to the delivery of the Strategic Growth Plan through the signing of a Memorandum of Understanding with all the Leicester and Leicestershire authorities. The Strategic Growth Plan will then provide the fundamental basis for the review of the North West Leicestershire Local Plan and the preparation of the subsequent Local Plans for all other Leicester and Leicestershire authorities.</p>	
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<p>Respondent: Leicester City Council Representation Number: 70/02/MM9</p>	
<p>Comments:</p> <p>We generally support the local plan review mechanism set out in the modification. The commitment to an early review will allow for ongoing work on the Strategic Growth Plan and strategic distribution of housing and economic growth across the HMA to be fully incorporated into a revised plan. However this plan needs to acknowledge that Leicester City Council have formally declared an unmet need.</p> <p>Suggested Revised Wording:</p> <p>The text of policy S1 should be amended as follows:</p> <p>The Council will continue to work collaboratively with the Leicester & Leicestershire Housing Market Area (HMA) authorities to establish the scale and distribution of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of Leicester City Council being unable to fully accommodate their own housing needs the inability of one or more authority to accommodate its own needs as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment.</p>	<p>Council Response:</p> <p>The text already recognises that not all of the HMA authorities are likely to be able to meet their own needs. It is considered unnecessary for the Local Plan itself to go into such a level of detail, particularly as the extent of any unmet need is unknown and so inclusion of the suggested wording would add nothing to the plan.</p>

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Respondent: JVH Town Planning on behalf of Ravensbourne Container Systems		Representation Number: 46/01/MM9
<p>Comments: We object to the reduction in the overall planned provision for housing in the Plan from 10, 400 to 9,620. There is insufficient flexibility in the Plan; and the reduction is unjustified.</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Respondent: CT Planning on behalf of JF & BM Gray		Representation Number: 23/01/MM9
<p>Comments: Objection is raised to MM9: Policy S1 – Future Housing and Economic Development Needs as it is considered that the modification is not sound and as a consequence the Local Plan will not be effective. The modification proposed introduces into the Local Plan a requirement that a review of the Local Plan commences immediately after the adoption of the Local Plan, that is within three months. Local Plans set out a vision and a framework for the future development of the area. They provide certainty as to the future development and aspirations for an area. Local Plans form the basis for development control decisions; development has to be determined in accordance with that Local Plan unless material considerations indicate otherwise. Local plans should be drawn up over an appropriate timescale, “preferably a 15 year time horizon” (Paragraph 157 of the Framework).</p> <p>Whilst it is acknowledged that a Local Plan may be found sound, conditional upon a review in whole or in part within five years of the date of adoption, a requirement that the review of a Local Plan should commence immediately, that is within three months, brings the whole plan making process into disrepute. It becomes difficult to rely upon the Local Plan as a document to positively guide development decisions for a period up to 15 years if it is already immediately</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage. Furthermore, delaying adoption of the Local Plan at this late stage in the process will lead to greater uncertainty for all concerned than will result from undertaking an immediate review.</p>

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<p>subject to review. The need to review the plan within three months of it being adopted merely introduces further uncertainty into the development process that could be avoided by producing a sound plan in the first place.</p> <p>The North West Leicestershire Local Plan is self-evidently ineffective, not sound.</p> <p>Suggested Revised Wording: On the basis that the need for an immediate review of the Local Plan makes the Local Plan ineffective, the Local Plan should be found unsound. Rather than relying upon an immediate review of the Local Plan, it is respectfully submitted that the Plan should identify sufficient development sites to meet its objectively assessed need. If this delays the adoption of the Local Plan, then this is preferable to a situation where the public would be totally confused by how an up to date Plan can require immediate review, adding to uncertainty and confusion which the development plan system seeks to avoid.</p>	
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<p>Respondent: Pegasus Group on behalf of Davidsons Developments Limited Representation Number: 56/04/MM9</p>	
<p>Comments: This proposed modification to Policy S1 sets out the lower figure for housing provision over the plan period and also sets out a process for the review of the plan. The modification indicates that a review involving a Regulation 18 consultation on the plan will take place by the end of January 2018 or within 3 months of the plan adoption, whichever is the later.</p> <p>We have set out above the continuing concerns over the proposed OAHN for the district and these concerns apply to the propose modification to Policy S1. In terms of the proposed mechanism for review, given evidence presented to the examination by Leicester City Council, it is clear that the HMA authorities will need to deal with issues of unmet need and its redistribution across the HMA. In this context a commitment to an early review of the plan is critical. The proposed modification sets out a clear timetable for the review and submission of a revised plan for examination and is supported.</p>	<p>Council Response: Noted</p>

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Respondent: Ashby de la Zouch Town Council		Representation Number: 24/01/MM9
<p>Comments: The District Council is proposing to commence a review of the Local Plan by the end of January 2018 or within 3 months of the adoption of the Local Plan.</p> <p>Within the Town Council’s Position Statement submissions concern had been expressed that a review would be required. However the very short timescale between the Local Plan being adopted and the review commencing will ensure the uncertainty around housing numbers and employment provision will continue. There also appears to be an acceptance that the Local Plan will be out of date as soon as it is adopted.</p> <p>Please can clarity be provided as to whether the review will extend the Local Plan to 2035 to bring it in to line with the HEDNA.</p> <p>Suggested Revised Wording: The text in the final paragraph needs amending to indicate the timescale the review will cover. Whether this will still be 2031, extended to 2035 or if the period will be defined as part of the review.</p>		<p>Council Response:</p> <p>The final part of MM9 makes it clear that the Local plan will only be considered out-of-date if the review is not submitted for examination within two years of the commencement of the review. The period to be covered by the review is a matter to be considered as part of the review.</p>

Respondent: Planning Prospects on behalf of St Modwen Developments		Representation Number: 57/03/MM9
<p>Comments: Main Modification MM9 relates to Policy S1 of the Plan in relation to Future Housing and Economic Development Needs.</p> <p>To be clear and as context, St Modwen remain of the view that the Plan does not provide for sufficient employment land in both quantitative and qualitative terms to meet needs and that the sites identified within the Plan as commitments do not genuinely contribute to supply or provide</p>		<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence</p>

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realistic opportunities to support inward investment and economic development. No support is given here to and objections still remain as set out in the submissions to the Publication Plan and in evidence to the Examination, in respect of the quantity of employment land planned for, employment land need or employment land suggested as commitments and these concerns as expressed to the Examination are not addressed by MM1, MM2, MM8, MM9 (in respect of reference to the HEDNA), MM33, MM34, MM37, MM38, MM39 or MM41. St Modwen remain in objection to the Plan and the Main Modifications do not address these concerns.

This context notwithstanding, MM9 is supported where the Council confirm that they will commence a review of the Local Plan (defined as being publication of an invitation to make representations in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012) by the end of January 2018 or within 3 months of the adoption of the Local Plan (whichever is the later). The Main Modification confirms that the Plan Review will be submitted for examination within two years from the commencement of the review and in the event that the reviewed plan is not submitted within two years then the Local Plan will be deemed to be out of date. The early review of the Local Plan provides a remedy to concerns in respect of the evidence base of the Local Plan and whether it robustly identifies needs. This is particularly so in respect of provisions for employment land and this Review mechanism, with specific timeframes is essential to address this concern.

It is important where there is some considerable outstanding debate and some evidence of additional demand and need for employment in a range of sectors that the Plan provides for an early review of the Plan. In the interim time, it is also important that the Plan is applied flexibly and other policy amendments including as proposed in MM40 are also adopted by the Council to ensure employment needs and demands are not missed in the short term. The Review of the Plan should not be an impediment to the flexible policy approach set out in MM40.

given and do not have any further comment to add at this stage.

Those sites identified in the Local Plan (as proposed to be modified) will make a contribution to the supply of employment land but it is acknowledged that there is a mismatch between the types of employment land which the HEDNA identifies as being required and the type actually provided.

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Respondent: David Trunkfield		Representation Number: 126/01/MM9
Comments: Policy S1 Policy S1 – Future housing and economic development needs We welcome the District Council’s proposal to commence a review of the Local Plan by the end of January 2018 or within 3 months of the adoption of the Local Plan. This will ensure that future major planning applications are determined in line with the provisions of a development plan that is ‘current’.	Council Response: Noted	

Main Modification MM10

Respondent: **Planning and Design Group (UK) Ltd on behalf of QPI Ltd**

Representation Number: 107/01/MM10

Comments:

We support the proposed Main Modification (MM) to Policy S2 Settlement Hierarchy which ensures that the North West Leicestershire Local Plan is sound, fully justified and effective.

Specifically, the proposed policy wording:

'The re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy set out above. The redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.'

This proposed MM will enable opportunities for the reuse of sustainably located, previously developed land to be explored in compliance with national and local policy. For example, previously developed employment land identified at the former brickwork sites in between, and well related to, the settlements of Ibstock and Heather. These settlements have been identified as a local service centre and sustainable village respectively.

It is considered that the MM accords with the National Planning Policy Framework. In particular, 'the need to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'.

Finally, the MM relates to the general government sequential preference for the reuse of brownfield land for development, including former employment land, and will form a suitable spatial approach for the district.

Suggested Revised Wording:

N/A

Council Response:

Noted

Main Modification MM10

<p>Respondent: Pegasus Group on behalf of Davidsons Developments Limited</p>	<p>Representation Number: 56/05/MM10</p>
<p>Comments: These modifications amend Policies S2 and S3 to refer to the redevelopment of brownfield sites on the edge of the village. On behalf of Davidsons Developments we made representation on these proposed modifications during the examination. At the Examination session on the 5th January 2017, the need for flexibility in housing provision to deal with changing circumstances was discussed. Following the Hearing sessions, the Inspector issued further guidance confirming actions and key dates agreed during the Hearing sessions (IN08). Amongst other matters, the note requested the Council to provide ‘Proposed MM to Policies S2 and S3 to provide flexibility for proposals for the sustainable redevelopment of brownfield or other sites situated outside the defined settlements limits’. The main modifications make no reference to the approach to other sites situated outside defined settlement limits as originally requested by the Inspector. It is considered that the modifications do not satisfactorily address the issue of flexibility as discussed as the Hearing session or the Inspector’s request for a MM to Policy S2. Restricting the scope to consider sustainable development opportunities well related to settlements to previously developed land will provide very limited flexibility as there are likely to be few opportunities to develop previously developed sites adjoining settlements.</p> <p>Suggested Revised Wording: Policy S2 should be reworded to provide suitable flexibility for proposals for the sustainable development of brownfield or other sites outside but well related to defined settlement limits.</p>	<p>Council Response:</p> <p>The policy, as amended, does already allow for the redevelopment of brownfield sites that are well related to defined settlements</p> <p>With regard to the Inspector’s reference to ‘other sites,’ it is noted that this refers to “redevelopment” and not “development”. In the Council’s view this relates to other land/buildings suitable for <u>redevelopment</u> that do not fall under the NPPF definition of ‘previously developed land’.</p> <p>The reasons for not including reference to ‘other sites’ are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

<p>Respondent: Willesley Environment Protection Association (WEPA)</p>	<p>Representation Number: 29/02/MM10</p>
<p>Comments: Policy S2 Policy S2 – Settlement Hierarchy</p>	<p>Council Response: Noted</p>

Main Modification MM10

<p>In the case of Principal Towns and Key Service Centres, accessibility by public transport has been replaced by sustainable transport. Neither ‘public transport’ nor ‘sustainable transport’ is included in the glossary, though the ‘travel plans’ entry indicates that the objective is to reduce single occupancy car journeys.</p> <p>We support this amendment on the understanding that ‘sustainable transport’ would embrace a range of options suitable for the elderly, infirm, disabled and those carrying shopping, such as taxis, shared use of cars, community mini-buses and complementary supermarket bus services</p>	
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<p>Respondent: Home Builders Federation</p>	<p>Representation Number: 85/06/MM10</p>
<p>Comments: It is agreed that the proposed modifications of Policies S2 and S3 will provide some limited flexibility to overall HLS. However as set out in previous HBF submissions the Council was requested to provide flexibility via sustainable redevelopment of brownfield or other sites. It is unlikely that many opportunities to develop previously developed land exist and the main modifications make no reference to other sites. It is recommended that a further modification is made to include other sites not just previously developed land.</p>	<p>Council Response: With regard to the Inspector’s reference to ‘other sites,’ it is noted that this refers to “redevelopment” and not “development”. In the Council’s view this relates to other land/buildings suitable for <u>redevelopment</u> that do not fall under the NPPF definition of ‘previously developed land’.</p> <p>The reasons for not including reference to ‘other sites’ are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Main Modification MM10

<p>Respondent: Gladman</p>	<p>Representation Number: 58/05/MM10</p>
<p>Comments: Gladman object to Main Modification MM10 in that Ellistown is still listed as a Sustainable Village rather than as part of the Coalville Urban Area.</p> <p>Through our representations and submissions to the Local Plan Examination, Gladman argued that the effect of the current resolutions to grant and allocate sites in the vicinity of Ellistown will be to result in the coalescence of Ellistown with Coalville. This is patently clear from Inset Map 10, with sites north and south of Grange Road H1t, and H1q (which benefit from permission for 905 dwellings) and H2c (with benefits from outline permission for 2,700 dwellings) linking the two settlements at the South Leicester Industrial Estate in Ellistown. It is also clear on the Proposals Map that the red line depicting the Coalville Urban Area extends to include Ellistown.</p> <p>On the basis of the significant development proposed in this area in the last 5 years (to be realised in part through the Local Plan) a common sense approach would be that Ellistown can no longer be considered a standalone village and instead it will form part of the Coalville Urban Area.</p> <p>Gladman therefore consider that Main Modification MM10 should list Ellistown as part of the Coalville Urban Area and we commend the Inspector to consider our previous representations and submissions made on this issue when considering the soundness of the NWLLP along with the Main Modifications.</p>	<p>Council Response: It is the Council's view that the issues raised in this representation do not relate to either the Main Modifications or new documentary evidence produced since the Plan was submitted for Examination.</p>

<p>Respondent: Thomas Taylor Planning Ltd</p>	<p>Representation Number: 48/02/MM10 & 11</p>
<p>Comments: It is convenient to make comments on MMs 10 & 11 together as they relate to the same Policy (Policy S2) and have a combined effect.</p>	<p>Council Response:</p>

Main Modification MM10

development. New development within small groups of buildings in the countryside (eg hamlets that have no facilities) is treated as if it was development in the countryside (ie against Policy S3).

The Local Plan is not prepared in isolation and must be consistent with national policies as set out in the National Planning Policy Framework (NPPF) and supplemented by Planning Practice Guidance (PPG). Both the NPPF and PPG support the redevelopment of previously developed land including the re-use of buildings for new purposes. One of the Core Principles of the NPPF is to encourage the reuse of existing resources, including conversion of existing buildings.

The re-use of existing buildings and previously developed land has both environmental and economic benefits. The re-use of existing resources can reduce the costs of providing services, materials and other infrastructure that already exists – thereby reducing development costs. It can also help to reduce the pressure for green-field development and helps to prevent previously developed land and buildings falling into a state of dereliction and the subsequent harmful effects that might have on the environment, neighbouring land uses/occupiers as well as the intrinsic character and beauty of the countryside.

The benefits associated with the reuse of previously developed land and buildings apply equally in the countryside as in built-up areas. The NPPF does not seek to prevent this form of development in the countryside and paragraph 55 of the NPPF specifically identifies the acceptability of housing and isolated new homes created through the re-use of redundant or disused buildings which also lead to an enhancement to the immediate setting. The government has also recently adopted Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015) (GPDO (2015)) which provide flexibility for the conversion of agricultural buildings to dwellings within certain limitations. Agricultural buildings clearly tend to be located in the countryside as opposed to being within the built-up areas identified in the Council's Settlement Hierarchy and this tends to support the view that it is government policy to encourage the re-use of redundant buildings in countryside and rural areas for housing.

However, the requirement in Policy S2 for the re-use of previously developed land (which includes buildings) "to be compatible with the settlement hierarchy" is overly-restrictive and inconsistent with the NPPF which specifically envisages housing throughout rural areas and is not restricted to locations situated within the built-up limits (Limits to Development) of settlements within a

communities will be maintained, as opposed to isolated and diffuse development which will have the opposite effect and result in a sporadic settlement pattern.

Paragraph 55 is quite clear that "new isolated homes in the countryside " are to be avoided save for those special circumstances listed in the four bullet points which follow the paragraph. The third bullet point supports the re-use of redundant or disused buildings but **only** where they "lead to an enhancement to the immediate setting". There is not, therefore unfettered support. Similarly, whilst the Core Principles support the conversion of existing buildings, this has to be seen in the context of paragraph 55 which does not support the wholesale reuse of redundant agricultural buildings per se.

The consequence of what is being suggested in this representation would, it is considered, result in development which is at odds with the aim of paragraph 55 of the NPPF.

The NPPF is a material consideration in determining a planning application and if one or more of the four bullet points listed in paragraph 55 are satisfied then this can be a justification to support a proposal which might otherwise be at odds with Policy S2. It is also the case that some conversions will be classified as permitted development and so the provisions of Policy S2 and S3 will not apply.

Main Modification MM10

specified settlement hierarchy. The NPPF clearly carries support for the reuse of redundant or disused buildings throughout the countryside. Furthermore, it can be seen that proposed Policy S2 is even more restrictive than Green Belt Policy set out in the NPPF which states that the reuse of buildings in the Green Belt is not to be taken to be inappropriate development. No justification has been advanced that merits this more restrictive approach in North West Leicestershire.

The cross reference to Policy S3 does not relax this overly-restrictive approach nor does it resolve conflict with the NPPF. This is because Policy S3(d) also requires proposals for the re-use and adaptation of buildings for housing to be “in accordance with the Settlement Hierarchy (Policy S2)”. In other words, there is a circularity between Policy S2 and Policy S3 and if such proposals are outside identified Limits to Development (or even if they are within groups of buildings at the bottom of the Settlement Hierarchy but with no identified Limits to Development) then they are to be resisted in accordance with Policy S2 irrespective of Policy S3.

Furthermore, so far as the redevelopment of previously developed land is concerned, whilst the new paragraph at the end of the Settlement Hierarchy table (and at paragraph 5.20 (new paragraph 5.18)) is welcome, they fail to recognise that there might be previously developed land (including large agricultural buildings excluded by the NPPF definition and the Class Q GPDO (2015) provisions referred to above) in locations which are neither within, nor well-related to the settlements in the Hierarchy but where, nonetheless, it’s redevelopment/reuse is otherwise supported by the Core Principles and paragraph 55 of the NPPF.

Respondent: **JVH Town Planning on behalf of Ravensbourne Container Systems**

Representation Number: 46/02/MM10

Comments:

We object to the proposed modification as drafted. The modification fails to take account of the relationship of large settlements which are adjacent to the District boundary and where development would be highly sustainable due to the proximity of a full range of facilities in a nearby settlement. The District boundary does not draw a line through sustainable locations thereby making development unsustainable; the settlement hierarchy does not exist in a vacuum from other districts and nearby towns. We propose the wording as follows.

Council Response:

The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence

Main Modification MM10

<p>Suggested Revised Wording: The re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy set out above. The redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village or well related to another large settlement.</p>	<p>given and do not have any further comment to add at this stage.</p>
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<p>Respondent: David Trunkfield</p>	<p>Representation Number: 126/02/MM10</p>
<p>Comments: Policy S2 Policy S2 – Settlement Hierarchy</p> <p>In the case of Principal Towns and Key Service Centres, accessibility by public transport has been replaced by sustainable transport. Neither ‘public transport’ nor ‘sustainable transport’ is included in the glossary, though the ‘travel plans’ entry indicates that the objective is to reduce single occupancy car journeys.</p> <p>We support this amendment on the understanding that ‘sustainable transport’ would embrace a range of options suitable for the elderly, infirm, disabled and those carrying shopping, such as taxis, shared use of cars, community mini-buses and complementary supermarket bus services</p>	<p>Council Response: Noted</p>

Main Modification MM11

Respondent: David Bigby		Representation Number: 5/03/MM11
Comments: I support this MM as it tightens the controls on expansion of the sustainable villages. The previous wording allowed further development provided it was a “physical extension” of the village. This could have had a devastating effect on some of these villages such as Blackfordby and Appleby Magna.	Council Response: Noted	

Respondent: Pegasus Group on behalf of Davidsons Developments Limited		Representation Number: 56/06/MM11
Comments: These modifications amend Policies S2 and S3 to refer to the redevelopment of brownfield sites on the edge of the village. On behalf of Davidsons Developments we made representation on these proposed modifications during the examination. At the Examination session on the 5th January 2017, the need for flexibility in housing provision to deal with changing circumstances was discussed. Following the Hearing sessions, the Inspector issued further guidance confirming actions and key dates agreed during the Hearing sessions (IN08). Amongst other matters, the note requested the Council to provide ‘Proposed MM to Policies S2 and S3 to provide flexibility for proposals for the sustainable redevelopment of brownfield or other sites situated outside the defined settlements limits’. The main modifications make no reference to the approach to other sites situated outside defined settlement limits as originally requested by the Inspector. It is considered that the modifications do not satisfactorily address the issue of flexibility as discussed at the Hearing session or the Inspector’s request for a MM to Policy S2. Restricting the scope to consider sustainable development opportunities well related to settlements to previously developed land will provide very limited flexibility as there are likely to be few opportunities to develop previously developed sites adjoining settlements.	Council Response: With regard to the Inspector’s reference to ‘other sites,’ it is noted that this refers to “redevelopment” and not “development”. In the Council’s view this relates to other land/buildings suitable for <u>redevelopment</u> that do not fall under the NPPF definition of ‘previously developed land’. The reasons for not including reference to ‘other sites’ are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage	

Main Modification MM11

Suggested Revised Wording:

Policy S2 should be reworded to provide suitable flexibility for proposals for the sustainable development of brownfield or other sites outside but well related to defined settlement limits.

Main Modification MM12

Respondent: **David Bigby**

Representation Number: 5/04/MM12

Comments:

I strongly object to the inclusion of new line - (s) "Employment land in accordance with the provisions of Policy Ec2".

Inclusion of this new provision will effectively open up large areas of countryside around the district to being vulnerable for unsustainable development as employment land. This provision goes completely against the approach adopted throughout the rest of the plan of allocating specific areas of land for employment and other purposes and will allow development of almost any piece of countryside with access to the M1, A42/M42 or A511. It fails to adequately protect the countryside and will cause uncertainty and confusion which is exactly what the Plan is meant to prevent.

It is accepted that the draft Plan currently does not allocate sufficient employment land to fulfil the employment land need as determined by the HEDNA. However MMs 8 and 9 already set out the process by which this will be ameliorated through an almost immediate review of the adopted plan. There is therefore no necessity for this Major Modification and it will have dire negative consequences upon the communities along the major transport routes through the District.

Suggested Revised Wording:

Delete new line - (s) "Employment land in accordance with the provisions of Policy Ec2".

Council Response:

The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares.

As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to Policy Ec2 in Policy S3 to avoid conflict between policies in the Local Plan as all of the policies must be read together.

See also the Council's response to comments made in respect of MM40 (5/12/MM40).

