

EXAMINATION OF NWLDC LOCAL PLAN

POSITION STATEMENT by ASHBY DE LA ZOUCH CIVIC SOCIETY
RESPONDENTS NO. 110 & 111

Response to Council's submissions and additional information of February 6th. IN08

- a. Following further consultation with Representors who have contributed suggested modifications, or otherwise offered to take part, proposed Main Modifications (MM) to the wording of Policy S1 (and others as appropriate) to establish clear criteria for review of the Plan and the submission of any review for examination within specified timescales in response to changed circumstances and in particular altered housing and employment development needs demonstrated by the new HEDNA.***

To be sound the housing and employment targets have to be based on up to date evidence. The council has changed these target many times during the development of the plan. As well as increases, reductions have been implemented following the removal of the regional plan in 2012 and more recently with the issuing of the JCS local housing need report at the end of 2016. Para 2.8 of the Leicester and Leicestershire joint statement on OAN jan 2017 states that there is no declared unmet need in the HMA and that any future adjustment is not likely before 2018.

The reduction in housing need and increase in employment allocation recommended in the HEDNA is up to date evidence that should not and cannot be ignored.

The claimed flexibility in increasing housing numbers is not necessary as will be discussed in other sections. The reduction in employment land and increase in housing is not justified with evidence.

S1 should be modified to use the HEDNA recommendations.

The policy suggests that the council will only work with the Leicestershire HMA to adjust housing distribution. The relationship with Derbyshire and Nottingham HMA is vital in providing housing provision to support vast employment growth in the Castle Donington area.

S1 should be modified to include other contiguous HMA's.

S1 should define the trigger date for the 5 year review of the plan which is required by planning guidance and recently ratified by the planning white paper.

Planning guidance recommends that local plans should have a life of 15 years when adopted. This plan will have only 14 years left to run if adopted in 2017. The plan therefore should have a major modification to extend the period to 2036.

If the inspector is minded not to recommend this then policy S1 must specify a plan review date to extend the plan to 2036.

b. Proposed MM to Policies S2 and S3 to provide flexibility for proposals for the sustainable redevelopment of suitable brownfield or other sites situated outside defined settlement limits.

We support the Major Modification.

However , we propose that policy S3 para 2a be modified such that decisions are informed By the Leicester,Leicestershire and Rutland Historic Landscape Study, National Character Areas , **Settlement Fringe Assessment Reports 2010** and any subsequent pieces of evidence.....

c. Proposed MM to include a policy encouraging sustainable transport with respect to climate change.

The council's position that no fundamental change to policy is not accepted. There needs to be a high level policy to encourage sustainable transport at a strategic level. If policy IF4 is the main document to encourage sustainable transport, then it is inadequate.

The policy should include:

- **Housing and employment sites should be co-located in order to minimise travel to work.**
- **Bus services should be enhanced between major sites of employment and residences.**
- **Bus services should be enhance between residences and town centres**
- **Employment sites should be distributed around the district to minimise resident employment travel.**
- **Penetrative road linkages into major housing allocations should be made from key highways to the sites to avoid congestion on the local road network.**
- **Contributions from developers should be directed to local network improvements not trunk and highway improvement which should be funded by the highways authority.**

d. Proposed MM to Policy Ec2 (and others as appropriate) to introduce flexibility for proposals for sustainable housing or employment or other development within the M42 corridor.

We support the allocation of 16 hectares of land for employment on the Money hill site with the following provisos:

That the total Money Hill allocation is contained in one plot located adjacent to the existing employment facilities. (I.e. behind the UB warehouse)

The Money hill allocation should be restricted to class B1 and B2 to suit the town's requirements.

The employment allocation should be increased to conform to the HEDNA recommendations.

The balance of employment allocation should be distributed around the district to minimised travel to work. (It is suggested that an allocation to Measham would give opportunities to the south of the district and replace the potential job losses associated with the HS2 blighting of the Redbank brickworks. A further allocation to Coalville town would help regenerate dilapidated former developed land.)