Main Modification MM12

<p>Respondent: Ashby de la Zouch Town Council</p>	<p>Representation Number: 24/02/MM12</p>
<p>Comments: Within the uses listed as being permitted within the countryside the Town Council does not support the addition of (s) 'Employment land in accordance with the provisions of Policy Ec2'.</p> <p>The criteria stated in EC2 on accessibility, good access to strategic highway network and not detrimental to the amenities of nearby residential properties or the wider environment are inadequate. This leaves tracts of open countryside surrounding Ashby vulnerable to development as Employment land, for example alongside key strategic routes like the A42 and A511 Ashby By Pass.</p> <p>The Town Council accepts that additional employment land needs to be allocated to meet the requirements in the HEDNA but this amendment does not offer adequate protection for the countryside surrounding the town. Ashby de la Zouch is already having tracts of countryside allocated for housing and employment, the potential for additional allocations outside the limits to development is unacceptable.</p> <p>Suggested Revised Wording: Remove (s) Employment land in accordance with the provisions of Policy Ec2.</p>	<p>The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares.</p> <p>As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to Policy Ec2 in Policy S3 to avoid conflict between policies in the Local Plan as all of the policies must be read together.</p> <p>See also the Council's response to comments made in respect of MM40 (24/12/MM40)</p>

<p>Respondent: Pegasus Group on behalf of Davidsons Developments Limited</p>	<p>Representation Number: 56/07/MM12</p>
<p>Comments: These modifications amend Policies S2 and S3 to refer to the redevelopment of brownfield sites on the edge of the village. On behalf of Davidsons Developments we made representation on these proposed modifications during the examination. At the Examination session on the 5th January 2017, the need for flexibility in housing provision to deal with changing circumstances was discussed. Following the Hearing sessions, the Inspector issued further guidance confirming actions and key dates agreed during the Hearing sessions (IN08).</p>	<p>Council Response: MM12 cross refers to Policy S2 to ensure consistency within the plan. See the Council's response to 56/05/MM10 and 56/06/MM11.</p>

Main Modification MM12

<p>Amongst other matters, the note requested the Council to provide ‘Proposed MM to Policies S2 and S3 to provide flexibility for proposals for the sustainable redevelopment of brownfield or other sites situated outside the defined settlements limits’.</p> <p>The main modifications make no reference to the approach to other sites situated outside defined settlement limits as originally requested by the Inspector. It is considered that the modifications do not satisfactorily address the issue of flexibility as discussed as the Hearing session or the Inspector’s request for a MM to Policy S2. Restricting the scope to consider sustainable development opportunities well related to settlements to previously developed land will provide very limited flexibility as there are likely to be few opportunities to develop previously developed sites adjoining settlements.</p> <p>Suggested Revised Wording: Policy S2 should be reworded to provide suitable flexibility for proposals for the sustainable development of brownfield or other sites outside but well related to defined settlement limits.</p>	
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<p>Respondent: Willesley Environment Protection Association (WEPA) Representation Number: 29/03/MM12</p>	
<p>Comments: Policy S3 Policy S3: Countryside</p> <p>Within the uses listed as being permitted within the countryside (Policy S3), the Willesley Environment Protection Association does not support the addition of (s) ‘Employment land in accordance with the provisions of Policy Ec2’.</p> <p>On the face of it, the insertion of use (s) and cross reference to Ec2 (2) is of concern, as it raises the question of how effective Policy S3 will be in preventing speculative proposals for development outside the defined ‘limits for development’. This is the more so because the reference to (the countryside’s) ‘intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all’ has now been deleted from Policy S3.</p>	<p>Council Response:</p> <p>The first part of Policy S3 has been deleted as it is a Core Principle of the NPPF and therefore does not need to be repeated in the Local Plan.</p> <p>The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares.</p>

Main Modification MM12

The justification for this additional use appears to be to cover instances of 'suitable brownfield land outside defined settlement limits'. If this is correct, it needs to be confirmed and made much clearer. If this justification is made explicit, then NPPF countryside policies and S3 criteria i) to vi) might be regarded as being sufficient to deter speculative ventures.

The criteria stated in Ec2 (2) on accessibility, good access to strategic highway network and not detrimental to the amenities of nearby residential properties or the wider environment are inadequate, in our view. Areas of open countryside surrounding Ashby would be vulnerable to development as employment land alongside key strategic routes like the A42 and A511 Ashby By Pass. One example of this vulnerability is the land between the A42 and Measham Road, adjacent to the A42 junction 12, the Willesley Park interchange. This length of Measham Road and the adjacent woodland and residential properties set in large landscaped plots constitutes the most attractive and environmentally rich main approach road to the town. Should such development be allowed to proceed, there would then be pressure at a later date to allow development of the remainder of open land for further industrial and/or housing development northwards, right through to Packington Nook Lane or even Lower Packington Road. The character and appearance of the countryside on this south-west side of Ashby constituting this land, known as 'Packington Nook', and the adjacent Willesley land to the west of Measham Road, is of high quality in the local context and within the District overall. Developers would exploit this addition (s) 'Employment land in accordance with the provisions of Policy Ec2' to the full.

This amendment does not offer adequate protection for any of the countryside surrounding the town. The town is already having very significant areas of countryside allocated for housing and employment. The potential for additional allocations outside the limits to development is unacceptable.

As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to Policy Ec2 in Policy S3 to avoid conflict between policies in the Local Plan as all of the policies must be read together.

See the Council's response to 29/06/MM40

Main Modification MM12

<p>This amendment is all the more concerning because the Publication Local Plan failed to designate and protect within a Policy ‘Local Green Spaces’, leaving this to Town and Parish Councils within a Neighbourhood Plan. No such Plans have yet been adopted and, in the vast majority of the District, it would appear that there is little likelihood of them being produced due to lack of expertise and resources at the Parish level.</p> <p>Also, because the Publication Local Plan also fails to identify and protect within a Policy those areas which are not classified as ‘Local Green Spaces’, but are nevertheless areas of open countryside of the highest value in terms of environmental value and tranquility, prized for their recreational and amenity value and meeting the needs of local people and visitors, in terms of their enjoyment, health and wellbeing.</p>	<p>The issue of the identification of Local Green Spaces that has been raised as part of this representation is considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
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<p>Respondent: Planning and Design Group (UK) Ltd on behalf of QPI Ltd</p>	<p>Representation Number: 107/02/MM12</p>
<p>Comments:</p> <p>We support the proposed Main Modification (MM) to Policy S3 Countryside which ensures that the North West Leicestershire Local Plan is sound, fully justified and effective. Specifically, the proposed policy criteria wording:</p> <p>‘The redevelopment of previously developed land in accordance with Policy S2.’</p> <p>This proposed MM will enable opportunities for the reuse of sustainably located, previously developed land to be explored in compliance with national and local policy. For example, previously developed employment land identified at the former brickwork sites in between, and well related to, the settlements of Ibstock and Heather. These settlements have been identified as a local service centre and sustainable village respectively.</p> <p>It is considered that the MM accords with the National Planning Policy Framework. In particular, ‘the need to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’.</p> <p>Finally, the MM relates to the general government sequential preference for the reuse of brownfield land for development, including former employment land, and will form a suitable spatial approach for the district.</p>	<p>Council Response:</p> <p>Noted</p>

Main Modification MM12

Suggested Revised Wording:

N/A

Respondent: **Thomas Taylor Planning Ltd**

Representation Number: 48/03/MM12

Comments:

A number of modifications are proposed both to provide clarity in respect of proposals for the redevelopment of suitable brownfield situated outside defined settlement limits and to cross refer to policy Ec2.

The modifications include cross-references to Policy S2 (Settlement Hierarchy) so far as the re-use and adaptation of buildings for appropriate purposes including housing is concerned.

Comments

Fundamental to an understanding of how Policy S3 will operate is the need to appreciate its relationship with Policy S2 given the cross-references to Policy S2 in the list of uses at Policy S3(d) and (e).

We have also commented on modifications to Policy S2 and these comments on Policy S3 should be read in conjunction with those.

Policy S3 identifies land outside Limits to Development as “countryside” where there is to be a strict limit on the types of development that will be allowed. Permitted uses are set out at (a) to (s) and are all subject to satisfying additional criteria (i) to (vi). The introductory text to Policy S3 recognises that the NPPF advises that there is a need to “take account of the different roles and character of different areas” and that planning should recognise “the intrinsic character and beauty of the countryside”.

The Local Plan is not prepared in isolation and must be consistent with national policies as set out in the National Planning Policy Framework (NPPF) and supplemented by a range of Planning

Council Response:

This matter relates to Policy S3 (d) which concerns the re-use and adaptation of buildings. While Policy S3 has been the subject of modification, criterion (d) has not, other than to correct a typo. The consultation only sought comments on main modifications.

See also response to 48/02/MM10 & 11

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Practice Guidance (PPG) which provides guidance on the interpretation and implementation of requirements in the NPPF.

Both the NPPF and PPG support the redevelopment of previously developed land including the re-use of buildings for new purposes. One of the Core Principles of the NPPF is to encourage the reuse of existing resources, including conversion of existing buildings.

The re-use of existing buildings and previously developed land has both environmental and economic benefits. The re-use of existing resources can reduce the costs of providing services, materials and other infrastructure that already exists – thereby reducing development costs. It can also help to reduce the pressure for green-field development and helps to prevent previously developed land and buildings falling into a state of dereliction and the subsequent harmful effects that might have on the environment, neighbouring land uses/occupiers as well as the intrinsic character and beauty of the countryside.

The benefits associated with the reuse of previously developed land and buildings apply equally in the countryside as in built-up areas. The NPPF does not seek to prevent this form of development in the countryside and paragraph 55 of the NPPF specifically identifies the acceptability of housing and isolated new homes created through the re-use of redundant or disused buildings which also lead to an enhancement to the immediate setting. The government has also recently adopted Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015) (GPDO (2015)) which provide flexibility for the conversion of agricultural buildings to dwellings within certain limitations. Agricultural buildings clearly tend to be located in the countryside as opposed to being within the built-up areas identified in the Council's Settlement Hierarchy and this tends to support the view that it is government policy to encourage the re-use of redundant buildings in countryside and rural areas for housing.

However, the requirement in Policy S3(d) for the re-use and adaptation of buildings for appropriate uses including housing "to be in accordance with the settlement hierarchy (Policy S2);" is overly-restrictive and inconsistent with the NPPF which specifically envisages housing as well as employment being provided throughout rural areas and is not restricted to locations in accordance with a specified settlement hierarchy. The NPPF clearly carries support for the reuse of redundant or disused buildings throughout the countryside as well as maintaining a strong and healthy rural

Main Modification MM12

economy. Furthermore, it can be seen that proposed Policy S2 is even more restrictive than Green Belt Policy set out in the NPPF which states that the reuse of buildings in the Green Belt is not to be taken to be inappropriate development. No justification has been advanced that merits this more restrictive approach in North West Leicestershire.

There is a circularity between Policy S3 and Policy S2 and in effect, by it's cross-reference to Policy S2, Policy S3(d) will have the effect of resisting the re-use of existing buildings for housing within all of the Plan area classed as "countryside" (ie all land outside identified Limits to Development).

Furthermore, so far as the redevelopment of previously developed land is concerned, whilst Policy S3(e) is generally supported, the cross-reference to Policy S2 (which is still the Settlement Hierarchy) ignores that there might be previously developed land (including large agricultural buildings excluded by the NPPF definition and the Class Q GPDO (2015) provisions) which are neither within, nor well related to the settlements identified in Policy S2 but where, nonetheless, it's redevelopment/reuse is otherwise supported by the Core Principles and paragraph 55 of the NPPF.

The introduction of Policy S3(s) and support for the development of employment uses in the countryside in accordance with Policy Ec2 in MM12 is welcome and supported. We currently act on behalf of a number of clients involved in B1, B2, B8 and transport-related businesses who are experiencing significant difficulty finding appropriate land and premises within Limits to Development in the identified Settlement Hierarchy. Employment land supporting traditional and older B2, B8 and transport-related uses often fetches a premium for housing redevelopment on sites within Limits to Development thereby displacing existing users and reducing site available for new business within those sectors.

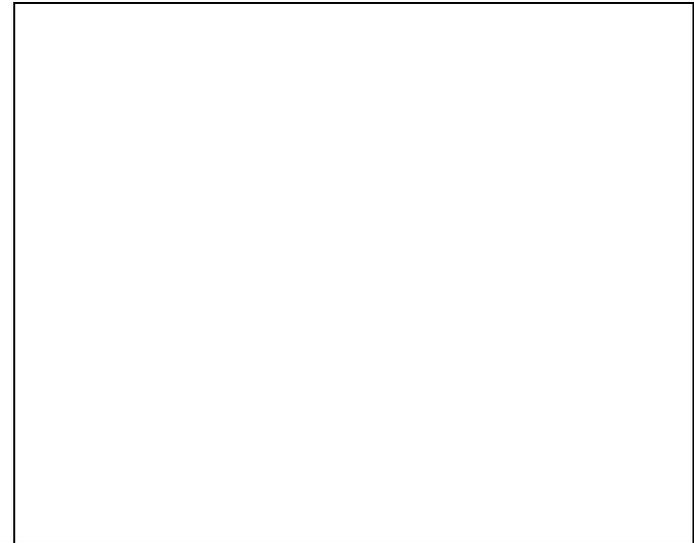
Criterion (vi) of Policy S3 introduced by MM12 requires such development to be accessible, or else be made accessible, by a range of sustainable transport. Whilst acknowledging the desirability of this aim, nonetheless, it should be recognised that as advised in the NPPF, the opportunities for securing this vary between urban and rural areas. It is not always realistic or viable to ensure such provision in rural areas and we consider this needs to be reflected in Policy S3(vi).

Main Modification MM12

Suggested Revised Wording:

In order to rectify the conflict with the NPPF we suggest that Policy S3 is modified as follows:

- i) Policy S3(d) should be re-worded to delete reference to the need for proposals for the re-use and adaptation of buildings for appropriate purposes including housing to be in accordance with the Settlement Hierarchy (Policy S2).
- ii) Policy S3(e) should be re-worded to remove reference to proposals for the redevelopment of previously developed land to be in accordance with Policy S2. Alternatively, if reference to Policy S2 is retained, then alterations to Policy S2 itself should be made to be supportive of such development throughout the Plan area and in particular, within the countryside and outside identified Limits to Development.
- iii) Criterion (vi) should be reworded by the addition of the words “ ... where that does not undermine the viability of the project and whilst acknowledging that this might be more difficult to secure in the countryside.” at the end.



Respondent: **Ashby de la Zouch Civic Society**

Representation Number: 110/02/MM12

Comments:

We accept that further land need to be allocated for employment as laid out in HEDNA. This should be done within the plan and not left to a policy that removes protection from the countryside and gives carte blanche to developers to propose where such development takes place outside the limits to development. We therefore object to the modification of policy EC2. This effectively nullifies protection of the countryside given in policy S3.

Council Response:

The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares.

As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to Policy Ec2 in Policy S3 to avoid conflict between

Main Modification MM12

<p>We also object to the removal of protection of intrinsic character, diversity of landscape, heritage, and natural resource from policy S3.</p> <p>The proposed modification opens up large tracts of land around Ashby for unrestrained Further development. As it is enclosed by the A42 and A511.</p> <p>Where industrial development is allowed further submissions will be made housing exacerbating the uncontrolled spread of development.</p> <p>The local plan also fails to identify and designate local green space leaving large tracts of valuable countryside unprotected.</p> <p>Suggested Revised Wording: Reinstate protection of valued countryside in policy S3. Remove modifications to policy EC2. Introduce a policy to protect green spaces.</p>	<p>policies in the Local Plan as all of the policies must be read together.</p> <p>The first part of Policy S3 has been deleted as it is a Core Principle of the NPPF and therefore does not need to be repeated in the Local Plan.</p> <p>The issue of the identification of Local Green Spaces that has been raised as part of this representation is considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
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<p>Respondent: Home Builders Federation Representation Number: 85/07/MM12</p>	
<p>Comments: It is agreed that the proposed modifications of Policies S2 and S3 will provide some limited flexibility to overall HLS. However as set out in previous HBF submissions the Council was requested to provide flexibility via sustainable redevelopment of brownfield or other sites. It is unlikely that many opportunities to develop previously developed land exist and the main modifications make no reference to other sites. It is recommended that a further modification is made to include other sites not just previously developed land.</p>	<p>Council Response: The reasons for not including reference to 'other sites' are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. These include the fact that the Council is already able to meet the identified OAN, consequently there is no need to allow for additional development. We are therefore content to rely on this previous evidence</p>

Main Modification MM12

given and do not have any further comment to add at this stage.

Respondent: **Packington Nook Residents Association (PNRA)**

Representation Number: 32/05/MM12

Comments:

Policy S3: Countryside

Within the uses listed as being permitted within the countryside (policy S3) the PNRA does not support the addition of (s) 'Employment land in accordance with the provisions of Policy Ec2'.

On the face of it, the insertion of use (s) and cross reference to Ec2 (2) is of concern, as it raises the question of how effective Policy S3 will be in preventing speculative proposals for development outside the defined 'limits for development'. This is the more so because the reference to (the countryside's) "intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all" has now been deleted from Policy S3.

The modification has the appearance of a late addition that has not been properly considered to give adequate protection that should be available under the Plan. The justification for this additional use appears to be to cover instances of 'suitable brownfield land outside defined settlement limits'. If this is correct, it needs to be confirmed and made much clearer. If this justification is made explicit, then NPPF countryside policies and S3 criteria i) to vi) might be regarded as being sufficient to deter speculative ventures.

Furthermore, there should be specific reference to Policy En3 to give adequate protection to the National Forest area from speculative developers suggesting "urgent need" and in particular the area defined as the "Heart of the 'National Forest'".

The criteria stated in Ec2 (2) on accessibility, good access to strategic highway network and not detrimental to the amenities of nearby residential properties or the wider environment are

Council Response:

The first part of Policy S3 has been deleted as it is a Core Principle of the NPPF and therefore does not need to be repeated in the Local Plan.

The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares.

As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to Policy Ec2 in Policy S3 to avoid conflict between

Main Modification MM12

inadequate, in our view. Areas of open countryside surrounding Ashby would be vulnerable to development as employment land alongside key strategic routes like the A42 and A511 Ashby By Pass. For one example of this vulnerability is the land between the A42 and Measham Road, adjacent to A42 junction 12, the Willesley Park interchange. This length of Measham Road and the adjacent woodland and residential properties set in large landscaped plots, constitutes the most attractive and environmentally rich main approach road to the town. Should such development be allowed to proceed, there would then be pressure at a later date to allow development of the remainder of open land for further industrial and or housing development northwards, right through to Packington Nook Lane or even Lower Packington Road. The character and appearance of the countryside on this south-west side of Ashby, constituting this land, known as 'Packington Nook', and the adjacent Willesley land to the west of Measham Road, is of high quality in the local context and within the District overall. Developers would exploit this addition (s) 'Employment land in accordance with the provisions of Policy Ec2' to the full.

This amendment does not offer adequate protection for any of the countryside surrounding the town. The town is already having very significant areas of countryside allocated for housing and employment. The potential for additional allocations outside the limits to development is unacceptable.

This amendment is all the more concerning because the Publication Local Plan failed to designate and protect within a Policy, 'Local Green Spaces', leaving this to Town and Parish Councils, within a Neighbourhood Plan. No such plans have yet been adopted, and in the vast majority of the District it would appear that there is little likelihood of them being produced due to lack of expertise and resources at the Parish level.

Also, because the Publication Local Plan also fails to identify and protect within a Policy those areas which are not classified as 'Local Green Spaces', but are nevertheless areas of open countryside of the highest value in terms of environmental value and tranquility, prized for their recreational and amenity value and meeting the needs of local people and visitors, in terms of their enjoyment, health and wellbeing.

Suggested Revised Wording:

If the protections described in our response cannot be assured, then delete:

policies in the Local Plan as all of the policies must be read together.

The issue of the identification of Local Green Spaces that has been raised as part of this representation is considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Main Modification MM12

Policy S3 (s) 'Employment land in accordance with the provisions of Policy Ec2'.	
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Respondent: Planning Prospects on behalf of St Modwen Developments	Representation Number: 57/04/MM12
<p>Comments: Main Modification MM12 relates to Policy S3 of the Plan in relation to Countryside. It now includes at criterion (s) recognition of Policy Ec2 and the new flexible approach to employment land proposals where evidence of demand not otherwise met by the plan exists. It is important that a site's location within the Countryside does not otherwise frustrate the delivery of such additional employment land and therefore the exception to normal countryside policy of S3 offered under criterion (s) is supported.</p>	<p>Council Response: Noted</p>

Respondent: Cliftonthorpe and Ivanhoe Fields residents	Representation Number: 113/01/MM12
<p>Comments: MM12 Policy S3(s) Countryside MM40 Employment Policy Ec2 (2) Comments No justification is given for this late addition to Policy S3 which supports the full range of general Employment uses across countryside outside the limits to development and which conflicts with the whole philosophy of the National Forest area designation. This is not yet a positively prepared change based on objectively assessed development need and opportunity and is therefore unsound. Lack of detailed evaluation identifying those broad areas which should be protected will lead to the dangerous and unnecessary exposure of the whole countryside to speculative development at a late stage and without proper scrutiny. Adding such an extremely loose and poorly defined proposal opens up a Pandora's Box leading to all manner of spurious and opportunistic development proposals throughout the district and particularly areas surrounding the A42.</p>	<p>Council Response: The HEDNA identifies a mismatch between the type of employment land that is required and the actual provision within the district. As noted in MM41 there is a shortfall of about 13 hectares. As there is now an identified mismatch in the types of employment land that is to be provided and what the HEDNA identifies is needed an additional criteria has been included within Policy Ec2 to allow for the potential provision of new employment land (provided that it is in accordance with the provisions of Policy Ec2). It is therefore necessary to refer to</p>

Main Modification MM12

<p>This would seriously jeopardise the successful development of the National Forest areas and the associated health, leisure and tourism benefits.</p> <p>MM12 Policy S3 (s) Countryside MM40 Employment Policy Ec2 (2) Proposed modifications</p> <p>In the absence of clearly identified demand, the high level of existing out-commuting, and the extremely low unemployment levels in areas likely to be affected the proposal is unsound. It should be withdrawn and subject to a future study of the issues that have been raised on this matter.</p>	<p>Policy Ec2 in Policy S3 to avoid conflict between policies in the Local Plan as all of the policies must be read together.</p> <p>The Council considers that part 2 Of Policy Ec2 provides flexibility to the policy to deal with the changed employment land requirements identified in the HEDNA. Through the inclusion of criteria a-c, it is believed that any such proposals will be assessed to ensure that they will only be permitted where they would be appropriate in type and location.</p>
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<p>Respondent: David Trunkfield</p>	<p>Representation Number: 126/03/MM12</p>
<p>Comments: Policy S3 Policy S3: Countryside</p> <p>Within the uses listed as being permitted within the countryside (Policy S3), the Willesley Environment Protection Association does not support the addition of (s) 'Employment land in accordance with the provisions of Policy Ec2'.</p> <p>On the face of it, the insertion of use (s) and cross reference to Ec2 (2) is of concern, as it raises the question of how effective Policy S3 will be in preventing speculative proposals for development outside the defined 'limits for development'. This is the more so because the reference to (the countryside's) 'intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all' has now been deleted from Policy S3.</p> <p>The justification for this additional use appears to be to cover instances of 'suitable brownfield land outside defined settlement limits'. If this is correct, it needs to be confirmed and made much clearer. If this justification is made explicit, then NPPF countryside policies and S3 criteria i) to vi) might be regarded as being sufficient to deter speculative ventures.</p>	<p>Council Response: See response to 29/03/MM12</p>

Main Modification MM12

The criteria stated in Ec2 (2) on accessibility, good access to strategic highway network and not detrimental to the amenities of nearby residential properties or the wider environment are inadequate, in our view. Areas of open countryside surrounding Ashby would be vulnerable to development as employment land alongside key strategic routes like the A42 and A511 Ashby By Pass. One example of this vulnerability is the land between the A42 and Measham Road, adjacent to the A42 junction 12, the Willesley Park interchange. This length of Measham Road and the adjacent woodland and residential properties set in large landscaped plots constitutes the most attractive and environmentally rich main approach road to the town. Should such development be allowed to proceed, there would then be pressure at a later date to allow development of the remainder of open land for further industrial and/or housing development northwards, right through to Packington Nook Lane or even Lower Packington Road. The character and appearance of the countryside on this south-west side of Ashby constituting this land, known as 'Packington Nook', and the adjacent Willesley land to the west of Measham Road, is of high quality in the local context and within the District overall. Developers would exploit this addition (s) 'Employment land in accordance with the provisions of Policy Ec2' to the full.