Para 2 is not supported. (The appropriate amount of land should be allocated and not respond to additional developer proposals which may lead to unsustainable development). Flexibility requested by the inspector should come from adequately allocated sites with possible reserved sites located close to the A42, M1 and A50.

e. Explanatory background as to why only an affordable housing threshold of 15 or more units was tested in the viability assessment for the main settlements and not 11 or more as for the smaller settlements (Policy H4)

Policy H4 should be in line with latest ruling from the court of appeal of May 2016. The affordable housing SPD of 18/1/2012. Para 8.3.2 clearly states that a threshold of 10 or more would not effect the viability of sites.

Threshold for affordable housing should be 11 or more for all sites

f. Consideration of how a MM might be made to Policy H4 to enable the affordable housing thresholds or percentages to be adjusted for brownfield sites in preference to individual viability assessment and negotiation.

The February 2017 housing white paper para 4.17 states that a minimum of 10% affordable housing must be achieved on sites.

The 2017 housing white paper in para's 4.18 thru 4.20 recommends how affordable and starter homes could be funded and viably built on previously developed.

Therefore the proposed 5% minimum proposed in most settlements is unsound.

Minimum affordable housing contribution on sites should be 10%

Since June 2013 the council has adopted a policy of relaxing the affordable housing contribution of houses in Coalville due to claimed viability issues. Consequently the target of 20% affordable housing has not been achieved in sites in Coalville since the policy was introduced.

The policy states:

WHERE THE COUNCIL IS SATISFIED THAT A MAJOR RESIDENTIAL DEVELOPMENT PROPOSAL IN OR AROUND THE COALVILLE AREA IS PROVEN TO BE UNVIABLE AS A RESULT OF REQUIRED DEVELOPER FINANCIAL CONTRIBUTIONS (E.G. OFF SITE HIGHWAY WORKS; EDUCATION PROVISION AND AFFORDABLE HOUSING REQUIREMENTS), THE COUNCIL WILL CONSIDER RELAXING ITS NORMAL AFFORDABLE HOUSING REQUIREMENTS PROPORTIONATELY SO AS TO:

- A) GIVE HIGHWAY INFRASTRUCTURE INVESTMENT THE HIGHEST PRIORITY FOR FUNDING*
- B) ENSURE ALL OTHER ESSENTIAL INFRASTRUCTURE IS PROVIDED*
- C) CONTINUE TO CONTRIBUTE TO AFFORDABLE HOUSING PROVISION AS FAR AS POSSIBLE WHILST ENSURING THAT THE DEVELOPMENT SCHEME IS VIABLE.*

FOR DEVELOPMENT PROPOSALS WHERE THE COUNCIL ACCEPTS NO AFFORDABLE HOUSING OR A LOWER PROPORTION OF AFFORDABLE HOUSING CONTRIBUTION (BOTH ON SITE PROVISION AND/OR A FINANCIAL CONTRIBUTION IN LIEU OF PROVISION) THE COUNCIL WILL REDUCE THE TIME PERIOD FOR ANY PLANNING PERMISSION TO BE COMMENCED TO 2 YEARS AND SHALL INCLUDE IN THE SECTION 106 AGREEMENT PROVISION TO ENABLE THE COUNCIL TO PERIODICALLY REVISIT THE AFFORDABLE HOUSING CONTRIBUTION IF THE ECONOMIC FACTORS DETERMINING THE LEVEL OF AFFORDABLE HOUSING IMPROVES BEFORE THE DEVELOPMENT IS COMMENCED.

Policy H4 should be amended to reflect the current realistic affordable housing contribution around Coalville or the above policy should be rescinded.

The recommended 15% affordable housing for Ashby is lower than what has been consistently achieved on brown field housing developments and below the 30% promised on the Arla Dairy site. Lowering the minimum to 15% will reduce future affordable housing achievements on this site and future PD sites.

g. Proposed MM to require a comprehensive master plan (or development framework) for the strategic mixed allocation at Money Hill, Ashby de la Zouch.

The increase in housing allocation from 1750 to 2050 is not supported by sound evidence and should be reduced in line with HEDNA Requirements. (see housing implication from HEDNA for details.)