This amendment does not offer adequate protection for any of the countryside surrounding the town. The town is already having very significant areas of countryside allocated for housing and employment. The potential for additional allocations outside the limits to development is unacceptable.

This amendment is all the more concerning because the Publication Local Plan failed to designate and protect within a Policy 'Local Green Spaces', leaving this to Town and Parish Councils within a Neighbourhood Plan. No such Plans have yet been adopted and, in the vast majority of the District, it would appear that there is little likelihood of them being produced due to lack of expertise and resources at the Parish level.

Also, because the Publication Local Plan also fails to identify and protect within a Policy those areas which are not classified as 'Local Green Spaces', but are nevertheless areas of open countryside of the highest value in terms of environmental value and tranquility, prized for their recreational and amenity value and meeting the needs of local people and visitors, in terms of their enjoyment, health and wellbeing.

Main Modification MM13

Respondent: **Charnwood Borough Council**

Representation Number: 54/02/MM13

Comments:

Main Modification 13 includes provision for 12,553 dwellings (20011-31), which is 30% higher than the OAN and housing requirement for the District of 9,620 dwellings (2011-31).

Suggested Revised Wording:

Main Modification 13 and 29 should highlight the total provision included in the plan is significantly higher than the OAN and the number of homes anticipated to be delivered is 972 more than are required to meet the OAN or housing requirement. This over provision should be recognised in the supporting text so that it can be accounted for at the Housing Market Area level. Taken together with the uplift in OAN to support economic growth needs, there are an additional 2,092 homes being planned for in North West Leicestershire (2011-31) that should be provided for by a distribution of housing in pursuit of the HMA strategy and/or to meet unmet need from other authorities.

Main Modification 13 and 29 should also note that the full provision includes homes projected to be delivered beyond 2031 and that this provision should be taken into account as part of strategic planning processes for the HMA under the duty to cooperate.

Council Response:

Whilst the provision may be above that of the OAN, it is the number of dwellings which will be built that is the key factor. As noted in the Housing Trajectory (EX/73) it is predicted that that only 10,592 dwellings will be built up to 2031.

In identifying the OAN the HEDNA took account of variety of factors including house price affordability and economic growth considerations. However, the OAN itself has not been increased.

MM13 is a statement of fact regarding the level of provision as at 1 October 2016. It does not purport to identify the actual amount of development which is likely to take place up to 2031. The issue of how much development will take place beyond 2031 and what implications this has for future provision, is something to be considered as part the current ongoing work in respect of the Strategic growth Plan and the subsequent Local Plan review.

Main Modification MM13

Respondent: Home Builders Federation		Representation Number: 85/08/MM13
Comments: The updates to HLS are noted.	Council Response: Noted	

Respondent: Gladman		Representation Number: 58/06/MM13
Comments: Main Modification MM13 is currently unclear as to what Table 2 actually shows. Presumably, the total housing provision of 12,553 dwellings contained in Table 2 is simply a total of all completions from 1 April 2011, dwellings under construction, planning permissions at 1 October 2016 and resolutions to grant planning permissions, again as at 1 October 2016 rather than setting out what will actually be delivered within the NWLLP Plan period. If this is the case, then this should be clearly explained in the supporting text to avoid causing confusion with other amended statements which are set out later in the Main Modifications (explained in more detail below).	Council Response: The assumptions made as to what Table 2 shows is correct. It is necessary to also have regard to later paragraphs in this section, including proposed paragraph 7.6 which makes it clear that whilst it appears that permission and resolutions mean the need has already been met, it is necessary to consider how many dwellings are likely to be built. The following paragraphs do this before arriving at the conclusion (proposed paragraph 7.9) that there is shortfall of about 600 dwellings. Therefore, it is considered that no further modification is required.	

Main Modification MM14

Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/03/MM14
<p>Comments: I identified site provision should be included in the trajectory. Windfall sites have over a long period produce an average of 47dpa and in the last 5 years 70 dap. We would therefore suggest that windfall would contribute at least 1000 houses over the plan period.</p> <p>Suggested Revised Wording: Windfall sites should be included in the housing trajectory</p>		<p>Council Response: The basis for a figure of 1,000 dwellings to be provided through windfall sites is not clear. This issue was considered in previous statements submitted by the Council and at Examination hearing sessions. The Council is content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
Respondent: Home Builders Federation		Representation Number: 85/09/MM14
<p>Comments: The updates to HLS are noted.</p>		<p>Council Response: Noted</p>

Main Modification MM15

Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/04/MM15
<p>Comments: Paragraph 7.9 now states that it is expected that 9000 houses will be delivered in the plan period therefore requiring a further allocation of 600 homes to meet the HEDNA target. However the trajectory shows that 10592 houses will be delivered. The council has provision for over 14500 homes. The allocation of 600 homes to Moneyhill Ashby is not necessary and exacerbates an oversubscription of houses to Ashby</p> <p>Suggested Revised Wording: Remove the 600 home allocation.</p>		<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Main Modification MM17

Respondent: **Home Builders Federation**

Representation Number: 85/14/MM17

Comments:

The uncertainty caused by the HS2 route is acknowledged therefore the principle of the addition of reserve sites in New Policy H3d are welcomed. The HBF make no comment on any specific sites selected.

Council Response:

Noted

Main Modification MM18

Respondent: Home Builders Federation	Representation Number: 85/10/MM18
Comments: The updates to HLS are noted.	Council Response: Noted

Respondent: Gladman	Representation Number: 58/07/MM18
<p>Comments:</p> <p>Gladman object to Main Modification MM18 as it is currently unclear and does not seem to be in alignment with other proposed modifications contained in the Modifications document.</p> <p>Main Modification MM18 states that it is estimated that about 9,000 dwellings (including those already built) will be built in the Plan period and that there is a need for the NWLLP to make provision for at least a further 600 dwellings to meet the overall housing requirement of 9,620 dwellings.</p> <p>As set out above in Section 5.6, it is currently unclear how this figure relates to the 12,553 dwellings contained in Table 2. It also appears to be at odds with Main Modification MM29 which states that the trajectory identifies that 7,902 dwellings will be developed by 2031 which when added to the completions (April 2011 to October 2016), would mean that 10,592 dwellings would be built across the Plan period.</p> <p>This is particularly confusing and needs to be clarified to ensure that the NWLLP has identified sufficient sites to not only meet its housing requirement of 9,620 dwellings (although Gladman still consider this figure to be considerably higher) but also to provide the flexibility which is required to cater for identified sites not coming forward as predicted and to make an immediate contribution to any additional provision required to help meet the HMA's unmet needs.</p>	<p>Council Response:</p> <p>As noted in response to the Objectors comments in respect of MM13, the figure of 12,553 in table 2 represents the number of dwellings which have been built, were under construction or had planning permission or a resolution to grant planning permission as at 1 October 2017. However, the figure of 9,000 dwellings referred to in MM18 represents the total number of these 12,553 which it is anticipated are likely to be actually built up to 2031. Therefore, there is a shortfall in provision which is addressed through the allocation of land North of Ashby de la Zouch (Policy H3). As this site is capable of accommodating significantly more than the shortfall, both overall and in the plan period, this results in an anticipated total delivery of 10,592 dwellings up to 2031 which exceeds the OAN of 9,620 dwellings by 972 dwellings, or 10%. It is considered that this is more than sufficient flexibility. Furthermore, it should be appreciated that this does not assume all dwellings with permission, resolution or proposed as an</p>

Main Modification MM18

A number of recent Inspectors have considered this flexibility issue suggesting that between 10% and 20% flexibility needs to be built into a Local Plan to ensure that the housing requirement is achieved or surpassed. Indeed, North West Leicestershire themselves have suggested within the Modifications that flexibility is required. The Inspector should therefore satisfy himself that given the discrepancies that appear to be contained within the Modifications, that the NWLLP does provide a suitable level of flexibility and if not, that Modifications are made to rectify this situation.

allocation will be built up to 2031 and nor does it include an allowance for windfall sites.

Main Modification MM19

Respondent: Home Builders Federation		Representation Number: 85/11/MM19
Comments: The updates to HLS are noted.	Council Response: Noted	

Respondent: David Bigby		Representation Number: 5/05/MM19 & 20
<p>Comments: One of the tables in MM19 & 20 should include the 70 houses at Woodcock Way, Ashby, which are currently being constructed</p> <p>Suggested Revised Wording: One of the tables in MM19 & 20 should include the 70 houses at Woodcock Way, Ashby, which are currently being constructed</p>	<p>Council Response: The table in Policy H1 only contains sites which have the benefit of planning permission but are yet to commence. Sites where development has commenced are purposely not included. Similarly, the table in Policy H2 only includes those sites where the Council has resolved to grant planning permission.</p> <p>The 70 houses at Woodcock Way, which as the respondent states are currently being constructed, should therefore not appear in either table.</p>	

Main Modification MM20

Respondent: **MPC on behalf of Hanson UK**

Representation Number: 119/01/MM20

Comments:

The Transport Secretary Chris Grayling confirmed on 17 July 2017 Britain's high speed rail lines to the north-west, East Midlands and Yorkshire. The announcement has significant impacts for the proposed housing land allocations provided in the North West Leicestershire Submission Local Plan for both Measham and Kegworth.

With regard to Measham, the Transport Secretary has decided not to proceed with the proposed change of route to the east of Measham. Instead, a modified version of the 2013 preferred route to the west of Measham has been confirmed. The consequence of this is that proposed housing allocation H2e (now proposed to be modified to H2a) on land West of High Street Measham and planning permission 13/00141/OUTM will be intersected by HS2. This raises considerable doubt over the deliverability of the 450 houses planned under this proposed allocation.

Whilst it is acknowledged that policy H3c of the submitted draft plan seeks to allocate an alternative site off Ashby Road/Leicester Road Measham, the main modification MM26 proposes site H3c will deliver 300 dwellings. There is a clear shortfall of 150 dwellings between the proposal under site H2a and alternative site H3c. This shortfall is likely to be further exacerbated by the likely loss of development at site H1w which is also impacted by the HS2 route.

In accordance with the advice provided at para 182 of the NPPF, continuing with allocation H2a would render the North West Leicestershire Plan unsound. In this regard, allocation H2a is not justified because it is not the most appropriate strategy when considered against the reasonable alternatives; it is not effective because the housing requirement would not be deliverable over the plan period; and, by failing to deliver the objectively assessed need and delivering sustainable development the plan is not positively prepared and is consequently inconsistent with national policy.

Council Response:

It should be noted that H2a (West of High Street, Measham) is not an allocation. Policy H2 – Housing Provision: Resolutions, as its title suggests, contains those sites where there is a resolution to grant planning permission subject to a legal agreement. It is, therefore, a statement of fact.

The impact on H1w is limited as the site is not affected by the actual route of HS2. The safeguarding route announced on 18 July 2017 just clips the westernmost part of the site, but of 30 dwellings proposed dwellings on the only 4 had not started as at 31 March 2017 (13 built and 13 under construction).

Main Modification MM20

In light of the confirmed HS2 route it is proposed that site H2a should be discounted and removed from the Local Plan allocations listed at draft policy H2. In its place, it is submitted that the attached site (see plan M112_25 attached) at Land off Abney Drive/Atherstone Road is now included as an additional allocation at Policy H3 of the North West Leicestershire Local Plan. The site at Abney Drive/Atherstone Road forms the Greenfield area of site M6 identified in the SHLAA and is referenced at paragraph 7.18 of the Submission Local Plan and main modification MM23. The SHLAA references the Greenfield area of site M6 (not forming part of the Brickworks site) as potentially suitable. The site has a gross area of 16.2 acres. After deducting the area of woodland to the eastern boundary, the net developable area equates to approximately 10.1 acres. Applying a density of 30 dwellings per hectare the site has capacity to deliver a minimum of 120 dwellings. This number of units together with the 300 dwellings allocated under site H3c at Land off Ashby Road/Leicester Road would suitably compensate for the loss of site H2a West of High Street Measham.

The site is located on the south of Measham and is unaffected by the HS2 route - see attached letter from HS2 Ltd dated 17/07/2017. Urban development bounds the site on 3 sides; it is within 2km of the key local amenities/facilities: Measham C of E Primary School, St Charles RC Primary School, Measham Medical Unit, Measham Library, Measham Leisure Centre, Westminster Industrial Estate, shops, post office, cafes, fast food outlets and public houses on High Street and children's play areas.

An access feasibility report was prepared by WYG in 2014 and confirms that suitable access is achieved from Abney Drive for up to 150 dwellings – please see the attached report. There is also opportunity to provide access from the development site to the south currently under construction off Atherstone Road.

The site brings an important opportunity to secure much improved pedestrian and cycle links between Horses Lane and existing development to the south of Measham; significantly improving accessibility to Measham centre and its facilities.

There is one owner of the site and it is available for delivery now. The site is suitable, available and achievable. There are no reasons to prevent the timely delivery of this site in the next 0-5 years. In light of the now confirmed HS2 route, the allocation of the attached site together with

The Housing Trajectory (EX/73) identified 450 dwellings being built up to 2031 on the site West of High Street (H2a). On the assumption (and this is not guaranteed at this time) that none of these would be built, the 300 dwellings on the reserve site at Ashby Road/Leicester Road Measham (H3c) will replace most of these but there would be a shortfall of 150 dwellings.

In addition, the Housing Trajectory (EX/73) noted that 62 dwellings on land at Atherstone Road Measham (H1x) remained to be built as at 1 October 2016 but made no allowance for any of these to be built as the site was affected by the (then) preferred route. Since then development has continued apace such that 31 dwellings were built as at 31 March 2017 (compared to 15 at 1 October 2016), 26 were under construction and 20 not started. Furthermore, the site is no longer affected by the route of HS2. Therefore, adding these 62 dwellings back in to the trajectory reduces the shortfall from 150 to 88 dwellings (150 – 62).

It should also be noted that in December 2016 planning permission was granted on appeal for 81 dwellings at Butt Lane Blackfordby for 81 dwellings (15/00083) which are also not included in the trajectory as it is based as at 1 October 2016. This as god as takes up the remaining dwellings lost from the West of high Street site. Therefore, there is no need to identify any additional land to remedy any shortfall resulting from the decision to revert the proposed route of HS2 to the west rather than east of Measham.

Main Modification MM20

<p>proposed allocation H3c would ensure the housing requirements for Measham can be delivered over the plan period.</p> <p>Suggested Revised Wording: Suggested further modifications:</p> <ul style="list-style-type: none"> • MM20 – it is proposed that policy H2 should be amended to remove site H2a West of High Street Measham as follows: Policy H2- Housing provision: resolutions The Council has resolved to grant planning permission for housing development on the sites listed below. The Council will work with the developers and applicants to ensure that the legal agreements associated with these developments are completed as efficiently as possible so that permission can be issued. Once planning permission is granted it will be subject to the provisions of Policy H1. <p>Where there has been a delay in the signing of a legal agreement and a planning permission not granted, it may be necessary for the application to be referred back to Planning Committee for account to be taken of any material change in circumstance since the initial resolution to grant permission.</p> <p>Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.</p> <p>Site Capacity</p> <table border="0"> <tr> <td>H2a West of High Street Measham</td> <td>450 dwellings (all strikethrough)</td> </tr> <tr> <td>H2a (add) b (Strikethrough) Land at Blackfordby Lane, Moira</td> <td>18 dwellings</td> </tr> </table>	H2a West of High Street Measham	450 dwellings (all strikethrough)	H2a (add) b (Strikethrough) Land at Blackfordby Lane, Moira	18 dwellings	<p>The site referred to in this representation is part of a larger site identified in the SHLAA (M6), although no further promotion of the site has been brought to the Council's attention. The M6 site was considered as a possible reserve site in place of the West of High Street site. For the reasons set out the Housing Background Paper (BP/04) and in the Council's position statement to Matter 5 it was not the Council's preferred site.</p>
H2a West of High Street Measham	450 dwellings (all strikethrough)				
H2a (add) b (Strikethrough) Land at Blackfordby Lane, Moira	18 dwellings				

<p>Respondent: Home Builders Federation</p>	<p>Representation Number: 85/12/MM20</p>
<p>Comments: The updates to HLS are noted.</p>	<p>Council Response: Noted</p>

Main Modification MM21

Respondent: Gladman		Representation Number: 58/08/MM21
Comments: Gladman object to Main Modification MM21 in that it fails to make adequate provision for housing within the NWLLP to meet the full OAN as set out in the Barton Willmore assessment detailed above in Section 5.1.	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.	

Main Modification MM22

Respondent: **David Bigby**

Representation Number: 5/06/MM22

Comments:

Clarity is required in this paragraph about the development at Woodcock Way which has permission and is currently being built but is not mentioned and should be included within the total of 2050 dwellings allocated for Money Hill. This also needs reflecting in inset map 3 which currently does not show the Woodcock Way development at all.

Suggested Revised Wording:

We have considered a range of potential locations and sites to make this provision and have concluded that the most appropriate allocation is north of Ashby de la Zouch (more details about this assessment can be found in the supporting Background Paper and the Sustainability Appraisal). This area comprises two sites which are identified in our Strategic Housing Land Availability Assessment Site A5 (Land north of Ashby, Money Hill) and Site A22 (Former Arla dairy, Smisby Road). Two parts of site A5 have planning permission - for 605 dwellings (H1b) and 70 dwellings (Woodcock Way). The remainder of A5 together with the whole of A22 adjoin each other and are proposed included as a single allocation. The overall scale of development that could be realised on the site (including the parts which have planning permission) is about 2,050 dwellings.

Council Response:

As proposed to be worded MM22 represents the situation as at 1 October 2016, the base date for the plan. As noted in EX/72 the original outline planning permission for 605 dwellings at Money Hill was reduced to 535 dwellings as a result of the grant of detailed permission for 70 dwellings at Woodcock Way which formed part of the earlier application. However, in total the number of dwellings with planning permission as 605 as stated in the proposed modification. It is not necessary to list all of the permissions and so it is considered that it is not necessary to amend the paragraph. For information, as at 31 March 2017 the situation was as follows:

Application No	Site	Dwellings	Status	Remaining allocation assuming 2,050 dwellings in total
13/00335	Money Hill	605	Outline permission	1,445
16/00432	Woodcock Way	70	Detailed permission – part of above site	1,445
15/00512	Money Hill	605	Outline resolution – replaces 13/00335	1,375
16/00275	Arla dairy site	153	Outline resolution	1,222

Main Modification MM22

Respondent: Ashby de la Zouch Town Council	Representation Number: 24/03/MM22
<p>Comments: The text is confusing as it appears to ignore the planning permission already granted for 70 dwellings at Woodcock Way within the Money Hill site. The inset map 3 for Ashby de la Zouch does not show the Woodcock Way site as part of the Money Hill development. The Money Hill development will provide 2050 dwellings which the Town Council understood included the 70 dwellings at Woodcock Way.</p> <p>As part of the preparation of the Ashby de la Zouch Neighbourhood Plan clarification was sought as to what developments were included in the 2050 dwellings at Money Hill. North West Leicestershire District Council confirmed by email on 30th June 2016, that the Money Hill allocation of 2050 dwellings did include the 70 dwellings at Woodcock Way. The housing trajectory produced as part of this consultation also includes the 70 dwellings at Woodcock Way as part of the 2050 Money Hill scheme.</p> <p>Suggested Revised Wording: The text needs amending to make it clear that planning permission has also been granted for 70 dwellings at Woodcock Way and that these form part of a single allocation for the Money Hill site.</p> <p>The inset map 3 needs amending to make it clear that Woodcock Way is part of the wider Money Hill development.</p>	<p>Council Response: See response above to 5/06/MM22.</p> <p>Sites where development has started have been taken out of Policy H1 and/or H2 and the relevant policies maps have been amended. Development has commenced on the site at Woodcock Way and this has been reflected on the Policies Map to ensure a consistent approach. Therefore, it is considered that there is no need to amend the Policies Map.</p>

Main Modification MM22

Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/05/MM22
Comments: The text, maps and housing numbers for the overall site is confusing with different assumptions in different parts. Please modify to create clarity and consistency.		Council Response: The MM22 sets out the most up to date position in respect of the Money Hill site.

Respondent: JVH Town Planning on behalf of Ravensbourne Container Systems		Representation Number: 46/03/MM22
Comments: This modification seeks to allocate a further 600 dwellings and the modification proposes that this additional housing is all met north of Ashby. We object to this proposal on the basis that we have put forward an alternative site north of Albert Village and adjoining Woodville that would provide for around 200 new homes in a sustainable location on previously developed land. A decision to locate further development at Ashby is putting unnecessary pressure on that settlement to deliver an additional urban extension. The time lag in delivery of MUEs is well known and a more diverse land allocation will result in higher delivery in the early part of the plan. The land at Albert Village/Woodville is also previously developed land and meets the core objectives of the NPPF.		Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Main Modification MM23

Respondent: **MPC on behalf of Hanson UK**

Representation Number: 119/02/MM23

Comments:

The Transport Secretary Chris Grayling confirmed on 17 July 2017 Britain's high speed rail lines to the north-west, East Midlands and Yorkshire. The announcement has significant impacts for the proposed housing land allocations provided in the North West Leicestershire Submission Local Plan for both Measham and Kegworth.

With regard to Measham, the Transport Secretary has decided not to proceed with the proposed change of route to the east of Measham. Instead, a modified version of the 2013 preferred route to the west of Measham has been confirmed. The consequence of this is that proposed housing allocation H2e (now proposed to be modified to H2a) on land West of High Street Measham and planning permission 13/00141/OUTM will be intersected by HS2. This raises considerable doubt over the deliverability of the 450 houses planned under this proposed allocation.

Whilst it is acknowledged that policy H3c of the submitted draft plan seeks to allocate an alternative site off Ashby Road/Leicester Road Measham, the main modification MM26 proposes site H3c will deliver 300 dwellings. There is a clear shortfall of 150 dwellings between the proposal under site H2a and alternative site H3c. This shortfall is likely to be further exacerbated by the likely loss of development at site H1w which is also impacted by the HS2 route.

In accordance with the advice provided at para 182 of the NPPF, continuing with allocation H2a would render the North West Leicestershire Plan unsound. In this regard, allocation H2a is not justified because it is not the most appropriate strategy when considered against the reasonable alternatives; it is not effective because the housing requirement would not be deliverable over the plan period; and, by failing to deliver the objectively assessed need and delivering sustainable development the plan is not positively prepared and is consequently inconsistent with national policy.

In light of the confirmed HS2 route it is proposed that site H2a should be discounted and

Council Response:

See response to MM20 (119/01/MM20)

Main Modification MM23

removed from the Local Plan allocations listed at draft policy H2. In its place, it is submitted that the attached site (see plan M112_25 attached) at Land off Abney Drive/Atherstone Road is now included as an additional allocation at Policy H3 of the North West Leicestershire Local Plan. The site at Abney Drive/Atherstone Road forms the Greenfield area of site M6 identified in the SHLAA and is referenced at paragraph 7.18 of the Submission Local Plan and main modification MM23. The SHLAA references the Greenfield area of site M6 (not forming part of the Brickworks site) as potentially suitable. The site has a gross area of 16.2 acres. After deducting the area of woodland to the eastern boundary, the net developable area equates to approximately 10.1 acres. Applying a density of 30 dwellings per hectare the site has capacity to deliver a minimum of 120 dwellings. This number of units together with the 300 dwellings allocated under site H3c at Land off Ashby Road/Leicester Road would suitably compensate for the loss of site H2a West of High Street Measham.

The site is located on the south of Measham and is unaffected by the HS2 route- see attached letter from HS2 Ltd dated 17/07/2017. Urban development bounds the site on 3 sides; it is within 2km of the key local amenities/facilities: Measham C of E Primary School, St Charles RC Primary School, Measham Medical Unit, Measham Library, Measham Leisure Centre, Westminster Industrial Estate, shops, post office, cafes, fast food outlets and public houses on High Street and children's play areas.

An access feasibility report was prepared by WYG in 2014 and confirms that suitable access is achieved from Abney Drive for up to 150 dwellings – please see the attached report. There is also opportunity to provide access from the development site to the south currently under construction off Atherstone Road.

The site brings an important opportunity to secure much improved pedestrian and cycle links between Horses Lane and existing development to the south of Measham; significantly improving accessibility to Measham centre and its facilities.

There is one owner of the site and it is available for delivery now. The site is suitable, available and achievable. There are no reasons to prevent the timely delivery of this site in the next 0-5 years. In light of the now confirmed HS2 route, the allocation of the attached site together with proposed allocation H3c would ensure the housing requirements for Measham can be delivered

Main Modification MM23

over the plan period.

- MM23 - it is proposed that this paragraph be rewritten and amended as follows:

“Land west of High Street Measham (H2a) is potentially affected by the route for HS2. In order to provide flexibility in the event that the final route of HS2 does impact upon the site it is proposed to make alternative provision to ensure that the overall requirement is still met. Our preference would be to make this provision elsewhere in Measham. We have assessed the various sites identified in the SHLAA. Whilst a number of the sites are quite small and or now have planning permission there are two large areas identified in the SHLAA; one off Atherstone Road (sites M6 and M7) and one off Ashby Road/ Leicester Road (sites M11 and M12). The site off Atherstone Road is largely in use as a brick and pipe manufacturing works. Our preference, therefore, is to identify land off Ashby Road/Leicester Road as a reserve site should the route of HS2 prohibit the development of land west of High Street. (all strikethrough)

Replace with:

“In order to ensure the delivery of housing in Measham, provision is made in this Plan for the allocation of two new housing sites. We have assessed the various sites identified in the SHLAA. Whilst a number of the sites are quite small and or now have planning permission there are two large areas identified in the SHLAA; one off Atherstone Road (sites M6 and M7) and one off Ashby Road/ Leicester Road (sites M11 and M12). Land off Ashby Road/Leicester Road and Land off Abney Drive/Atherstone Road (comprising the northern area of SHLAA site M6 not in use as a brick and pipe manufacturing works) will be allocated for housing.”

Main Modification MM23, 24, 25, 26 & 27

Respondent: JVH Town Planning on behalf of Ravensbourne Container Systems		Representation Number: 46/04/MM23-27
<p>Comments:</p> <p>We object to the making of reserve site provision in Measham and Kegworth. If HS 2 results in the non-delivery of sites in those areas then the land at Albert Village/Woodville should be allocated to take up the requirement. This is a more sustainable location being adjacent to the main urban area of Woodville/Swadlincote.</p>		<p>Council Response:</p> <p>The issue of possible development on land at Albert Village has previously been considered in response to earlier consultations. The issues raised in this representation are, therefore, partly considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions.</p> <p>Albert Village is a settlement in its own right with a limited range of services and facilities, as identified at Appendix 1 of Background Paper 2 published alongside the Local Plan. The range of services available within Albert Village are not as extensive as those available in either Measham or Kegworth, both of which are identified in Policy S2 as Local Service Centres whereas Albert Village is identified as a Sustainable Village. It is acknowledged that residents of Albert Village will look to Swadlincote/Woodville to meet some of its essential services and facilities much in the same way that they will look to other settlements.</p> <p>It is considered that it would be inappropriate to re-direct development possibly lost as a result of HS2 from a higher order settlement to a lower order settlement, particularly when there are suitable,</p>

Main Modification MM23

achievable, available and deliverable alternatives within Measham and Kegworth.

Main Modification MM24

Respondent: **Kegworth Parish Council**

Representation Number: 122/01/MM24

Comments:

The HS2 route has now been confirmed as passing through two sites in Kegworth which have outline planning permission for housing - a site to the North of Ashby Road where 110 houses has outline permission and the adjacent site parallel to the motorway off Derby Road where 150 houses were proposed.

An alternative site to the south of Ashby Road is now proposed in the amended Local Plan MM24.

Kegworth Parish Council objects to the proposed inclusion of this site for Housing due to the noise and environmental pollution from the M1 and the airport - the site is immediately adjacent to the motorway and adjacent to the protected area under the flight path. In addition, and since the site on the North side of Ashby Road was approved in 2012, this end of the village will be affected by the SRFI, now under construction at Junction 24 of the M1.

This development will have additional noise / environmental impact on any housing at the top of Ashby Road. Traffic movements from the new housing will all be through the village as it the link from the top of Ashby Road to the A453 will be closed, having a much greater detrimental effect on the existing residential areas, shopping area, school and library than was envisaged in 2012.

The limited area available for housing will allow little if any of the Community provision - allotments, sports pitches, parking and pavilion included in both the earlier planning applications.

Council Response:

The site is located in close proximity to two sites (one immediately opposite on the north side of Ashby Road) which have recently benefited from planning permission where issues such as noise and environmental pollution were considered. There is no evidence to suggest that a different conclusion would be reached in respect of this site on such issues. The proposed allocation is on land outside of the airport Public Safety Zone.

The County Highway Authority has advised that subject to a detailed Transport Assessment and Framework Travel Plan and assuming the loss of the extant permission that it is likely that, in highway terms, the proposed site would be acceptable.

Any recreation provision required as part of the development of this site will have to comply with the CIL tests in terms of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably

Main Modification MM24

<p>It is evident that the site to the North of Ashby Road has particular constraints which have not been recognized fully by potential Developers; the insensitive design subsequently proposed increased the density of the housing and paid scant attention to the impact of the M1, Airport and SRFI , prior to the HS2 route being approved. Should this site be included (against KPC's representations), we consider that an independent architectural assessment of the housing designs be carried out, by CABE or similar organisation and at the Developer's cost, to ensure that the environmental factors for the site are fully taken into consideration and avoid longer term issues if the site is developed.</p>	<p>related in scale and kind, irrespective of what was proposed as part of other developments.</p> <p>Any proposed development would be assessed against the Council's design principles set out in Policy D1 and in the recently approved supplementary Planning Document on Design.</p>
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Main Modification MM25

Respondent: David Bigby		Representation Number: 5/07/MM25
<p>Comments:</p> <p>I support the requirement for a Masterplan for Money Hill. However, it should include provision of public car parking sufficiently close to the Town Centre to alleviate the additional Town Centre car parking need which will be generated by the development. This has been promised by the Money Hill consortium and needs to be incorporated as a requirement to ensure it actually happens.</p> <p>There is no justification for increasing the Money Hill site provision from 1750 to 2050. It has already been accepted by NWLDC that, due to the River Mease catchment situation, 675 of these houses cannot be built until after the end of the plan period. Furthermore the HEDNA has shown a reduced need for housing provision in the District of 780 from that envisaged in the Examination version of the plan, so an increase of 300 is not required and will only exacerbate the considerable problems that this development will cause Ashby.</p> <p>A significant number of existing planning permissions for Ashby within the limits of development have not been included on inset map 3 for Ashby.</p> <p>Suggested Revised Wording:</p> <p>H3a</p> <p>a) replace "about 2050" with "1750".</p> <p>b) para (viii) add, "Town Centre public car parking provision," after "commercial uses".</p>		<p>Council Response:</p> <p>Noted.</p> <p>This is a point of detail that would need to be determined through the masterplan itself and is not appropriate to include in the Local Plan policy.</p> <p>The issues raised in this part of the representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p> <p>Although no examples are provided, it is assumed this refers to sites currently under construction, which have purposely been removed from the policies map.</p>

Respondent: Clifthonthorpe and Ivanhoe Fields residents		Representation Number: 113/03/MM25
<p>Comments:</p> <p>This modification still concentrates the vast bulk of new district housing allocations in one major growth zone covering the extensive countryside fringe area of Money Hill. It has added without justification the active Equestrian Centre and pre-empt its own Masterplan by pre-determining</p>		<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector</p>

Main Modification MM25

an increased development of 2050 dwellings housing 4500 people and expanding Ashby de la Zouch by 36%.

The policy remains unjustified, premature and unsound at this point in time because:

- the allocation has remained unchanged despite the objectively assessed housing requirement being revised substantially downward by 780 to 9600 units and is therefore arbitrary and not related to need,
- the prior specification of precise housing numbers pre-empts the very concept of a considered multi-use Masterplan,
- it is neither sustainable nor realistic as the bulk of local employment opportunities are located in the north and east fringes of the district where Kegworth, Coalville Urban area and larger adjacent centres in bordering districts would provide more immediate and sustainable housing locations,
- it is unjustified as it runs counter to basic plan Objective 2, of balanced housing and employment growth, and Objective 6, of regeneration, so exacerbating the current imbalance between housing growth in Ashby and employment growth elsewhere,
- it would result needlessly in higher priced housing than possible in the former mining communities traditionally less profitable for developers, undermine efforts for investment there, perpetuate the social divide and jeopardise the sustainability of our communities as a whole,
- it would lead to a failed mismatch of housing types/prices relative to district residential need and demand, increased inward migration of wealthier families from along the A/M42, and result in further environmentally unfriendly and unsustainable out-commuting from Ashby.

The simultaneous allocation of the similar extensive urban fringe Area of Separation in Policy En5 area adjacent to Coalville pre-empts the provision of more convenient and less costly housing more consistent with local needs. The arguments put forward in favour of giving privileged protection apply equally and possibly more strongly to Money Hill, and the policy is without a full analysis of the value of partial development uses. It dismisses proven demand from developers, goes against the spirit of sustainability and therefore remains unjustified and unsound.

and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

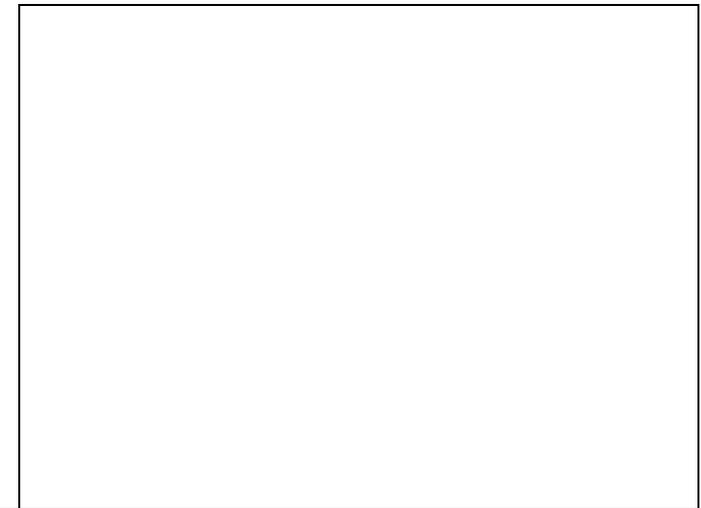
Main Modification MM25

Suggested Revised Wording:

To ensure soundness and compliance, and given the major scale and impact of the proposal on Ashby, the welcomed 'strategic mixed use allocation' Masterplan should be:

- prepared alongside and in conjunction with the emerging Ashby de la Zouch Neighbourhood Plan,
- include a requirement for effective consultation with the local communities affected,
- include a full impact assessment on Ashby communities before any further precise allocations are made.

The over supply of 780 units should be deducted from the Policy H3 allocation reducing it to 1245 dwellings. A more appropriate strategy would then split between Money Hill, Ashby de la Zouch and the Area of Separation at Coalville Urban Area on the basis of sensitively prepared multi-use Masterplans and impact analyses for the two locations.



Respondent: **Ashby de la Zouch Town Council**

Representation Number: 24/04/MM25

Comments:

The increase in the number of dwellings allocated for Ashby de la Zouch from 1,750 to 2,050 is not supported.

The Main Modifications reduces the number of dwellings required in the District by 780. Despite this reduction it is still proposed to allocate an additional 300 dwellings in Ashby de la Zouch. The Town Council does not support this additional allocation as it is not required to meet the HEDNA. Owing to constraints created by the River Mease and the scale of the planned development of the 2050 dwellings allocated at Money Hill 675 will not be built until after 2031. Therefore these additional 300 dwellings are not required and will not affect development during the plan period so should not be included.

Suggested Revised Wording:

The 2nd paragraph should not be modified and should read: 'H3a – Land north of Ashby de la Zouch (1,750 dwellings in total).

Council Response:

The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Main Modification MM25

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/05/MM25
<p>Comments: The inclusion of a comprehensive Masterplan for Money Hill and the inclusion of the Town Council in the preparation of this is supported. However the Town Council requests that the process includes a period of wider public consultation.</p> <p>The Town Council is disappointed that there has been no recent progress on the development of the Masterplan.</p> <p>Suggested Revised Wording: Point (viii) should be amended to include public consultation alongside consultation with stakeholders, including the Town Council.</p>	<p>Council Response: The term ' stakeholder' refers to all those with a potential interest in the development of the site. Who is consulted and how is not a matter for the Local Plan. For example, the Town Council as the local representative body will have an opportunity to set out its response and in doing so it will presumably wish to have regard to the views of the local community.</p> <p>Noted, but this is something that is outside the scope of the Local Plan.</p>	

Respondent: Historic England		Representation Number: 16/01/MM25
<p>Comments: In relation to H3a / EC2 the staged archaeological process needs to be coordinated with the planning authority's timetable. As the scheme moves from general principles to outline and detail stages, the degree of commitment from the planning authority at that stage needs to be matched by a proportional level of archaeological information. The basic layout and geometry of the development should be informed by an understanding of where heritage significance lies and its importance, at present that work is not yet in place.</p>	<p>Council Response: Noted</p>	

Main Modification MM25

Respondent: Willesley Environment Protection Association (WEPA)	Representation Number: 29/04/MM25
<p>Comments: Policy H3 Policy H3 Housing provision: new allocations</p> <p>We support the amended criteria H3a iii), v) and viii) as a means of integrating large scale new development within Ashby and acknowledge the case for securing a co-ordinated provision of infrastructure for both housing and employment land, most notably via the access off the A511. However, the increase in the number of dwellings allocated for Ashby de la Zouch from 1,750 to 2,050 is not supported.</p> <p>The Main Modifications reduce the number of dwellings required in the District by 780. Despite this reduction, it is still proposed to allocate an additional 300 dwellings in Ashby de la Zouch. The Willesley Environment Protection Association (WEPA) does not support this additional allocation, as it is not required to meet the HEDNA. While understanding that Money Hill may well eventually be developed fully, it seems inappropriate to show it all as allocated for housing up to 2031. One would normally expect a Plan to allocate only what could reasonably be expected to be delivered within the period that it covers.</p> <p>WEPA supports the Ashby Town Council's opinion that owing to constraints created by the River Mease and the scale of the planned development of the 2050 dwellings allocated at Money Hill, 675 will not be built until after 2031. Therefore these additional 300 dwellings are not required and will not affect development during the plan period, so should not be included. Any increase above this level will be exploited by developers to build more dwellings in Ashby where greater sales and profit levels can be achieved compared to other parts of the District.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Main Modification MM25

Respondent: Home Builders Federation		Representation Number: 85/13/MM25
Comments: The updates to HLS are noted.	Council Response: Noted	

Respondent: Packington Nook Residents Association (PNRA)		Representation Number: 32/02/MM25
Comments: Policy H3 Housing provision: new allocations We support the amended criteria H3a iii), v) and viii) as a means of integrating large scale new development within Ashby and acknowledge the case for securing a coordinated provision of infrastructure for both housing and employment land, most notably via the access off the A511. However, the increase in the number of dwellings allocated for Ashby de la Zouch from 1,750 to 2,050 is not supported by PNRA . The Sustainability Appraisal Supplementary Report says with regards to transport: The 2015 SA Report concluded the following - “3.6.4 As a large proportion of development has already been committed, infrastructure will have been secured that minimise impacts on transport. For any further development, the Plan directs housing and employment towards the main settlements which will help to ensure that existing facilities and public transport links will be in close proximity. However, increased development in the main towns (as directed by the settlement hierarchy) is likely to lead to further travel by private car, which is the most prevalent form of travel in the District. In areas of greatest development such as Coalville and Ashby de prevalent form of travel in the District. In areas of greatest development such as Coalville and Ashby de la Zouch, this could lead to increased congestion at peak times. Plan policies encourage the development of sustainable modes of transport in new development, seek to ensure that infrastructure is upgraded as necessary, and also support the re-opening of the National Forest Rail Line. These measures will each help to minimise additional car traffic and promote sustainable modes of travel.	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.	

Main Modification MM25

Overall a not significant positive effect is predicted. Whilst the Plan will encourage shorter trips, and more sustainable modes of travel, the influence of the policies is not considered to be high; given that the majority of development (and mitigation) has already been established, and the predominant mode of travel would remain the private car.”

3.6.5 This positive conclusion broadly holds true for ‘the submission plan plus proposed modifications’. The risk of ‘increased congestion at peak times’ in Ashby de la Zouch could feasibly be increased as a result of the proposed modifications, due to the proposal to increase the quantum of growth at Land north of Ashby de la Zouch; however, the proposal is also now to require preparation of a comprehensive masterplan, which should serve to mitigate effects. The Main Modifications reduces the number of dwellings required in the District by 780. Despite this reduction it is still proposed to allocate an additional 300 dwellings in Ashby de la Zouch. PNRA does not support this additional allocation as it is not required to meet the HEDNA. While understanding that Money Hill may well eventually be developed fully, it seems inappropriate to show it all as allocated for housing up to 2031. One would normally expect a Plan to allocate only what could reasonably be expected to be delivered within the period that it covers.

PNRA supports the Ashby Town Council’s opinion that owing to constraints created by the River Mease and the scale of the planned development of the 2050 dwellings allocated at Money Hill, 675 will not be built until after 2031. Therefore these additional 300 dwellings are not required and will not affect development during the plan period so should not be included. Any increase above this level will be exploited by developers to build more dwellings in Ashby where greater sales and profit levels can be achieved compared to other parts of the District.

Furthermore, PNRA considers that any additional housing approvals should be dependent on the masterplan being prepared and the infrastructure modifications fully implemented so that congestion in the Ashby can be managed.

Suggested Revised Wording:

Remove the amended H3 figure of 2050 dwellings for Ashby de la Zouch.

Main Modification MM25

<p>Respondent: Ashby de la Zouch Civic Society</p>	<p>Representation Number: 110/06/MM25</p>
<p>Comments: HEDNA reduces the housing requirement by 780. The council do not propose to reduce The housing requirement but to increase it my 300 in the allocation of Moneyhill. Effectively the 300 homes will not be built in the plan period as already 675 home in the allocation will not be built till after 2031. This proposal is therefore unsound. Any allocation above the HEDNA requirement should be subject to a review of the plan to 2035 and not included in this plan. The allocation of houses which cannot be built within the period is not acceptable.</p> <p>We support the inclusion of a master plan with input from stakeholders. This should include local residents. The master plan should also include transport and pedestrian links. The master plan should be approved before reserve matters are agreed on any individual development. Conditions should not be imposed by the council which undermines the full involvement of stakeholders.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p> <p>The representation seems to suggest that the 675 dwellings which it is forecast as part of the Housing Trajectory (EX/73) will not be built in the plan period, are only from the 1,750 dwellings originally proposed. This is not the case as it is 675 dwellings out of the final capacity of 2,050 dwellings.</p> <p>The term ' stakeholder' refers to all those with a potential interest in the development of the site. Who is consulted and how is not a matter for the Local Plan. For example, the Town Council as the local representative body will have an opportunity to set out its response and in doing so it will presumably wish to have regard to the views of the local community.</p>

Main Modification MM25

<p>Respondent: Pegasus Group on behalf of Miller Homes</p>	<p>Representation Number: 71/01/MM25</p>
<p>Comments: Pegasus Group act on behalf of Miller Homes in relation to their interests at Ivanhoe Equestrian Centre. Ivanhoe Equestrian Centre forms part of the allocation at Policy H3a - Land north of Ashby de la Zouch.</p> <p>This representation to the Proposed Modifications consultation is submitted in support of Main Modification Reference MM25 , which proposes to increase the total number of dwellings from 1,750 dwellings to 2,050 dwellings, at land north of Ashby de la Zouch.</p> <p>Representations to the Publication Version Draft Plan and out Local Plan Position Statement (December 2016) set out that the Equestrian Centre site can provide an additional 300 dwellings as part as the overall allocation at land north of Ashby de la Zouch, and therefore that the number of dwellings should be increased to 2,050 dwellings in total, given the increased overall capacity of the site. The proposed modification to Policy H3a at MM25 is therefore supported.</p> <p>An additional policy requirement has been added at (viii) following discussions at the examination hearing sessions regarding the need for a site wide masterplan. Miller Homes is working with the Money Hill Consortium and Arla, who control the wider land interest subject to Policy H3a, to formulate and deliver a comprehensively planned urban extension to Ashby de la Zouch. A series of workshops were attended by all parties, and resulted in the production of a Development Framework for the site. Miller Homes will continue to work collaboratively with the other parties to bring forward the Equestrian Centre site as part of the wider north of Ashby de la Zouch allocation at Policy H3a.</p> <p>Miller Homes are content with the proposed modification to Policy H3a at Main Modification MM25.</p> <p>Suggested Revised Wording: No Comments.</p>	<p>Council Response: Noted</p>

Main Modification MM25

<p>Respondent: Education & Skills Funding Agency</p>	<p>Representation Number: 120/01/MM25</p>
<p>Comments:</p> <ol style="list-style-type: none"> 1. Thank you for seeking the Education and Skills Funding Agency’s (ESFA) views on the above document; we welcome the opportunity to contribute to the development of planning policy at the local level. 2. The Education and Skills Funding Agency (ESFA), launched on 1st April 2017, brings together the existing responsibilities of the Education Funding Agency (EFA) and the Skills Funding Agency (SFA), to create a single funding agency accountable for funding education and training for children, young people and adults. The ESFA are accountable for £61 billion of funding a year for the education and training sector, including support for all state-provided education for 8 million children aged 3 to 16, and 1.6 million young people aged 16 to 19. 3. The ESFA aims to work closely with local authority education departments and planning authorities to meet the demand for new school places and new schools. As such, we would like to offer the following comments in response to the proposals outlined in the above consultation document. 4. The Local Plan Publication Version (June 2016) states at para 7.23 that 10,769 dwellings will be developed over the plan period, which will place some additional pressure on educational services. The ESFA notes that the proposed change to Policy H3 Housing Provision: New Allocations refers to a number of land use types that should be included within the Masterplan, including community uses. It would be helpful if the proposed modification to this policy include a specific reference to the need to provide sites for the provision of new schools. 	<p>Council Response:</p> <p>The requirement for new primary school provision, and extensions to existing secondary schools, as a result of development on land north of Ashby de la Zouch is already set out in criterion (iv) of policy H3a.</p> <p>Similarly, requirement for infrastructure provision, including contributions towards education provision, is already specifically included in Policies H3b, H3c and H3d.</p>

<p>Respondent: Iceni Projects</p>	<p>Representation Number: 45/01/MM25</p>
<p>Comments:</p> <p>MM25, p.47, Policy H3.</p> <p>(vi) provision for the discharge of wastewater into the Mease catchment in accordance with the provisions of policy En2. Development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second ‘development window’ for the Developer Contributions Scheme has been agreed and no more than 600 dwellings will be</p>	<p>Council Response:</p> <p>Most of the issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions – but specifically in document EX/77.</p>

Main Modification MM25

allowed to be built until provision is made for pumping wastewater from the sewage treatment works at Packington out of the river Mease catchment

In terms of land defined as the area to the “north of Ashby” (H3a) outline planning permission has already been granted for 605 homes at Money Hill (Ref. APP/G2435/A/14/2228806); there is an outline resolution to approve 153 homes at the Former Arla Dairy Site (16/00275/OUTM), and a reserved matters application has been granted for 70 homes at Woodcock Way (16/00432/REMM).

From correspondence with senior officers at NWLDC it is understood that the 600-dwelling limit relates to those schemes that come forward “north of Ashby” beyond Money Hill (605 homes), which in this instance also includes the 70 homes at Woodcock Way. Policy H3 states: “about 2,050 dwellings in total will come forward on land north of Ashby” over the plan period. On this basis, there is a balance of approximately 1,222 homes without planning permission.

What is unclear from the above is exactly when the 600-dwelling limit is due to be applied. The development of the land “north of Ashby” is due to be comprehensively masterplanned and include a range of uses (both residential and non-residential) and, therefore, to refer to the “tipping point” being 600-dwellings is ambiguous.

Moreover, by NWLDC combining both Money Hill and Woodcock Way in its assignment of DCS1 to provide 605 homes it means that potentially only part of the Money Hill (Ref. 15/00512/OUTM) permission can be implemented. Construction is currently underway on the 70-dwelling scheme at Woodcock Way (Ref. 16/0032/REMM), which means that potentially only 535 homes can be constructed as part of planning permission Ref. 15/00512/OUTM. This capacity may be further eroded when factoring in the employment and community-led uses on the site, i.e. a primary school and community centre. This requires immediate clarification.

It is understood that works to upgrade the pumping station at Packington are due to take place in 2025. As such, there is at least an 8-year window where development rates could be compromised. The Local Plan needs to be clear on how contributions will be used and the role of the water provider, i.e. Severn Trent Water.

For clarity, both the 605 dwellings at Money Hill approved under Ref. APP/G2435/A/14/2228806 and the subsequent approval for the ‘standalone’ development off Woodcock Way are allowed for under DCS1. The subsequent resolution to approve a revised application for 605 dwellings (15/00512/OUTM), but which excluded the Woodcock Way part of the site, will, when permission is issued, simply replace the earlier permission. Therefore, the 605 dwellings can be implemented, together with the 70 dwellings at Woodcock Way.

The housing trajectory (EX/73) takes account of the restrictions resulting from the river Mease issue by having a lower build rate than would otherwise be expected. It allows for 560 dwellings to be built up to October 2024. A further 100 dwellings are allowed for between October 2024 and October 2025 (so 660 dwellings in total). The current working assumption is that pumping out of catchment will be implemented in 2025. The mid-point between the figures above (i.e. 560 to 660) is 610 dwellings consistent with the approach set out in the Local Plan.

With regard to the Arla dairy site, this has changed from an industrial use to residential use – and it is therefore considered that the phosphate use is neutral (i.e. there would be no increase). It is therefore not impacted by the 600 development limit.

Main Modification MM25

<p>Consequently, as a minimum, the supporting text of Policy H3 should make it explicitly clear as to what headroom remains available, how future development will be recorded and when allocated sites are expected to come forward. The policy should make it clear that preference will be given to allocated sites, such as “north of Ashby”, rather than anything coming forward independently of the Local Plan. The Local Plan needs to prioritise infrastructure improvements to Packington pumping station to ensure that the masterplan for “north of Ashby”.</p>	<p>Outside of the Local Plan process, the Council is working with stakeholders, including Severn Trent Water, to ensure that a long term solution to the Mease catchment issue is identified and implemented. The proposals for pumping out will be developed as part of Severn Trent Water’s next Asset Management Plan (AMP7) due for submission to OFWAT in September 2018. In addition, discussion are ongoing with Natural England and the Environment Agency (together with South Derbyshire District Council and Lichfield District Council) regarding the development of a DSC3 which will help to release additional capacity.</p>
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<p>Respondent: David Trunkfield Representation Number: 126/04/MM25</p>	
<p>Comments: Policy H3 Policy H3 Housing provision: new allocations</p> <p>We support the amended criteria H3a iii), v) and viii) as a means of integrating large scale new development within Ashby and acknowledge the case for securing a co-ordinated provision of infrastructure for both housing and employment land, most notably via the access off the A511. However, the increase in the number of dwellings allocated for Ashby de la Zouch from 1,750 to 2,050 is not supported.</p> <p>The Main Modifications reduce the number of dwellings required in the District by 780. Despite this reduction, it is still proposed to allocate an additional 300 dwellings in Ashby de la Zouch. The Willesley Environment Protection Association (WEPA) does not support this additional allocation, as it is not required to meet the HEDNA. While understanding that Money Hill may well eventually be developed fully, it seems inappropriate to show it all as allocated for housing up to 2031. One</p>	<p>Council Response: See response to 29/04/MM25</p>

Main Modification MM25

would normally expect a Plan to allocate only what could reasonably be expected to be delivered within the period that it covers.

WEPA supports the Ashby Town Council's opinion that owing to constraints created by the River Mease and the scale of the planned development of the 2050 dwellings allocated at Money Hill, 675 will not be built until after 2031. Therefore these additional 300 dwellings are not required and will not affect development during the plan period, so should not be included. Any increase above this level will be exploited by developers to build more dwellings in Ashby where greater sales and profit levels can be achieved compared to other parts of the District.

Main Modification MM26

Respondent: **MPC on behalf of Hanson UK**

Representation Number: 119/03/MM26

Comments:

The Transport Secretary Chris Grayling confirmed on 17 July 2017 Britain's high speed rail lines to the north-west, East Midlands and Yorkshire. The announcement has significant impacts for the proposed housing land allocations provided in the North West Leicestershire Submission Local Plan for both Measham and Kegworth.

With regard to Measham, the Transport Secretary has decided not to proceed with the proposed change of route to the east of Measham. Instead, a modified version of the 2013 preferred route to the west of Measham has been confirmed. The consequence of this is that proposed housing allocation H2e (now proposed to be modified to H2a) on land West of High Street Measham and planning permission 13/00141/OUTM will be intersected by HS2. This raises considerable doubt over the deliverability of the 450 houses planned under this proposed allocation.

Whilst it is acknowledged that policy H3c of the submitted draft plan seeks to allocate an alternative site off Ashby Road/Leicester Road Measham, the main modification MM26 proposes site H3c will deliver 300 dwellings. There is a clear shortfall of 150 dwellings between the proposal under site H2a and alternative site H3c. This shortfall is likely to be further exacerbated by the likely loss of development at site H1w which is also impacted by the HS2 route. In accordance with the advice provided at para 182 of the NPPF, continuing with allocation H2a would render the North West Leicestershire Plan unsound. In this regard, allocation H2a is not justified because it is not the most appropriate strategy when considered against the reasonable alternatives; it is not effective because the housing requirement would not be deliverable over the plan period; and, by failing to deliver the objectively assessed need and delivering sustainable development the plan is not positively prepared and is consequently inconsistent with national policy.

In light of the confirmed HS2 route it is proposed that site H2a should be discounted and removed from the Local Plan allocations listed at draft policy H2. In its place, it is submitted that

Council Response:

See response to MM20 (119/01/MM20)

Main Modification MM26

the attached site (see plan M112_25 attached) at Land off Abney Drive/Atherstone Road is now included as an additional allocation at Policy H3 of the North West Leicestershire Local Plan. The site at Abney Drive/Atherstone Road forms the Greenfield area of site M6 identified in the SHLAA and is referenced at paragraph 7.18 of the Submission Local Plan and main modification MM23. The SHLAA references the Greenfield area of site M6 (not forming part of the Brickworks site) as potentially suitable. The site has a gross area of 16.2 acres. After deducting the area of woodland to the eastern boundary, the net developable area equates to approximately 10.1 acres. Applying a density of 30 dwellings per hectare the site has capacity to deliver a minimum of 120 dwellings. This number of units together with the 300 dwellings allocated under site H3c at Land off Ashby Road/Leicester Road would suitably compensate for the loss of site H2a West of High Street Measham.

The site is located on the south of Measham and is unaffected by the HS2 route - see attached letter from HS2 Ltd dated 17/07/2017. Urban development bounds the site on 3 sides; it is within 2km of the key local amenities/facilities: Measham C of E Primary School, St Charles RC Primary School, Measham Medical Unit, Measham Library, Measham Leisure Centre, Westminster Industrial Estate, shops, post office, cafes, fast food outlets and public houses on High Street and children's play areas.

An access feasibility report was prepared by WYG in 2014 and confirms that suitable access is achieved from Abney Drive for up to 150 dwellings – please see the attached report. There is also opportunity to provide access from the development site to the south currently under construction off Atherstone Road.

The site brings an important opportunity to secure much improved pedestrian and cycle links between Horses Lane and existing development to the south of Measham; significantly improving accessibility to Measham centre and its facilities.

There is one owner of the site and it is available for delivery now. The site is suitable, available and achievable. There are no reasons to prevent the timely delivery of this site in the next 0-5 years. In light of the now confirmed HS2 route, the allocation of the attached site together with proposed allocation H3c would ensure the housing requirements for Measham can be delivered over the plan period.

Main Modification MM26

<p>Suggested Revised Wording: Suggested further modifications: • MM26 – it is proposed that policy H3c should be rewritten and amended as follows: H3c – Land off Ashby Road/Leicetsr, Measham (about 300 dwellings) Development will be supported when: (a) The Government confirms the line of HS2 in the vicinity of Measham; and (b) The confirmed route passes through land West of High Street Measham (H2a); And (c) The site We3st of High Street Measham is not capable of being delivered in its entirety as a result of the alignment of HS2. (all strikethrough)</p> <p>Deleted as above and replaced with: “H3 - Development of the following sites in Measham will be supported: H3c Land off Ashby Road/Leicester Road, Measham (about 300 dwellings) H3d Land off Abney Drive/Atherstone Road (about 120 dwellings).”</p>	
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<p>Respondent: Stephen Jackson Representation Number: 124//MM26</p>	
<p>Comments: As the HS2 route will now pass through the area identified in MM23 (land west of Measham High Street, H2a), the area identified as H3c in MM26 effectively becomes the prime site for future housing development in Measham - wording in this section will need changing to reflect the HS2 decision.</p> <p>I note with interest that the proposed number of dwellings for H3c is now about 300, down from about 420. No explanation is given for the reduction, and I am aware that pre-planning advice was being sought by a developer for 300 dwellings in November 2016. I would be interested to know why the proposed number has been reduced.</p>	<p>Council Response: The likely number of dwellings to be provided on this site was reduced following updated information provided by the prospective developer/landowner. In the light of this representation and the latest announcement regarding the route of HS2 which no longer affects this site, the developer/landowner has confirmed that 300 dwellings remains their estimate of development capacity. The issue of needing to ensure that development takes full and proper account of any potential land</p>

Main Modification MM26

I have previously commented to NWLDC about proposals to develop this land for housing. As my property backs onto this area, and any development would block the current view across open countryside, I naturally have an interest. What also concerns me is the suitability of this land for building - it is an area which has been subject to deep coal mining, and there is evidence of medieval 'pillar and stall' shallow mining (down to about 30 metres depth), with several mineshafts in the H3c area. To illustrate this, over the last few years the Environment Agency has produced LiDAR maps of England (to 2 metres resolution), which are available online (viewable at :-<https://houseprices.io/lab/lidar/map>). Grid Reference SK3428412218 shows the H3c area, from which the positions of the mineshafts can be determined. The image also clearly shows the parallel lines which are a feature of medieval 'ridge and furrow' ploughing. (LiDAR maps to a much finer detail have also been produced for HS2 in support of the work done in 2016 to define the alternative route which would have passed Measham on the southern side. Although not publicly available, these will show features of the H3c area down to a resolution of 0.2 metres.)

Whilst the Coal Authority may be able to provide accurate information regarding the nature and location of well-documented deep mining, the undocumented shallow mining may be a cause for concern. I have lived at my current address for over 20 years, and I believe the contours of the land in the field behind my house have changed over that time, and are still changing. Due to the amount of subsidence which has occurred in Measham over the years, and the fact that subsidence of the road surface on Leicester Road still occurs at the edge of the village, a large development on the H3c area may have potential subsidence risks. I have heard the view expressed locally that to remove the risk of future ground movement, the area would need to be excavated to around 30 metres, the remaining coal deposits removed and the area carefully backfilled.

Suggested Revised Wording:

If the H3c site is to become the prime site for housing development in Measham, wording should reflect that NWLDC will only support development once the risk of ground movement has been determined to be acceptably low, based on detailed survey evidence, not simply on a paper-based survey.

stability issues is the subject of Policy En6 of the Local Plan. All policies of the Local Plan have to be considered together as is made clear in Section 1 of the Local Plan.

Main Modification MM27

Respondent: **Chave Planning Limited on behalf of Jarrom Agricultural Services**

Representation Number: 65/02/MM27

Comments:

The landowner, Jarrom Agricultural Services, fully supports the allocation of site H3d for residential development. The 5.9ha site is considered suitable for development of 110 dwellings. This would allow for open space, landscaping and noise attenuation to the site's perimeters, with the net developable area of the site developed at between 30-35 dwellings per hectare.

MM27 proposes that the site is held in reserve until such a time as the Government confirms the line of HS2 in the vicinity of Kegworth and the confirmed route passes through those sites north of Ashby Road Kegworth and/or south of Derby Road Kegworth which currently benefit from planning permission for housing development, with either of the two sites not capable of being developed in its entirety as a result of the alignment of HS2.

MM27 has been somewhat overtaken by events since the Government confirmed the route of HS2 Phase 2b on the 17th July 2017. The confirmed route remains as per the most recent preferred route consultation, which passes through the two sites north of Ashby Road Kegworth and/or south of Derby Road Kegworth. Both of these sites could not possibly be developed in their entirety due to the alignment of HS2; indeed the route passes straight through the middle of the sites. With regard to site H3d, the 5.9ha area promoted by Jarrom Agricultural Services is outside the safeguarded route (see our other representations in relation to the Policies Map) and is not constrained by HS2, which will pass the site in cutting.

It is therefore considered that Policy H3d should be amended to take into account that the HS2 phase 2b route has been confirmed and so that development of the site is supported without it being conditional on criteria (a), (b) and (c). The site should be a regular housing allocation. As a regular housing allocation, it is envisaged that site H3d could be developed on the following timescale:

- ☒ January 2018 – submit outline planning application
- ☒ April 2018 – outline planning permission granted

Council Response:

Notwithstanding the recent announcement by HS2 regarding the proposed route, it is considered that there is not sufficient certainty at this time to be able to confirm that the requirements set out in MM27 have been met. Therefore, it would not be appropriate to make this site an allocation through these modifications. Absolute certainty will not be available until such time as the Bill for phase 2 is published, currently anticipated to be in 2019. However, the Council will keep the matter under review, including as part of the Local Plan review when the status of the site could be changed to an allocation unless a planning application has been submitted and approved in the meantime.

Main Modification MM27

<p> <input type="checkbox"/> May – October 2018 – marketing and disposal of site to residential developer <input type="checkbox"/> October 2018 – April 2019 – developer obtains reserved matters approval and discharges pre-commencement conditions <input type="checkbox"/> May 2019 – Kegworth Bypass complete <input type="checkbox"/> 2019/20 – 30 dwellings completed <input type="checkbox"/> 2020/21 – 40 dwellings completed <input type="checkbox"/> 2021/22 – 40 dwellings completed </p> <p>Amending the policy as suggested removes uncertainty about when the site can come forward and allows the site to make maximum contribution to the 5 year housing land supply. The site is in very close proximity to the East Midlands Gateway, so there would be significant benefits to early delivery of housing in terms of providing homes close to jobs.</p> <p>Suggested Revised Wording: The following section of Policy H3d should be deleted: ‘Development of this site will be supported when: (a) The Government confirms the line of HS2 in the vicinity of Kegworth; and (b) The confirmed route passes through those sites north of Ashby Road Kegworth and/or south of Derby Road Kegworth which currently benefit from planning permission for housing development; and (c) Either of the two sites is not capable of being developed in their entirety as a result of the alignment of HS2’.</p> <p>Amendments to the supporting text of the Local Plan will also be necessary to reflect that the HS2 route has now been confirmed.</p>	
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<p>Respondent: Home Builders Federation</p>		<p>Representation Number: 85/15/MM27</p>
<p>Comments: The uncertainty caused by the HS2 route is acknowledged therefore the principle of the addition of reserve sites in New Policy H3d are welcomed. The HBF make no comment on any specific sites selected.</p>	<p>Council Response: Noted</p>	

Main Modification MM28

Respondent: Willesley Environment Protection Association (WEPA)		Representation Number: 29/05/MM28
<p>Comments: Paragraph 7.22 (now paragraph 7.23)</p> <p>While former paragraph 7.22 (now 7.23) has been amended to update the information provided, its content and significance is not readily appreciated by a lay audience. (One misinterpretation was that it was unduly ‘generous’ to developers and might lead to them dictating provision and exceeding Ashby’s needs.)</p> <p>Neither the ‘5 year supply of housing land’ nor the concept of a ‘buffer’ as part of it, appears in the Glossary. The proposed Monitoring Framework confirms that the ‘5 year supply’ is an aid to monitoring progress in relation to Policies S1, H1, H2 and H3. However, it is not clear if or how a fluctuating 5 year supply figure relates to the Housing Trajectory in Appendix 2.</p> <p>As the ‘5 year supply’ is subject to change over time, it might be helpful to include both a cross reference to the Monitoring Framework in Appendix 5 and a brief comment on how the ‘current’ range of ‘between 6.34 and 7.24 years’ (to Oct 2021) might be viewed at the start of the Local Plan’s 15 year ‘life’. Is it, for example, a healthy or desirable situation capable of being maintained or too low or too high to sustain?</p>		<p>Council Response:</p> <p>The Housing Trajectory (Appendix 2) illustrates the expected rate of delivery of new dwellings, including those already completed, for each year between 2011 and 2031. It demonstrates how the OAN of 9,620 dwellings is envisaged will be delivered. However, it is a snapshot as at 1 October 2016 and it will change and be updated through time as part of the Annual Monitoring Report. The annual delivery rates predicted as part of the trajectory are then used to calculate the 5-year land supply. Information has been submitted to the examination (EX/74) which demonstrates that, based on the housing trajectory at appendix 2, a 5-year supply is maintained to at least 2024. It is not considered necessary for the Local Plan itself to go in to this level of detail. Appendix 5 is the Monitoring Framework.</p>

Main Modification MM28

Respondent: Gladman		Representation Number: 58/09/MM28
<p>Comments: Gladman object to Main Modification MM28 in that the 5 year supply of housing sites has been assessed against a housing requirement which fails to make adequate provision for housing to meet the full OAN as set out in the Barton Willmore assessment detailed above in Section 5.1.</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>	

Respondent: David Trunkfield		Representation Number: 126/05/MM28
<p>Comments: Paragraph 7.22 (now paragraph 7.23)</p> <p>While former paragraph 7.22 (now 7.23) has been amended to update the information provided, its content and significance is not readily appreciated by a lay audience. (One misinterpretation was that it was unduly 'generous' to developers and might lead to them dictating provision and exceeding Ashby's needs.)</p> <p>Neither the '5 year supply of housing land' nor the concept of a 'buffer' as part of it, appears in the Glossary. The proposed Monitoring Framework confirms that the '5 year supply' is an aid to monitoring progress in relation to Policies S1, H1, H2 and H3. However, it is not clear if or how a fluctuating 5 year supply figure relates to the Housing Trajectory in Appendix 2.</p> <p>As the '5 year supply' is subject to change over time, it might be helpful to include both a cross reference to the Monitoring Framework in Appendix 5 and a brief comment on how the 'current' range of 'between 6.34 and 7.24 years' (to Oct 2021) might be viewed at the start of the Local Plan's 15 year 'life'. Is it, for example, a healthy or desirable situation capable of being maintained or too low or too high to sustain?</p>	<p>Council Response: See response to 29/05/MM28</p>	

Main Modification MM28

Respondent: Iceni Projects		Representation Number: 45/02/MM28
Comments: MM28, p.50, Add additional sentence to end of Paragraph 7.22 'NWLDC will identify and update annually this assessment throughout the plan period.' The current position in relation to 5-year housing land supply is continually subject to change. Therefore, in accordance with the NPPF and the interests of transparency it is recommended that reference be made to ongoing assessments through the plan period particularly because of the time horizons involved.	Council Response: It is considered that including wording such as that suggested is unnecessary as this already required by paragraph 47 of the NPPF (second bullet point).	

Main Modification MM29

Respondent: David Bigby		Representation Number: 5/08/MM29
<p>Comments: This revised paragraph confirms that the modified plan is making a 10% over provision of housing sites. This is far more than necessary to provide a contingency buffer and highlights that there is no justification for MM25 increasing the Money Hill site provision by 300.</p>		<p>Council Response: It is essential that the Council can demonstrate that sufficient flexibility is built in to the plan. There is no definitive guidance as to what constitutes a reasonable amount of flexibility, although a 10% figure is one that has been used widely. The inclusion of additional land at Money Hill is not the subject of a Main Modification but was included as part of the submission plan agreed by the Council in June 2016.</p>

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/06/MM29
<p>Comments: The Town Council has concerns about the deliverability of the housing trajectory at Money Hill. In 2018/19 it is projected that 80 dwellings will be built at Money Hill. This is assuming the 70 dwellings being built across 2016/17 and 2017/18 are the Woodcock Way development.</p> <p>The Master Plan for Money Hill has not been agreed yet and no reserved matters applications have been submitted for either the Money Hill or Arla Dairy developments. With this in mind it is difficult to see how 80 dwellings will be built in 2018/19.</p> <p>Suggested Revised Wording: An up to date housing trajectory needs producing with the text in paragraph 7.24 (was 7.23) amended to reflect the new figures.</p>		<p>Council Response: The Housing Trajectory will be reviewed and updated on an ongoing basis having regard to build rates and new permissions. It is necessary to have a base date against which the plan is assessed but updating the Housing Trajectory from 1 October 2016 could represent the introduction of new evidence which could result in the need for additional Examination hearing session and so further delay adoption of the plan.</p>

Main Modification MM29

Respondent: **Charnwood Borough Council**

Representation Number: 54/03/MM29

Comments:

Main Modification 29 concludes that with new allocations (amounting to 2,555 homes to make up a shortfall identified taking account of large sites delivering beyond 2031 and uncertainties over the delivery of sites) total provision will ultimately amount to somewhere between 10,592 and 15,208 dwellings that are capable of being delivered over the plan period.

The total provision included in the plan is significantly higher than the OAN and the number of homes anticipated to be delivered once delivery constraints are considered is 972 more than are required to meet the OAN or housing requirement. It is important that the anticipated and theoretical total over provision is explicitly recognised and accounted for at the Housing Market Area level. Taken together with the uplift in OAN to support economic growth needs, there are at least an additional 2,092 homes being planned for in North West Leicestershire (2011-31) that should be provided for by a distribution of housing in pursuit of the HMA strategy and/or to meet unmet need from other authorities.

It should be noted that the full provision before discounting for delivery concerns amounts to 15,208 homes in total (in essence, 4,516 of which are projected to be delivered beyond 2031). It is essential that this long term provision is taken into account as part of strategic planning processes for the HMA under the duty to cooperate. The Strategic Growth Plan will consider the need and distribution of homes up to 2036 and the provision within the North West Leicestershire District Local Plan 2031-36 needs to be understood within this context.

Suggested Revised Wording:

Main Modification 13 and 29 should highlight the total provision included in the plan is significantly higher than the OAN and the number of homes anticipated to be delivered is 972 more than are required to meet the OAN or housing requirement. This over provision should be recognised in the supporting text so that it can be accounted for at the Housing Market Area level. Taken together with the uplift in OAN to support economic growth needs, there are an additional 2,092 homes being planned for in North West Leicestershire (2011-31) that should be provided for

Council Response:

Whilst the total provision made by the plan does exceed the OAN by a significant amount, it is the number of dwellings which will be built that is the key factor. As noted in the Housing Trajectory (EX/73) it is predicted that that only 10,592 dwellings will be built up to 2031. This represents an over provision of about 10% which is considered reasonable.

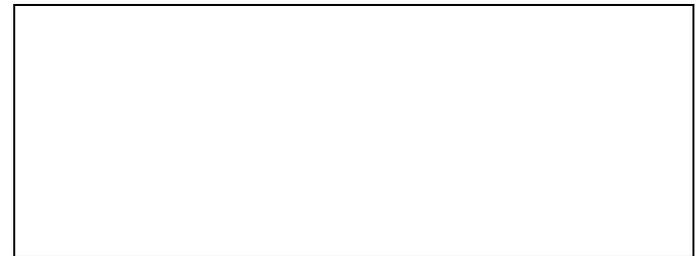
It is not the case that there has been an uplift to the OAN of 481 dwellings to support economic growth. Rather the OAN includes an uplift for economic growth. In accordance with the NPPF the Council is required to ensure that the OAN is met. This is what the local plan does.

It is not the role of the Local plan to address issues of redistribution from elsewhere in the HMA and nor is it necessary for the Local Plan to set out what the strategic planning process should consider.

Main Modification MM29

by a distribution of housing in pursuit of the HMA strategy and/or to meet unmet need from other authorities.

Main Modification 13 and 29 should also note that the full provision includes homes projected to be delivered beyond 2031 and that this provision should be taken into account as part of strategic planning processes for the HMA under the duty to cooperate.



Respondent: **Leicester City Council**

Representation Number: 70/03/MM29

Comments:

It is noted that there is over provision in the plan for around 1,000 dwellings. In advance of further work on establishing the scale and distribution of any additional provision that may be necessary across the HMA, any over provision of housing in the plan should specifically be set aside to help meet unmet need arising in Leicester City. This can then be counted against any future additional requirement for meeting HMA wide unmet need falling on North West Leicestershire.

Suggested Revised Wording:

...by about 1,000 dwellings. This additional provision in supply will help to make an immediate contribution to the unmet need arising in the administrative area of Leicester City Council and will ensure that supply continues to be made towards this unmet need whilst the review of the Plan which is committed to in Policy S1 takes place.

Council Response:

The issue of where any unmet need arising elsewhere in the HMA is not one which can be addressed through the Local plan in isolation but will be done through the work on the Strategic Growth Plan. It would not, therefore, be appropriate to include wording suggested as it would be premature.

Respondent: **Gladman**

Representation Number: 58/10/MM29

Comments:

Gladman object to Main Modification MM29 as it seems to set out a different position to that expressed in Main Modification MM18. This is explained in response to MM18

Council Response:

See response to MM18

Main Modification MM29

<p>Respondent: Ashby de la Zouch Civic Society</p>	<p>Representation Number: 110/07/MM29</p>
<p>Comments:</p> <p>The trajectory shows that the HEDNA requirement will be exceeded by 1000 homes. This excludes a further 1000 houses which will come from windfall sites. Furthermore 600 houses are allocated . Therefore the HEDNA requirement will be exceeded by 27%.</p> <p>This negatively impacts sustainability and most of this provision is directed to Ashby de la Zouch exacerbating traffic congestion and overwhelming infrastructure resources.</p> <p>The proposals for excess housing allocations should be removed and reconsidered in the local plan review which extends the period to 2036. To continually allocate houses which will not contribute to the supply till after 2031 is not sound. To assume that NW L will be allocated more housing by the HMA is by no means certain and is in fact unlikely to be sustainable.</p>	<p>Council Response:</p> <p>There appears to be an element of double counting as part of this representation as the 600 dwelling allocation referred to is included in the housing trajectory which shows that some 10,592 dwellings are predicted to be delivered in the plan period.</p> <p>The issue of windfalls are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p> <p>Therefore, the overprovision will only be about 1,000 dwellings which is just over 10% more than the OAN of 9,620 dwellings and not 27% as suggested.</p> <p>Whilst some development is predicted to not occur until after 2031 it would be inappropriate to define an arbitrary site boundary so as to artificially limit the amount of development so precisely.</p>

Main Modification MM30

Respondent: Ashby de la Zouch Town Council	Representation Number: 24/07/MM30
Comments: The reduction in the threshold from 15 to 11 dwellings is supported.	Council Response: Noted

Respondent: Pegasus Group on behalf of Davidsons Developments Limited	Representation Number: 56/08/MM30
<p>Comments: These proposed modifications make amendments to Policy H4 on affordable housing and the supporting text. The table refers to minimum levels of affordable housing contribution. This does not reflect the latest viability evidence from the council. This evidence shows that the greenfield targets for Castle Donington and Coalville are the maximum level of affordable housing provision that would be viable in these locations.</p> <p>Suggested Revised Wording: The word minimum should therefore be replaced the 'up to'.</p>	<p>Council Response:</p> <p>Paragraphs 4.1.1 – 4.1.3 of the Viability study (LP/09) present the consultants overall conclusions on the deliverability of affordable housing in the various settlements having regard to the scenarios tested. Whilst the consultants acknowledge that there may be some variations in deliverability having regard to site size and type, it is their considered opinion that 30% is deliverable in Castle Donington with 20% deliverable in Coalville. This is reflected in policy H4</p> <p>The use of the term “up to” would not be a practical alternative as a developer would not know where to pitch the level of provision when seeking to secure a site (as such considerations inform the suggested purchase price they can offer) or when they submit a planning application, other than it would be between 1% and xx%. The approach in Policy H4 tells a developer what the Council is looking for, having regard to the Viability Study, and that they will need</p>

Main Modification MM30

to demonstrate why something less is more appropriate if there are viability concerns.

Respondent: **Home Builders Federation**

Representation Number: 85/16/MM30

Comments:

The modifications to Policy H4 on affordable housing concerning site thresholds, target percentage provision differentiated by site location and brownfield / greenfield are still not fully aligned with the Council’s latest viability evidence (see Table on page 28 & paras 4.1.1 – 4.1.3 Proposed Publication Version Local Plan Viability Review dated 17 June 2016 by Cushman & Wakefield). The HBF object to the word “minimum” to describe the target provision for affordable housing. The Council’s latest viability evidence demonstrates that the proposed affordable housing provisions are the maximum (rounded to the nearest 5%) not the minimum which is viable. In Castle Donnington small greenfield sites are unviable at 30% affordable housing provision and in Coalville small greenfield sites are unviable at 20% affordable housing provision. For brownfield sites the rounding up to the nearest 5% ignores the fact that these sites are unviable and therefore 0% is more appropriate than 5% as set out in the HBF representations to the presubmission Local Plan consultation previously developed sites should be excluded from Policy H4. It is recommended that further modifications are necessary to Policy H4 including the deletion of the word “minimum” possibly replaced by “up to”.

Council Response:

Paragraphs 4.1.1 – 4.1.3 of the Viability study (LP/09) present the consultants overall conclusions on the deliverability of affordable housing in the various settlements having regard to the scenarios tested. Whilst the consultants acknowledge that there may be some variations in deliverability having regard to site size and type, it is their considered opinion that 30% is deliverable in Ashby, castle Donnington, Meahsam and Kegworth with 20% deliverable in Coalville and Ibstock. This is reflected in policy H4

It should be appreciated that the requirement for affordable housing as detailed in Policy H4 provides the starting point for assessing viability. Policy H4 (2) acknowledges that in agreeing the provision of affordable housing regard will be had to financial viability in the specific individual circumstances of the site.

The use of the term “up to” would not be a practical alternative as a developer would not know where to pitch the level of provision when seeking to secure a site (as such considerations inform the suggested purchase price they can offer) or when they submit a planning application, other than it would be between

Main Modification MM30

	<p>1% and xx%. The approach in Policy H4 tells a developer what the Council is looking for, having regard to the Viability Study, and that they will need to demonstrate why something less is more appropriate if there are viability concerns.</p> <p>The contribution sought on previously developed land is based on a threshold of 30 dwellings or more or 1 hectare in size. The figure of 0% referred to in the table on page 8 of EX/84 refers to sites of 11 dwellings. The proposed contributions are consistent with the final column on page 28 of the Viability Study (LP/09) for sites of 1 ha and 30 dwellings and on brownfield sites. Column I of the table on page 8 of EX/84 replicates the final column of page 28 of LP/09 for sites of 1 ha and 30 dwellings, whether greenfield or brownfield. The exception is in respect of Ashby de la Zouch where LP/09 notes that a figure of 15% is achievable (paragraph 4.1.1).</p> <p>It should be noted that the figure for Measham should be 5% and not 15% due to a typing error.</p>
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Respondent: David Bigby		Representation Number: 5/09/MM30 & 31	
<p>Comments: I support the reduction from 15 to 11 or more for the affordable housing thresholds for greenfield sites in Ashby, Castle Donnington and Coalville.</p> <p>These modifications are proposing that the minimum affordable housing contribution for previously developed and brownfield sites in Ashby (and elsewhere) should be reduced from 30%, for developments of 15 or more dwellings for greenfield sites, to only 15%, for 30 or more</p>		<p>Council Response: Support is noted.</p> <p>The Viability Assessment of the Local Plan (LP/09) by its nature has to make some generic assumptions and it is always possible that there will be some sites which perform better than others. It can only offer an</p>	

Main Modification MM30

dwelling OR sites of 1Ha or more. The Council's evidence for this is taken from their consultant's Viability Study reports LP09 and 10 (MM31). However, under item q in document EX76, the Council confirms that for the Arla Dairy site in Ashby, which is undoubtedly a previously developed brownfield site, "the section 106 Agreement is currently going through due process but on the basis of the report to Planning committee it will include a requirement for 30% affordable housing (i.e. up to 46 dwellings)."

This casts significant doubt on the Council's Viability Studies and indicates that it would be wise to retain the previous wording in Policy H4 for affordable housing, at least for Ashby, allowing individual viability assessments and negotiation of brown field sites with a presumption in favour of 30%. Indeed, at the time that the Arla application was considered, had the council's policy accorded with this new proposed policy, Ashby would have been deprived of 23 affordable homes, the provision of which has been accepted as viable by the applicant, at a time when there is an unprecedented need for such housing in Ashby. Furthermore, should these MMs be adopted as they stand, the Council would have little grounds to oppose an application to reduce the affordable housing on the Arla site which would be to the significant detriment of those on the very long social housing waiting list.

The new para 7.36 states that the Council's "Viability Study identifies that brownfield sites in areas such as Coalville and Castle Donnington, for example, have a higher value for employment land compared with residential". It does not show this for Ashby and so it is not justified to increase the brownfield threshold for Ashby in line with a change for Castle Donnington and Coalville.

Also, these proposed Main Modifications would, as they stand, be contrary to Policy H5 of the Examination Version of Ashby de la Zouch Neighbourhood Plan which has already been through an extensive local consultation process and will have been submitted to the District Council for Examination before the end of this consultation. The Ashby NP calls for at least 30% of homes on developments comprising 11 or more dwellings to be high quality affordable homes (greenfield and brownfield) which is justified by the Arla Dairy case.

Suggested Revised Wording:

across the board assessment rather than a detailed assessment. Whilst Arla as landowner have agreed to 30% affordable housing provision as part of the recent planning application, this has not been informed by a detailed viability assessment.

Policy H4 requires a viability assessment if the level of affordable housing would adversely affect viability. Policy H4 (2) also states that the council would look at other measures to increase viability before accepting a lesser amount of affordable housing.

The minimum affordable housing contribution for brownfield sites in Ashby is based on evidence in the Viability Assessment. The Viability Assessment (LP/09) identifies that brownfield development could potentially achieve 15% on the larger sites in Ashby. If the percentage was increased to 30% it would not be viable.

Noted but the Local plan has to have regard to the evidence base. This suggests that generally 30% is not deliverable on brownfield sites.

Main Modification MM30

Policy H4 - In the line for Ashby de la Zouch in the Previously Developed Land table, change "15%" to "30%" and change "30 or more dwellings OR sites of 1 Ha or more" to "11 or more dwellings OR 1000 sqm (gross floor space)".

new para 7.38 - add ", except for Ashby where brownfield sites have been shown to be more viable".

Main Modification MM31

Respondent: Pegasus Group on behalf of Davidsons Developments Limited		Representation Number: 56/09/MM31
<p>Comments: These proposed modifications make amendments to Policy H4 on affordable housing and the supporting text. The table refers to minimum levels of affordable housing contribution. This does not reflect the latest viability evidence from the council. This evidence shows that the greenfield targets for Castle Donington and Coalville are the maximum level of affordable housing provision that would be viable in these locations.</p> <p>Suggested Revised Wording: The word maximum should therefore be replaced the 'up to'.</p>		<p>Council Response: See response to MM30 (56/08/MM30)</p>

Respondent: Home Builders Federation		Representation Number: 85/17/MM31
<p>Comments: The modifications to Policy H4 on affordable housing concerning site thresholds, target percentage provision differentiated by site location and brownfield / greenfield are still not fully aligned with the Council's latest viability evidence (see Table on page 28 & paras 4.1.1 – 4.1.3 Proposed Publication Version Local Plan Viability Review dated 17 June 2016 by Cushman & Wakefield). The HBF object to the word "minimum" to describe the target provision for affordable housing. The Council's latest viability evidence demonstrates that the proposed affordable housing provisions are the maximum (rounded to the nearest 5%) not the minimum which is viable. In Castle Donnington small greenfield sites are unviable at 30% affordable housing provision and in Coalville small greenfield sites are unviable at 20% affordable housing provision. For brownfield sites the rounding up to the nearest 5% ignores the fact that these sites are unviable and therefore 0% is more appropriate than 5% as set out in the HBF representations to the presubmission Local Plan consultation previously developed sites should be excluded from Policy H4. It is recommended</p>		<p>Council Response: See response to MM30 (85/16/MM30)</p>

Main Modification MM31

that further modifications are necessary to Policy H4 including the deletion of the word “minimum” possibly replaced by “up to”.	
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Main Modification MM33

Respondent: David Bigby		Representation Number: 5/10/MM33
<p>Comments: This revised para should refer to policy S1 and not S2</p> <p>Suggested Revised Wording: This revised para should refer to policy S1 and not S2</p>		<p>Council Response:</p> <p>Agree. The Council proposes to make this change under Additional Modification AM1 as it ensures the correct use of punctuation, capital letters or tense or corrects typing errors, and does not materially affect the policies set out in the Local Plan.</p>
Respondent: Ashby de la Zouch Town Council		Representation Number: 24/08/MM33
<p>Comments: The reduction in the minimum number of hectares for employment land from 96 to 66 hectares is concerning. Especially as the Local Plan has already stated that there is a shortfall of about 39 hectares compared to the requirements identified in the HEDNA.</p> <p>Suggested Revised Wording: The text should make it clear that there has been a reduction in the amount of employment land required, giving reasons why and explaining that this is less than the requirements in the HEDNA.</p>		<p>Council Response:</p> <p>It is considered that this issue is addressed by MM8 which explains why there is a mismatch between the employment land provided and that which the HEDNA identifies as being required.</p>
Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/08/MM33
<p>Comments: We object to the reduction of provision of employment land. This proposal is based on flawed data especially in regard to employment losses which are grossly understated. HEDNA requirements</p>		<p>Council Response: It is not clear as to why it is considered that the approach to identifying employment losses are</p>

Main Modification MM33

should be met and losses recalculated and taken into account, especially with confirmation of the HS2 route

understated. The Council is of the view that the approach taken is reasonable and appropriate.

Main Modification MM34

Respondent: Savills on behalf of Conygar Ashby Limited		Representation Number: 3/02/MM34
Comments: See comments on MM9.	Council Response: See response to MM (14/01/MM9)	

Main Modification MM37

Respondent: David Bigby		Representation Number: 5/11/MM37
<p>Comments:</p> <p>I find it hard to understand how the calculation shown in the revised Table 5 takes into account the 51.58 Ha of existing employment land permissions documented in Policy Ec1, as commitments are only shown as 29.86 Ha. If it does then it is not made clear how or what will happen to the residue of 21.72 Ha. It is probable that there is a mismatch between employment land types for Table 5 and Ec1 (small and large B8) as explained in EX70. If so, then this needs to be explicitly stated.</p> <p>Also, the final line of this table should read “Residual requirement (D+E)” not (D-E). This mistake does not give me confidence in the rest of the calculations.</p> <p>Suggested Revised Wording: Clarify</p>		<p>Council Response:</p> <p>The 29.86Ha referred to in Table 5 excludes strategic B8 sites, whereas both EC1a and Ec1 c are strategic B8 sites. The remainder of the 29.86ha comprises of sites not listed in policy Ec1 by virtue of the fact that they were part of larger sites where development had already commenced as at 1 October 2016.</p>

Respondent: Cliftonthorpe and Ivanhoe Fields residents		Representation Number: 113/04/MM37
<p>Comments:</p> <p>The allocation of employment land E1 in Policy Ec2 on the small parcel of greenfield countryside outside existing limits to development in Policy Ec2 at Smisby Road, Money Hill, Ashby de la Zouch is unjustified for the following reasons.</p> <p>The need for an extra employment allocation depends on the validity of the loss of 45 hectares of industrial land to housing in Table 5. If this arbitrary guestimate is reduced by just one-third, or an offsetting allowance made for smaller and unidentified brownfield sites coming forward over the plan period, no new allocation would be required under policy Ec2.</p>		<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Main Modification MM37

<p>The requirement for additional districtwide local employment allocations also rests on the unclear reduction in existing commitment figures in Table 5. What has happened to these commitments?</p> <p>There is no fully comprehensive up to date register of alternative derelict and brownfield land opportunities for ensuring less environmentally disruptive sites are brought back into productive use.</p>	<p>It should be noted that the reference to the loss of 45ha in Table 5 is incorrect as this has been adjusted as part of MM37 to 10Ha.</p> <p>In accordance with the Government’s requirements a Brownfield Land Register is in the process of being prepared. This will help to inform the review of the local plan proposed as part of MM9.</p>
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<p>Respondent: Ashby de la Zouch Civic Society</p>	<p>Representation Number: 110/09/MM37</p>
<p>Comments:</p> <p>The requirement should be as stated in HEDNa I.e 96 ha.</p> <p>Potential losses are 65 ha. (See our submission response to councils EX70)</p> <p>Residual requirement is 80 ha. This far exceeds the proposed submission.</p> <p>Blighted employment sites by HS2 should have alternative sites proposed in the plan , not left open under policy EC2 for sites to come forward. HS2 route has now confirmed blight of plastic omnium ,AB products and Lounge site. These losses need to be considered in the employment land calculation.</p>	<p>Council Response:</p> <p>The HEDNA identifies a requirement for North West Leicestershire of 65-66ha not 96ha which was the requirement identified in the PACCE study (EC/04). See tables 97 and 99 of the HEDNA (EX/65).</p> <p>Of those sites listed in the Civic Societies response to EX/70 the vast majority are recommended for retention in the Assessment of Employment Sites (EC/05). Therefore it would not be appropriate to assume that just because they are identified in the SHLAA that these sites will be lost from employment use even if a planning application is submitted.</p> <p>This issue is considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p> <p>The latest proposed route for HS2 avoids both AB Produce and Plastic Omnium, whilst it is understood</p>

Main Modification MM37

that initial discussions have taken place between the owner of the Lounge site and HS2. It would, therefore, be premature to conclude that no development is possible at the Lounge site.

Main Modification MM39

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/09/MM39
<p>Comments: The list of sites includes the 'Former Lounge disposal point', but there is no acknowledgement of contingency regarding the impact HS2 may have on this development. This contrasts with the approach taken with housing developments in Measham and Kegworth that may also be affected by HS2.</p> <p>Suggested Revised Wording: Policy Ec1 needs amending to indicate that if HS2 goes ahead the development at the 'Former Lounge disposal point' is unlikely to go ahead and if it does go ahead the size of the site will be reduced.</p>		<p>Council Response: The recent announcement (July 2017) regarding the proposed route of HS2 running through the district did not include any significant alterations in respect of that section that is proposed to run through part of the Lounge site. However, the Council has been included in recent and on-going discussions between the landowner and HS2 regarding the commenced development on the site.</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions.</p>
Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/10/MM39
<p>Comments: The Lounge site is confirmed as blighted by HS2 . A reserve site should be allocated as per housing blight byHS 2 not left to policy EC2.</p>		<p>Council Response: The recent announcement (July 2017) regarding the proposed route of HS2 running through the district did not include any significant alterations in respect of that section that is proposed to run through part of the Lounge site. However, the Council has been included in recent and on-going discussions between the landowner and HS2 regarding the commenced development on the site.</p>

Main Modification MM39

The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions.

Main Modification MM40

Respondent: **David Bigby**

Representation Number: 5/12/MM40

Comments:

If land adjoining the A511 and Smisby Road is to allocated for employment use then I support the new para 1c.
 However, I object to this allocation as it would make much more sense to put all the new employment land allocated to Money Hill in one place, near the existing McVities warehousing area. The proposed allocation near Smisby Road will have an unjustifiable detrimental impact on the amenity on the residents of Cliftonthorpe, whereas if it were moved to the McVities warehouse end of Money Hill it would have no direct detrimental impact on any existing residents.

I support the requirement for the Money Hill employment land to be included in the Money Hill Masterplan along with the housing and other amenities.

As I stated for MM12, I strongly object to the proposed new section 2 of Policy Ec2 which will make large swathes of countryside vulnerable to development as employment land. The Council should either identify land to address the perceived shortfall now or allow this to be identified in the imminent plan revision, as proposed under MM41, rather than adopting this open ended and unsustainable policy.

Suggested Revised Wording:

Policy Ec2

If and only if allocation of land adjoining the A511 and Smisby Road for employment is deleted, then delete new para 1c.

Delete section 2 completely.

Council Response:

Noted.

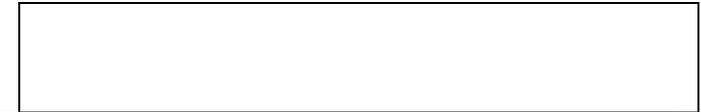
The issues raised in this part of the representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Noted.

The Council considers that part 2 provides flexibility to the policy to deal with the changed employment land requirements identified in the HEDNA. Through the inclusion of criteria a-c, it is believed that any such proposals will be assessed to ensure that they will only be permitted where they would be appropriate in type and location.

Main Modification MM40

Inset Map 3. Delete employment allocation of land adjoining the A511 and Smisby Road and increase size of new allocation near Mcvities warehouse accordingly.



Respondent: **Cliftonthorpe and Ivanhoe Fields residents**

Representation Number: 113/02/MM40

Comments:

This prior allocation pre-empts the very concept of the required multi-use Masterplan and fails the test of sustainability by unnecessarily splitting the industrial allocation on Money Hill and duplicating infrastructure needs.

It compromises forever, and without any considered analysis, the unique opportunity to exploit the leisure and health potential of the existing footpath link northwards from Ashby de la Zouch. It negates the unique opportunities for user friendly links northwards across the A511 to the outstanding countryside areas of the Pistern Hills, Staunton Harold and Calke Abbey and the wider and developing National Forest countryside network and heritage.

The site is directly linked to the south and east by 150 newly constructed houses in a development restricted to former brownfield land. This proximity to newly developed housing, together with its limited size and access difficulties, make it relatively unsuitable for modern day employment use.

To sacrifice the larger nearby ARLA industrial site on Smisby Road for housing in policy H3a and at the same time relocate industrial and warehousing uses to greenfield land adjacent to newly arrived residents is environmentally unsound, exhibits a total lack of empathy and is morally unjust.

There is no clear analysis showing a lack of sites in and around Ashby de la Zouch. The town is not the most favoured industrial employment area in the district as illustrated by the slow take-up of the existing allocations on the Ashby Park and Ivanhoe business parks.

Council Response:

The evidence previously provided by the Council, particularly as set out in the HEDNA, demonstrates that the employment element of the Money Hill allocation is very much required.

The reasons for locating the employment allocation in this location are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Main Modification MM40

Ashby has a low unemployment rate of just 0.9%, well below the national level and that of other local areas which could benefit more from this investment, and many new employment opportunities are promised at the Strategic Rail Freight Interchange.

Given the key plan objectives 2 and 6 for deliverable balanced growth and continued regeneration of the former mining communities and NPPF guidance that 'plans should improve the places in which people live their lives' this allocation is economically, environmentally and morally unsound.

Suggested Revised Wording:

The employment allocation of this prominent greenfield countryside site, which is directly adjacent to 150 newly completed dwellings, should be withdrawn.

The allocation if justified should subsequently be split between the area adjacent to the eastern Ec2(2) employment allocation on Money Hill and the Area of Separation at Coalville Urban Area on the basis of sensitively prepared multi-use Masterplans and impact analyses for the two locations.

The plan should highlight the unique potential for developing footpath and associated recreational links northwards from Ashby to the outstanding National Forest countryside beyond the A511 in line with key plan objectives 11 and 12.

In the event of the need for employment allocations being justified a more in depth analysis of opportunities to develop derelict and brownfield sites across the district should be undertaken.

If it is essential to make a further employment land allocation in this locality the nearby modern Ivanhoe Business Park has good access and infrastructure, backs on to existing industry and is easily extendable to the west.

Main Modification MM40

Respondent: Cliftonthorpe and Ivanhoe Fields residents		Representation Number: 113/05/MM40
Comments: See comments on MM12 Policy S3(s) Countryside.	Council Response: See response to comments on MM12(113/01/MM12)	

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/10/MM40
Comments: The allocation of land adjoining the A511 and Smisby Road for employment is not supported. The Town Council maintains its previous view that all employment should be located close to the existing McVities warehouse. Suggested Revised Wording: Land adjoining the A511 and Smisby Road should not be allocated for employment uses.	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.	

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/11/MM40
Comments: The inclusion of employment land in the development of a comprehensive Masterplan for Money Hill is supported.	Council Response: Noted	

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/12/MM40
Comments: The addition of Point (2) is not supported as it opens up the potential development of employment sites in open countryside outside the limits to development.	Council Response: The Council considers that part 2 provides flexibility to the policy to deal with the changed employment land	

Main Modification MM40

Remove the planned modification adding paragraph (2) to Policy Ec2.	requirements identified in the HEDNA. Through the inclusion of criteria a-c, it is believed that any such proposals will be assessed to ensure that they will only be permitted where they would be appropriate in type and location.
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Respondent: Historic England	Representation Number: 16/02/MM40
<p>Comments: In relation to H3a / EC2 the staged archaeological process needs to be coordinated with the planning authority’s timetable. As the scheme moves from general principles to outline and detail stages, the degree of commitment from the planning authority at that stage needs to be matched by a proportional level of archaeological information. The basic layout and geometry of the development should be informed by an understanding of where heritage significance lies and its importance, at present that work is not yet in place.</p>	<p>Council Response: Noted</p>

Respondent: Willesley Environment Protection Association (WEPA)	Representation Number: 29/06/MM40
<p>Comments: Policy Ec2 Policy EC2 - New Employment Sites</p> <p>The following modification is not supported for the same reasons as given in respect of MM12 - Policy S3: Countryside: concerning the potential development of additional employment land, over and above that required in the Local Plan and outside ‘limits for development’.</p> <p>Specifically, we do support the amendments at Ec2 (1) (c), (e) and (h) which relate to the Money Hill area. Our concern is that Ec2 (2) raises the prospect of new sites being proposed across the</p>	<p>Council Response: The Council considers that part 2 provides flexibility to the policy to deal with the changed employment land requirements identified in the HEDNA. Through the inclusion of criteria a-c, it is believed that any such proposals will be assessed to ensure that they will only be permitted where they would be appropriate in type and location.</p> <p>Noted.</p>

Main Modification MM40

<p>District on grounds that are not explicit. The justification for this part of the policy is ‘to establish criteria for considering proposals for employment land not specifically allowed for in the plan’.</p> <p>Part 2 does at least require ‘evidence (that) indicates an immediate need or demand for additional employment land in North West Leicestershire’ (as a whole). This infers that a justifiable case must be made for a sustainable proposal. Post Brexit, this might well cover inward investment and the expansion or relocation of key existing businesses that are of regional or national importance. Such clarification could begin to allay our concern and give the wording of Ec2 (2) a sharper edge in providing a degree of flexibility to the Council, such that it is able to ‘consider favourably proposals that meet the identified need in appropriate locations’.</p>	
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<p>Respondent: Planning Prospects on behalf of St Modwen Developments</p>	<p>Representation Number: 57/01/MM40</p>
<p>Comments: Main Modification MM40 relates to Policy Ec2 of the Plan in relation to New Employment Sites.</p> <p>To be clear and as context, St Modwen remain of the view that the Plan does not provide for sufficient employment land in both quantitative and qualitative terms to meet needs and that the sites identified within the Plan as commitments do not genuinely contribute to supply or provide realistic opportunities to support inward investment and economic development. No support is given here to and objections still remain as set out in the submissions to the Publication Plan and in evidence to the Examination, in respect of the quantity of employment land planned for, employment land need or employment land suggested as commitments and these concerns as expressed to the Examination are not addressed by MM1, MM2, MM8, MM9 (in respect of reference to the HEDNA), MM33, MM34, MM37, MM38, MM39 or MM41. St Modwen remain in objection to the Plan and the Main Modifications do not address these concerns.</p> <p>This context notwithstanding, MM40 is supported where sub section (2) now provides for flexibility for the Council to support proposals for additional employment development where evidence of additional demand is evident and subject to certain criteria. It is important where</p>	<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p> <p>Noted.</p>

Main Modification MM40

<p>there is some considerable outstanding debate and some evidence of additional demand and need for employment in a range of sectors that the Plan provides the flexibility in this policy and the Council must be positive and receptive in the Policy's future application.</p>	
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<p>Respondent: GraceMachin on behalf of Brackley Property and Rosamond Pattinson 1991 Declaration of Trust</p>	<p>Representation Number: 84/01/MM40</p>
<p>Comments: We have made a series of representations on the Local Plan and appeared at Hearing Sessions during the first half of 2017.</p> <p>These representations have outlined the absolute need to ensure that this Local Plan does not fail to meet the needs and demands of existing and new businesses who wish to expand and re-locate to North West Leicestershire.</p> <p>More specifically to Castle Donnington which has as an excellent long term track record of delivering employment land. The delivery of employment land has provided provide job security for many in North West Leicestershire and also provided new life opportunities for many people in the District.</p> <p>We have supported the allocation of land 'East of Carnival Way' Castle Donnington which is immediately available, deliverable and has prospective occupiers ready to 'take' new space.</p> <p>Although, it is noted that NWLDC are still not proposing a specific allocation on land 'East of Carnival Way' in Castle Donnington as we will set out below we are fully supportive of the proposed 'main modifications' to Policy Ec2 – New Employment Sites which we believe gives a clear basis for a planning application to be submitted on this land imminently and for it to be supported in principle by the Local Planning Authority.</p> <p>The newly formed Paragraph 1.13 of the Local Plan states,</p>	<p>Council Response: Noted</p>

Main Modification MM40

“In terms of this Local Plan we have co-operated with our partners across the HMA/LLEP on a variety of matters including: Establishing housing and employment requirements through a Housing and Economic Developments Needs Assessment (HEDNA)”

As Brackley Property Developments Ltd set out in February of this year (2017) in the context of the HEDNA report the identified shortfall of B1/B2/small B8 units was / is in the order of 13Ha.

The Council’s response to this shortfall still rather avoids the findings of the HEDNA report with regard to the need for additional employment land.

The strategy of still choosing not to allocate additional land still remains ‘peculiar’, and without the MM to Policy Ec2 outlined below there would still be a definite need for this shortfall to be addressed through an additional employment allocation.

Again, as previously submitted this should logically be at Castle Donnington.

It is worth highlighting in the wider context of these representations that on Page 19 under the heading ‘Key Issues – Economy’ it states

“Support for economic growth will require the provision of additional land and premises across the district...”

Further relevant main modifications in the plan state under the heading ‘Business Needs’ the following at paragraph 5.4 & 5.5 (Page 23):

A Housing and Economic Needs Development Assessment (HEDNA) has been undertaken for the Leicester and Leicestershire Housing Market Area (HMA) which identifies the future housing and employment needs for the district. Whilst the HEDNA was completed towards the end of the process of preparing this Plan it was considered and subjected to public consultation as part of the evidence base and provides the basis for the housing and employment provision made in this plan. (Para. 5.4)

The HEDNA has identifies a need for 66 hectares of employment land (comprising those uses which fall within Class B1, B2 and B8 of less than 9,000sq metres (as defined by the Use Classes Order 2015)... (Para. 5.5)

Main Modification MM40

Paragraph 5.8 (a further MM) states:

Policy S1 recognises that there is a need to undertake an early review of the Local Plan. This is because whilst the current total provision of employment land is about 29 hectares, there is a mismatch between the type of land identified as being required in the HEDNA and the actual provision. There is a clear shortfall of about 29 hectares when compared to the HEDNA requirement for Class B1, B2 and B8 of less than 9,000sq m. This reflects the fact that the HEDNA was completed towards the end of the process of preparing this plan. In addition, it is apparent that not all of the other HMA will be able to accommodate their housing needs within their boundaries. This Council is committed to working with the other HMA authorities to agree how and where this unmet need will be accommodated. It may, therefore, be necessary for additional provision to be made for housing (and / or employment) when this work is completed.

Policy S1 – Future housing and economic needs now sets out that over the plan period to 2031 provision will be made to meet the housing and employment land needs of the district as identified in the January 2017 HEDNA.

For employment land this means provision will be made for 66 hectares of land for employment purposes (B1, B2 and B8 of less than 9,000 sq m).

It has been noted that the plan also now states that NWLDC will commence a review of this Local Plan by the end of January 2018 or within 3 months of the adoption (whichever is the later).

Linked to Policy EC2 (and land 'East of Carnival Way', Castle Donnington) is Policy S3 – Countryside which states that land outside the Limits to Development is identified as countryside where those uses listed (a) to (s) below will be supported, subject to those considerations set out in criteria (i) to (vi) below.

Specifically it references Policy Ec2 under the (s) heading by stating:

"Employment land in accordance with the provisions of Policy Ec2"

and

"Developments in accordance with (a) to (s) will be supported where:

(vi) The proposed development is accessible, or will be made accessible, by a range of sustainable transport".

Proposed MM to Policy Ec2 – New Employment Sites

We are fully supportive to the proposed wording as set out under section '2' which states:

“Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identifies need in appropriate locations subject to the proposal:

- (a) Being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
- (b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and
- (c) Not being detrimental to the amenities of any nearby residential properties or the wider environment

The plan also now states:

“The provision of this site (Money Hill) will result in a shortfall compared to HEDNA (excluding an allowance for the potential loss of existing employment land) of about 13 hectares.

This will be addressed through the review of the Local Plan committed to in Policy S1 (taking into account of any additional employment land which might be redistribution to the district from elsewhere in the HMA) and through the determination, against Ec2 of any planning applications which come forward in the meantime “

Castle Donnington is a 'Key Service Centre' where (as the Local Plan states)

“a significant amount of development will take place” (Page 27)

Given that no additional employment allocations have been made by way of a main modification to Policy Ec2 - New Employment Sites the proposed wording is welcomed.

It is necessary, in order to provide certainty that the delivery of additional employment land will be brought forward by way of new planning applications to meet immediate needs and demands.

Main Modification MM40

<p>The policy wording allows and enables additional employment development to come forward such as that for which we have occupier interest for small B8 uses at Castle Donington that couldn't be accommodated at Money Hill due to occupier demand for the specific location.</p> <p>Now that the Council will take a pragmatic and positive approach to such proposals when considering planning applications, in order to enable job creation and growth of local industry we SUPPORT the modifications to Policy Ec2.</p>	
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<p>Respondent: Thomas Taylor Planning Ltd</p>	<p>Representation Number: 48/01/MM40</p>
<p>Comments:</p> <p>We welcome the inclusion of Policy Ec2(2)(a)-(b) which provides support for proposals to meet immediate need or demand for additional employment land (B1, B2 and B8 uses) where that cannot be provided for on allocated land.</p> <p>We note that this modification compliments MM12 (policy S3s) which supports development of employment uses in the countryside in accordance with Policy Ec2. We currently act on behalf of a number of clients involved in B1, B2 and B8 and transport related businesses who are experiencing significant difficulty finding appropriate land and premises within limits to development in the identified Settlement Hierarchy. Traditional and older employment land used for B2, B8 and transport related uses often fetches a premium for housing redevelopment on sites within Limits to Development and this displaces existing users and reduces the land available for new business within those sectors.</p> <p>There is a significant and growing warehouse and distribution-based employment sector within the plan area although limited provision for road and haulage-related supporting services and this is something we believe should be addressed in the Local Plan.</p> <p>Whilst welcoming the inclusion of Policy Ec2(2)(a)-(b) we suggest that the use classes referred to as part (2) of the policy should be widened to include specific reference to "transport and road</p>	<p>Council Response:</p> <p>Noted</p> <p>The justification for the inclusion of part 2 of Ec2 relates in part to the identification of new evidence in</p>

Main Modification MM40

related haulage" type activities. These do not always fall squarely within use classes B1, B2 and B8 depending on the specific range of uses/activities provided and are sometimes mixed-use or sui-generis in character. Such a modification would clarify that these employment uses can also benefit from the provisions of policy Ec2.

the HEDNA published in January 2017 of the potential need for new B1, B2 and B8 provision. The HEDNA, the main source of evidence on the need for additional employment land in the district and wider HMA, does not make specific reference to an identified need for 'non-B class' use transport and road related haulage activities. It is therefore not considered appropriate to include specific reference to this type of development within the policy.

Respondent: **Ashby de la Zouch Civic Society**

Representation Number: 110/11/MM40

Comments:

Allocations for employment land should be spread around the district to compensate for losses such as plastic omnium at Measham. Some allocation should be there to maintain employment. The splitting of the employment site on Moneyhill is unacceptable. This is an issue for discussion in the Madtetplan. such a n allocation undermines the value of a master plan. The town council, ashby ,civic society and local residents all agree the employment site should be in one location adjacent to the current employment site.

Council Response:

The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

Respondent: **Iceni Projects**

Representation Number: 45/03/MM40

Comments:

Policy Ec2, Paragraph 1(c).
Land north of Ashby de la Zouch (Money Hill) is allocated for employment development for up to 16 Ha subject to the following: (c) Land adjoining the A511 and Smisby Road will be restricted to those uses falling within the B1 Use Class.

Council Response:

The justification for the inclusion of land at Money Hill relates in part to the identification of new evidence in the HEDNA published in January 2017 of the potential need for new B1, B2 and B8 provision. The HEDNA,

Main Modification MM40

The Money Hill Consortium (MHC) site is geographically well-placed and is of a scale to support a wide range of employment uses. Notwithstanding this, the MHC is mindful that some parts of the site are better placed for employment than others. Indeed, the Town Council has historically had a preference for future employment uses to be positioned within close proximity to the existing McVities warehouse. This is something that the MHC has sought to support in preparing a Development Framework for the site (see Appendix A). This shows that the majority of the employment uses are positioned to the east of the site as nearest to the proposed A511 access and mitigates any harm caused to existing residents by clustering employment uses.

Notwithstanding the above, should NWLDC continue to allocate Ec2(1) (as shown on the inset map) then the supporting text should be amended to provide additional flexibility. Whilst the MHC understand the rationale of NWLDC for wanting to create employment uses in this location that are complementary to existing residential uses it is considered that these uses do not need to be limited exclusively to B1 use (office). Other employment uses that may also be suited to this location could include a car showroom (sui generis), hotel (C1) or employment / leisure and nonresidential institutions (D-class).

Suggested Revised Wording:

In the context of this it is recommend that the policy be re-worded to state:

Land north of Ashby de la Zouch (Money Hill) is allocated for employment development for up to 16 Ha subject to the following: (c) Land adjoining the A511 and Smisby Road will be restricted to those uses that are unlikely to cause significant amenity harm. General industrial (B2) and storage and distribution (B8) uses will not be permitted.

The above amendment does not alter the objective of the policy, i.e. that employment uses in this location should not cause significant amenity harm. However, instead, it plans positively for development by allowing a more flexible approach to land uses.

the main source of evidence on the need for additional employment land in the district and wider HMA, does not make specific reference to an identified need for 'non-B class' employment generating uses. The Council would not wish to include a change such as that suggested as it would potentially inhibit the delivery of much needed employment land.

Main Modification MM40

Respondent: David Trunkfield	Representation Number: 126/06/MM40
<p>Comments: Policy Ec2 Policy EC2 - New Employment Sites</p> <p>The following modification is not supported for the same reasons as given in respect of MM12 - Policy S3: Countryside: concerning the potential development of additional employment land, over and above that required in the Local Plan and outside 'limits for development'.</p> <p>Specifically, we do support the amendments at Ec2 (1) (c), (e) and (h) which relate to the Money Hill area. Our concern is that Ec2 (2) raises the prospect of new sites being proposed across the District on grounds that are not explicit. The justification for this part of the policy is 'to establish criteria for considering proposals for employment land not specifically allowed for in the plan'.</p> <p>Part 2 does at least require 'evidence (that) indicates an immediate need or demand for additional employment land in North West Leicestershire' (as a whole). This infers that a justifiable case must be made for a sustainable proposal. Post Brexit, this might well cover inward investment and the expansion or relocation of key existing businesses that are of regional or national importance. Such clarification could begin to allay our concern and give the wording of Ec2 (2) a sharper edge in providing a degree of flexibility to the Council, such that it is able to 'consider favourably proposals that meet the identified need in appropriate locations'.</p>	<p>Council Response: See response to 29/06/MM40</p>

Main Modification MM41

Main Modification MM41

Respondent: David Bigby		Representation Number: 5/13/MM41
Comments: If there is truly a shortfall in employment land allocation (see my comments on MMs 37, 38 and 39), then this is the sensible means of addressing the problem rather than the unsustainable blanket approach proposed in the new section 2 of Policy Ec2.	Council Response: MM41 makes it clear that the issue of shortfall may be addressed through the application of Policy E2 (2) and/or a review of the local plan.	

Respondent: Leicester City Council		Representation Number: 70/04/MM41
Comments: It is noted that (including potential loss of employment land, of 10ha), the revised plan still results in a shortfall compared to the HEDNA of about 23 hectares. Since provision has been made for an early review, the City Council is happy to leave it to the Inspector to comment further on this issue.	Council Response: Noted	

Respondent: Ashby de la Zouch Civic Society		Representation Number: 110/12/MM41
Comments: It is unacceptable to go forward with a plan where Insufficient employment land is allocated as stated in this modification. Adequate provision should be within the plan. It is unacceptable to delay the decision to the review of the plan or to rely on policy EC2 to provide employment land. This policy is unsound.	Council Response: See Council's response to MM12	

Main Modification MM43

Respondent: J Potter		Representation Number: 64/01/MM43
<p>Comments: Looking again at Policy IF4 modified (and its text, pages 96 to 98), receiving essentially auto-responses from half of the six relevant authorities - those I e-mailed March 12th 2017, therefore the e-mail to which this document Modifications_Consultation[N.W.L.D.C._Rep.64]Response.doc is attached is an integral part of this response - re the Matters 9 issue: 'sustainability', pragmatism, & light-pollution vs the countryside its: aesthetics and Nature, heritage and environment; because it should be considered how would or when would the somewhat ambiguous wording of IF4 be interpreted, with regard to the concerns raised at the Day 6 Examination hearing.</p>		<p>Council Response: It is the Council's view that the revised wording strengthens the need for sustainable transport to be considered as part of new development and is not ambiguous in that aim. Further the issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>
Respondent: Lesley Birtwistle		Representation Number: 123//MM43
<p>Comments: The documentation makes very little reference to the inevitable impact of the major development in Ashby in relation to the pressure on parking spaces in the town centre. The developer should be required to contribute towards the provision of additional facilities.</p> <p>MM43 Policy IF4 - add an additional clause</p> <p>(4) Where new development has a demonstrable impact upon the adequacy of the parking facilities in Ashby-de-la-Zouch town centre, contributions towards the provision of additional facilities will be sought, commensurate with the impact.</p>		<p>Council Response: It is the Council's view that the issues raised in this representation are already included in the Local Plan under Policy IF7, which it is not proposed to modify.</p>

Main Modification MM44

Respondent: Environment Agency		Representation Number: 14/02/MM44
Comments: Fully Support this modification in order to provide continued protection of the River Mease SAC.	Council Response: Noted.	

Main Modification MM45

Respondent: Gladman	Representation Number: 58/11/MM45
<p>Comments:</p> <p>Gladman object to Main Modification MM45 as it does not reflect the guidance set out in the National Planning Policy Framework (NPPF) in relation to Heritage Assets.</p> <p>Whilst Gladman support the deletions made under Main Modification MM45 as they did not conform to the guidance set out in the Framework, the proposed addition under criteria (2) similarly does not conform to the Framework.</p> <p>The Framework states in paragraphs 133 and 134 that if the harm to a heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use.</p> <p>The proposed wording contained in Main Modification MM45 states that development which would cause harm to a heritage asset would not be supported unless there are overriding public benefits of the scheme. This is clearly contrary to the Framework as set out above and should be amended to reflect the Framework's guidance closely.</p>	<p>Council Response:</p> <p>MM45 reflects the view of Historic England as the Government's advisor in relation to the historic environment and it is considered that it is consistent with the NPPF.</p>

Policies Map - General

Respondent: Mary Smith		Representation Number: 118/01/PM
<p>Comments: I would like to object to the proposed Local Plan 2015, proposed by North West Leicestershire District Council, to down grade my land from J3 to S4 Limited Development.</p>		<p>Council Response: It is the Council's view that the issues raised in this representation do not relate to either the Main Modifications or new documentary evidence produced since the Plan was submitted for Examination. The Council does not, therefore, propose to address the points raised.</p>

Policies Map – Main Map

Respondent: **Everything is Somewhere on behalf of Wheatcroft Properties Ltd**

Representation Number: 37/01/PM

Comments:

The Policies Map has excluded an area of land which is shown edged red on attached plan Ref No 13127 DP LPMoD Ec7 which Wheatcroft Properties Ltd (WPL) consider should be included in light of it's previous use and character relative to land which is included on the Policies Map. In addition WPL request that the area shown edged green is also included on the Policies Map. Finally Paragraph 8.52 (modified number) lacks clarity in describing the areas of land allocated. The Plan referred to has been sent by email to NWLDC.

Background information;

- The land shown on the Policies Map in relation to Policy Ec7 is shown edged and hatched blue on Plan No 13127 DP LPMoD Ec7.

- Paragraph 8.52 states - "The ongoing investment required to manage and operate a race circuit to an international standard is significant and without income generation from other uses on site the circuit alone would not be viable. As a consequence, Donington Park Racing's growth plans include [a 10ha western] extensions to the [racetrack area] west and south of the circuit to provide for motorsport development and related activities such as research. Only the westerly extension is allowed for on the Policies Map, as it is considered that a southerly extension would be injurious to the appearance and character of the local landscape."

- It is understood that the wording for 8.52 is based on the comparison between a plan titled "Draft 3" dated October 3rd 2014 and the final Policies Map.

- WPL based their proposed areas for policy Ec7 on Plan No 11558 DPR Local Plan dated November 20th 2015. This plan was submitted as part of the Consultation Process.

Council Response:

In respect of paragraph 8.52 it is considered that the proposed wording is appropriate as it reflects the previous discussions on this site.

In regards to the 'red' and 'green' areas of land identified on the map provided as part of the representation the 'red' land is used by Stephenson College as a construction plant training centre. The most recent permission (12/00433/FUL Change of use to form construction plant training facilities) was granted in 2013. In granting planning permission, the proposed use was not considered to 'be essential to, nor have a functional relationship with, the racetrack.' The Council did, however, conclude that the permission was in effect 'temporary'. The 'green' land does not seem to have any relevant or recent planning history. The land seems to be of a similar character to other, adjoining land to the north and east that also lies outside the boundary of the Ec7 designation on the Policies Map. Given this background, the council is of the view that neither the 'red' or 'green' land should be included within the Ec7 policies map designation.

Policies Maps

With reference to the Draft 3 Plan it can be seen that this includes various areas not included on the Policies Map. These include the western part of the land shown shaded green and also an area also shown edged green which lies adjacent to the A453 and Hill Top Road. It is understood that the reference in Paragraph 8.52 as the “southerly extension” does in fact specifically refer to the the latter.

It can therefore be seen that the commentary in Paragraph 8.52 doesn’t accord with the Policies Map. WPL submitted a response on this point amongst others at the Publication Stage of the Local Plan. In that submission WPL proposed that the wording in Paragraph 8.56 (previous number) be changed from;

As a consequence, Donington Park Racing’s growth plans include a 10ha western extension to the racetrack area to provide for motorsport development and related activities such as research.

to

As a consequence, Donington Park Racing’s growth plans include extensions to the west and south of the circuit as shown on the Policies Map, to provide for motorsport development and related activities.

It can be seen that this wording was accepted however the final sentence now contradicts the areas shown on the Policies Map. Removal of this final sentence would address this point.

Turning to the land omitted as shown on Plan No 13127 DP LPMod Ec7 this is located immediately to the south of the land for the auction of plant and machinery and to the west of the land used for car parking by East Midlands Airport. The was for many years used for training by Stephenson’s College and is “made up” ground. The land is well screened by virtue of existing buildings and the shelter belt which runs along the southern boundary of the area. In light of it’s location within Donington Park, it’s location relative to the auction site and the airport carpark and that it is well screened WPL are seeking this land to be included on the Policies Map.

In addition WPL have requested that the area shown edged green is also included on the Policies Map relating to Ec7. This area of land has historically been used for car parking in conjunction with

Policies Maps

events taking place at Donington Park. Up until approximately 3 years ago there was a brick built ticket office on the land which is still shown on the plan. The land is grass with the benefit of a brick wall adjacent to the highway which in part screens the land. At the western end of the land edged green is The Tower and the adjoining "Tower Entrance". This area of land needs to be considered in relation to adding features. To the northern boundary is a STW water storage area with steep banks around it and to the north and west of the land there is the concrete panel "10ft wall" which surrounds the race track.

Suggested Revised Wording:

With regard to Paragraph 8.52 the removal of the final sentence "Only the westerly extension is allowed for on the Policies Map, as it is considered that a southerly extension would be injurious to the appearance and character of the local landscape." removes the confusion between the land identified on the Policies Map and the commentary.

Policies Map 3 (Ashby de la Zouch)

Respondent: David Bigby		Representation Number: 5/15/PM3
<p>Comments: This map contains a number of inaccuracies.</p> <p>It fails to show several developments which have planning permission and/or are currently being built.</p> <p>I would also strongly advocate removing the employment land allocation near Smisby Road and increasing the size of the other new employment land allocation off the A511 proportionately in order to reduce the impact on the residents of Cliftonthorpe and keep the employment area in one place.</p> <p>Suggested Revised Wording: see above</p>		<p>Council Response: The original Policies Maps were published in June 2016. Since then development has commenced on a large number of sites that were listed in Policies H1 and H2 of the Submission version of the Local Plan (June 2016).</p> <p>Policies H1 and H2 have been amended to provide information on sites as at 1 October 2016 consistent with the housing trajectory. It is proposed to amend the policies maps to reflect these changes.</p> <p>See response to MM9 (5/12/MM40)</p>
Respondent: Savills on behalf of Conygar Ashby Limited		Representation Number: 3/03/PM3
<p>Comments: See comments on MM9.</p>		<p>Council Response: See response to MM9 (14/01/MM9)</p>
Respondent: Ashby de la Zouch Town Council		Representation Number: 24/13/PM3
<p>Comments: As highlighted under MM22 the inset map for Ashby is misleading as Woodcock Way is not included in the Money Hill development. The inset map should also show land that is already</p>		<p>Council Response: Sites where development has started have been taken out of Policy H1 and/or H2 and the relevant policies</p>

Policies Maps

<p>being developed, it is misleading as there appears to be areas of land within the limits to development that are available for development e.g. alongside Burton Road. However these areas are already being developed.</p> <p>Suggested Revised Wording: Inset map 3 should be amended to show areas already with planning permission where building has commenced. The Woodcock Way development can then be seen to be connected with the wider Money Hill development.</p>	<p>maps have been amended. Development has commenced on the site at Woodcock Way and this has been reflected on the Policies Map to ensure a consistent approach. Therefore, it is considered that there is no need to amend the Policies Map.</p>
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<p>Respondent: Iceni Projects</p>	<p>Representation Number: 45/05/PM3</p>
<p>Comments: The Money Hill Consortium welcomes the main modification that provide the policy support for the production of a masterplan in consultation with a range of stakeholders, including the district and town council. The Money Hill Consortium has worked closely with stakeholders even before NWDLC first embarked on the preparation of a new Local Plan and wish to maintain this strong collaborative working. This is in the interests of ensuring that the Money Hill site is comprehensively developed and includes a range of land uses. Consequently, as acknowledged in the addendum to the Sustainability Appraisal, whilst the quantum of development identified at the “land north of Ashby” has risen through the Main Modifications process the requirement to prepare a masterplan for the site will seek to mitigate any harm.</p> <p>Suggested Revised Wording: In identifying the above and avoiding any ambiguity it would be helpful if the area to be covered by a comprehensive masterplan was demarcated on Inset Map 3 of the Policies Plan.</p>	<p>Council Response: Noted. It is not considered necessary to include an additional boundary on the Policies Map. However, it would be appropriate for information to include an additional appendix which identifies the extent of Money Hill that is expected to be the subject of a Masterplan.</p>

Policies Map PM14 (Ibstock)

Respondent: **Barbara O'Sullivan**

Representation Number: 125/01/PM14

Comments:

Reference Land to the South of High Street Ibstock Ib20
Plus Land to the rear of 111a and 121 High Street

We bought 119 High Street in 1986 with the knowledge that the land to the rear was included in the Housing Development plan as was the other land extending to the rear of 111a High Street (inclusive).

We used the land for our family but always intended to sell it for development at the appropriate time. The adjacent strip to the rear of 121 High Street was already owned by housebuilders (David Wilson Homes). In the past 30 years, since we moved here, we have not been informed nor consulted about any change in the status of this land and were quite shocked when we heard via the Conservation department that all this land had been reverted to "outside the development plan" and additionally dismayed by their proposal to include the land to the rear of 119-121 High Street within the conservation area boundary.

Five years ago, we entered into discussions with David Wilson homes (DWH). In November 2013, we signed an option on our land for three years plus an ongoing period of eighteen months. Since then we have had regular meetings with them and discussions on the progress of the development. The plans showed the development to cover all the land to the rear of 111a - 121 High Street. David Wilson Homes held pre-planning discussions with NWL Council and to our knowledge everything was progressing well. Access was to be through Hextall Drive on the Legion Drive estate. The project was delayed by disagreement over the settlement of a ransom strip held by David Thornton Baker and the British Legion. At present DWH have withdrawn from the negotiations. However, this position could change at any time with interest from another developer with an alternative plan and we want to be able to develop our land should that occur.

Council Response:

It is the Council's view that the issues raised in this representation do not relate to either the Main Modifications or new documentary evidence produced since the Plan was submitted for Examination.

The site is allocated in the adopted Local Plan (2002) as housing allocation H4I. Despite being allocated for housing development there has been no evidence that the site would come forward for development and nor has it been promoted through the Local Plan process.

Policies Maps

Since this has been going on for a significant period and because we have not previously been informed of any changes to the status of our land, we feel it would be grossly unfair if we were unable to continue with this development or indeed a different project tailored to the needs of the village and the environment. This area of land is in the centre of the village, close to the Health Centre, chemist and post office. It is a very short walk to both primary and secondary schools. It is an ideal place for people to live and should not be taken out of the building plan nor committed to the conservation area.

Suggested Revised Wording:

Our request is that the "Limits to Development" boundary should be modified to include the land to the rear of 121 - 119 High Street and also the land to the rear of 111a High Street adjoining Hextall Drive.

Policies Map PM15 (Kegworth)

Respondent: Chave Planning Limited on behalf of Jarrom Agricultural Services		Representation Number: 65/01/PM15
<p>Comments: Since the Government confirmed the route of HS2 Phase 2b on the 17th July 2017, it is considered that the route should be shown on the Policies Map. It is also noted that the extent of site allocation H3d has been incorrectly mapped, such that it extends slightly over the area safeguarded for HS2. The 5.9ha site promoted by the landowner Jarrom Agricultural Services, suitable for the development of 110 dwellings as described in our representations under MM27, is identified in yellow on the constraints plan below. It does not affect land safeguarded for HS2. It is considered that the site boundary of allocation H3d should be amended so that it is consistent with the area promoted and avoids land safeguarded for HS2.</p> <p>(Map provided)</p> <p>Suggested Revised Wording: The Policies Map should be amended to show the confirmed HS2 route and to correct the boundary to site allocation H3d as described above.</p>		<p>Council Response: It is considered that the route of HS2 does not need to be shown on the Policies Map.</p> <p>The boundary of site H3d will be amended to reflect the boundary provided as part of the representation.</p>

Policies Map PM17 (Measham & Oakthorpe)

Respondent: **Planning & Design Practice Ltd**

Representation Number: 72/01/PM17

Comments:

Inset Map 17: Measham and Oakthorpe

- My client objects to the proposed boundary defining the limits to development at the south of Measham, between the River Mease and the housing development on Masefield Close / Burns Close area.
- Lack of consistency in defining this boundary here, no logical process has been followed;
- Line showing limit to development is altering from the previous iteration of the Local Plan – this has prejudiced my clients position as the owner of this land;
- The previous iteration of the limit to development should at least be included in this version of the Local Plan proposals map;
- A promontory of land further to the north-west has been included in the limits to development, without clear justification, but not my clients land;
- The boundary of the housing development is irregular here, with several extended garden boundaries included in the existing limits to development – the proposed new boundary either needs to be consistently straightened out to include all of these areas; or allowed to be an organic shape following the line of the river;
- Some land needs to be included in the limits to development to allow for limited expansion of Measham during the Plan Period – as a settlement defined as a “Local Service Centre” a reasonable amount of new development is expected to take place.

Suggested Revised Wording:

Suggested new boundary for the Limits to development on south of Measham is provided

Council Response:

The Limits to Development have been defined using a consistent methodology across the district therefore amending the boundary would be inconsistent with the approach taken by the council.

A previous representation regarding this matter was made a Publication Stage, the council’s response is detailed in 72/01/S2.

Housing and Economic Development Needs Assessment (HEDNA)

Respondent: Nigel Garnham on behalf of Packington Nook Residents Association (PNRA)		Representation Number: 32/04/HEDNA
<p>Comments:</p> <p>Policy S1 – Future housing and economic development needs HEDNA Implications For Local Plan– Employment And Housing Implications</p> <p>The “HEDNA implications for the Local Plan – employment” document states in Para 5.5: Looking at the figures for employment land lost for the period 1991 to 2016 (38.5ha3) it is estimated that about 6.4 ha was in some form of strategic B8 use. This has the effect of reducing losses in the B1, B2 and small B8 category to 32.1ha which equates to an annual average of 1.28ha for the period of 1991-2016 (there being no losses in 2015/16). If this were to be repeated for the remainder of the plan period (15 years) then the allowance would be 19.2ha (i.e. 19ha).</p> <p>Whilst the identification of 19.2 ha of land that will be lost to employment is of value in identifying the need for additional employment land, this available land is ignored on the parallel Housing Report. Since most of the lost employment land will be converted to housing the need for additional housing land is therefore overestimated by up to 19ha. Whilst we accept the need for over provision to account for uncertainties in delivery of sites, the Policies now adopted will create a gross over-provision, which is being now partly allocated to Ashby.</p> <p>PNRA objects to this omission from the “HEDNA implications for the Local Plan – housing” document. This needs to be properly accounted for in respect of the potential of land lost to employment subsequently available to housing.</p> <p>Suggested Revised Wording: Modify the “HEDNA implications for the Local Plan – housing” as requested</p>		<p>Council Response:</p> <p>The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Sustainability Appraisal Report (Paragraph 3.4.3)

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/14/SA
<p>Comments: The Sustainability Appraisal supports the development of a Masterplan for Money Hill, which they comment is positive from a community perspective. For this reason the Town Council maintains that members of the local community should be consulted as part of the Masterplan process.</p> <p>Suggested Revised Wording: Local Plan Policy H3 Point (viii) should be amended to include public consultation alongside consultation with stakeholders, including the Town Council.</p>		<p>Council Response: See Council’s response to Ashby de la Zouch Town Council’s comments on MM25.</p>

Sustainability Appraisal Report (Paragraph 3.6.5)

Respondent: Ashby de la Zouch Town Council		Representation Number: 24/15/SA
<p>Comments: The Masterplan is expected to mitigate the risk of increased congestion at peak times in Ashby. However there is no indication in Policy H3 that this will form part of the Masterplan process. Also many of the traffic implications will be in the wider area, e.g. town centre and main arterial routes around the town which fall outside the Money Hill site.</p> <p>Suggested Revised Wording: Local Plan Policy H3 should be amended so that mitigation measures related to increased congestion created by the development in the immediate vicinity and across Ashby are included in the Masterplan process.</p>		<p>Council Response: When considering whether to agree in writing to the comprehensive masterplan, the district council will consider, amongst other things, impacts of the proposed land use mix and locations of the different land uses within the site on the wider Ashby de la Zouch area. This will also be considered during consideration of any planning application for the site.</p> <p>It is therefore not considered necessary to require that mitigation measures related to increased congestion created by the development in the</p>

immediate vicinity and across Ashby are included in the Masterplan process.

Sustainability Appraisal Report (paragraph 4.2.1)

Respondent: Ashby de la Zouch Town Council	Representation Number: 24/16/SA
Comments: The proposal that a particular emphasis be given to monitoring of impacts in the Ashby de la Zouch area is welcomed.	Council Response: Noted

Sustainability Appraisal Report (Paragraph 3.6.4)

Respondent: Packington Nook Residents Association (PNRA)	Representation Number: 32/03/SA
Comments: Policy H3 Housing provision: new allocations We support the amended criteria H3a iii), v) and viii) as a means of integrating large scale new development within Ashby and acknowledge the case for securing a coordinated provision of infrastructure for both housing and employment land, most notably via the access off the A511. However, the increase in the number of dwellings allocated for Ashby de la Zouch from 1,750 to 2,050 is not supported by PNRA . The Sustainability Appraisal Supplementary Report says with regards to transport: The 2015 SA Report concluded the following -	Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector and/or at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.

“3.6.4 As a large proportion of development has already been committed, infrastructure will have been secured that minimise impacts on transport. For any further development, the Plan directs housing and employment towards the main settlements which will help to ensure that existing facilities and public transport links will be in close proximity. However, increased development in the main towns (as directed by the settlement hierarchy) is likely to lead to further travel by private car, which is the most prevalent form of travel in the District. In areas of greatest development such as Coalville and Ashby de la Zouch, this could lead to increased congestion at peak times. Plan policies encourage the development of sustainable modes of transport in new development, seek to ensure that infrastructure is upgraded as necessary, and also support the re-opening of the National Forest Rail Line. These measures will each help to minimise additional car traffic and promote sustainable modes of travel.

Overall a not significant positive effect is predicted. Whilst the Plan will encourage shorter trips, and more sustainable modes of travel, the influence of the policies is not considered to be high; given that the majority of development (and mitigation) has already been established, and the predominant mode of travel would remain the private car.”

3.6.5 This positive conclusion broadly holds true for ‘the submission plan plus proposed modifications’. The risk of ‘increased congestion at peak times’ in Ashby de la Zouch could feasibly be increased as a result of the proposed modifications, due to the proposal to increase the quantum of growth at Land north of Ashby de la Zouch; however, the proposal is also now to require preparation of a comprehensive masterplan, which should serve to mitigate effects.

The Main Modifications reduces the number of dwellings required in the District by 780. Despite this reduction it is still proposed to allocate an additional 300 dwellings in Ashby de la Zouch. PNRA does not support this additional allocation as it is not required to meet the HEDNA. While understanding that Money Hill may well eventually be developed fully, it seems inappropriate to show it all as allocated for housing up to 2031. One would normally expect a Plan to allocate only what could reasonably be expected to be delivered within the period that it covers.

PNRA supports the Ashby Town Council’s opinion that owing to constraints created by the River Mease and the scale of the planned development of the 2050 dwellings allocated at Money Hill, 675 will not be built until after 2031. Therefore these additional 300 dwellings are not required and will not affect development during the plan period so should not be included. Any increase

Sustainability Appraisal Report

above this level will be exploited by developers to build more dwellings in Ashby where greater sales and profit levels can be achieved compared to other parts of the District.

Furthermore, PNRA considers that any additional housing approvals should be dependent on the masterplan being prepared and the infrastructure modifications fully implemented so that congestion in the Ashby can be managed.

Suggested Revised Wording:

Remove the amended H3 figure of 2050 dwellings for Ashby de la Zouch.

Additional Modifications

Additional Modification AM21

Respondent: Environment Agency		Representation Number: 14/03/AM21
Comments: Support paragraph 3.1 text "as well events at Donington Park"" - does not read well , typing error.	Council Response: Agree. The Council proposes to make this change under Additional Modification AM1 as it ensures the correct use of punctuation, capital letters or tense or corrects typing errors, and does not materially affect the policies set out in the Local Plan.	
Suggested Revised Wording: amend text to read " as well as events at Donington Park"		

Additional Modification AM39

Respondent: Environment Agency		Representation Number: 14/04/AM39
Comments: Support: as it seeks to protect the integrity of the River Mease SAC	Council Response: Noted.	

Additional Modification AM40

Respondent: Environment Agency		Representation Number: 14/05/AM40
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Additional Modifications

<p>Comments: Support: as it seeks to protect the integrity of the River Mease SAC.</p>	<p>Council Response: Noted.</p>
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Additional Modification MM43

<p>Respondent: David Bigby Representation Number: 5/14/MM43</p>	
<p>Comments: The revised value for percentage of affordable housing built from April 2011 to October 2016 is now 18% compared with the previous 25% till October 2015. This is a worrying downward trend over the last year and is not properly explained by the preceding sentence, which states that a “significant” amount of affordable housing has been built or is committed, nor by the following paragraph - new 7.31 - which blames the recession and reduced availability of finance for the increasing shortfall. A valid explanation for this reduction in built affordable housing over the last year is needed.</p> <p>Suggested Revised Wording: New para 7.30 - change "a significant amount of affordable housing has already been built since 2011" to "a disappointing amount of affordable housing has been built since 2011" New para 7.31 - add after "primarily due to", "the government's wish to sustain developer profits at around a 20% return on capital and a failure to challenge developer viability assessments,"</p>	<p>Council Response: The issues raised in this representation are considered to have already been addressed by the Council in previous written evidence submitted to the Inspector (Background Paper 4 Policies H1, H2, H3 and H4 (BP/04), Background Paper 4 Update (EX/17); Affordable Housing trajectory as at 1 October 2016 (EX20); Viability Report June 2016 (LP/09); and Viability Assessment of Draft Local Plan (LP/10)) and at the Examination Hearing sessions. We are therefore content to rely on this previous evidence given and do not have any further comment to add at this stage.</p>

Additional Modifications

Additional Modification AM56

Respondent: Environment Agency		Representation Number: 14/06/AM56
Comments: Support: as it seeks to protect the integrity of the River Mease SAC.	Council Response: Noted.	

Additional Modification AM59

Respondent: Environment Agency		Representation Number: 14/07/AM59
Comments: Support: as it seeks to protect the integrity of the River Mease SAC.	Council Response: Noted.	

Additional Modification AM78

Respondent: Environment Agency		Representation Number: 14/08/AM78
Comments: Support: as it seeks to protect the integrity of the River Mease SAC.	Council Response: Noted.	

Additional Modifications

Additional Modification AM81

Respondent: Environment Agency		Representation Number: 14/09/AM81
Comments: Support: as it seeks to protect the integrity of the River Mease SAC.	Council Response: Noted.	

Additional Modification AM83

Respondent: Environment Agency		Representation Number: 14/10/AM83
Comments: Support: as it seeks to protect the integrity of the River Mease SAC.	Council Response: Noted.	

Additional Modification AM84 & AM85

Respondent: Packington Nook Residents Association (PNRA)		Representation Number: 32/01/AM84 & 85
Comments: We support the ideas behind changes to Policy En3(4) but since the Policy is broad brush within the very wide area of the National Forest, the impact is weakened in the area covered by Policy En3(5) because of inadequate definition in the Local Plans Main Policy Maps of the “Heart of the National Forest”; the area in which this Policy will be most needed and effective. The Plan needs such a map.	Council Response: It is the Council’s view that the ‘Heart of the National Forest’ has been sufficiently identified, as an area between three settlements, to allow suitable development to concentrate in that area and that defining a specific boundary could limit opportunities	

Additional Modifications

Insert a map, clearly defining the area relating to Policy En3 (4).

to link to the wider National Forest Area and also fails to provide sufficient flexibility.

Additional Modification AM85

Respondent: **The National Forest Company**

Representation Number: 67/01/AM85

Comments:

The National Forest Company supports this amendment which addresses the comments raised in the previous consultation.

Council Response:

Noted.

Additional Modification AM93

Respondent: **Environment Agency**

Representation Number: 14/11/AM93

Comments:

Support: the Policy is now clear that all sources of possible flooding have been addressed.

Council Response:

Noted.