(i) the phrase "very limited vehicular access" requires a specific number or range.
(this vehicular restriction is a vital part of control of access to the site due to the critical nature of traffic flow along Nottingham road)

(iv) agreed provision of public car parking should be added.
(the provision of public car parking is vital to the sustainability of the site development)

(viii) the key issue of the development of the Money hill site is the traffic impact on the existing road network. Therefore the masterplan must define the principal access routes and sustainable transport links.

The Masterplan must be approved before any further planning applications are approved. The plan should also be agreed by the Town Council and the masterplan inserted into Neighbourhood plan.

p. Consideration of potential loss of employment sites to HS2.

HS2 crosses over the claypit and part of the buildings at Redbank brick works at Measham. This is a major employer in Measham and the impact of this blighting must be understood as it has an impact on employment in Measham and allocation of future employment land.

Consideration should be given to the Redbank Brick Works at Measham which is also blighted by HS2.

Evidence given at the enquiry by Ashby Civic Society and the marketing agent for the Lounge site confirmed that the development would not come forward before 2031 if at all. The emails provided by the council dated December were superseded by the marketing evidence presented in January. The site will be landlocked by the HS2 route and ingress cannot be achieved without purchase of additional land. The timetable for the buildout of HS2 means that no industrial development of the site could be achieved before 2031.

The Lounge site should be removed from the plan projection.

q. Confirmation of affordable housing contribution in the Arla site permission.

The recommended 15% affordable housing on previously developed land in policy H4 for Ashby is lower than what has been consistently achieved on brown field housing developments and below the 30% promised on the Arla Dairy site. Lowering the minimum to 15% will reduce future affordable housing achievements on this site and future PD sites. It is unrealistic to expect the developer to sign a S106 agreement as stated for higher contribution than the council 's stated policy.

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Response to Council's submissions of Implication for Local Plan arising from the publication of the HEDNA on HOUSING LAND REQUIREMENT document EX69

Para 6.3 of the exec summary HEDNA states

" ... That at the HMA level there is not a need to adjust upwards the level of housing provision to support economic growth."

Para 6.4 of exec summary HEDNA states

"..... Economic growth in Melton and NWL can be expected to support a higher level of housing need.... "

Para 8.3 states

" for the period to 2031 the economic adjustment is 56dpa in NWL

Para 7.9 of HEDNA exec summary states

" a 10% adjustment is justified in Leicester, Hinckley & Bosworth and NWL on the basis that while there is a clear case for adjustment to improve affordable housing delivery, the market signals evidence presents these areas as being the more affordable parts of the HMA." This is an uplift of 20dpa in NWL.

It can clearly seen from the HEDNA evidence that NWL housing allocation has had the highest upward adjustments in housing numbers in the HMA to support employment and affordable housing. This represents a 19% uplift of the OAN and therefore includes a considerable amount of potential over provision.

Para 5.3 of HEDNA states

"clearly it would be illogical for an area to increase population growth above the levels shown in the trend demographic projections (and hence increase housing need) through increased in migration without considering the impact this would have on other locations (where an out migration might be expected).

NWL local plan proposal ignores all the above advice from HEDNA and is therefore unsound.

NWLDC have approved over 12500 houses since 2011.

Additionally there are a further 900 homes with planning applications validated and undetermined.

Windfall sites are not in the plan. They have over a long period produced an average of 47dpa. And in the last 5 years 70dpa. We would suggest therefore that windfalls are likely to add a further 1000 houses to the supply.

NWLDC have therefore provision for over 14500 houses.

The housing trajectory to 2031 provides 10592 houses versus a HEDNA requirement of 9620. An over provision of 972 dwellings.

HEDNA requires 1580 homes between 2031 to 2036. The trajectory shows a delivery of 2505 . A further over provision of 925 dwellings.

There is therefore within the proposed plan to 2036 an over provision of 1897 houses or 120% of the OAN

As was discussed at the examination in January Ashby Civic Society and Ashby Town Council are concerned over the unsustainable allocation of excessive provision at Moneyhill and the skewed housing numbers towards Ashby.

We therefore propose that the allocation to Moneyhill of 2050 homes is reduced to the 828 already approved. This reduces the over provision from 1897 to 675. This would reduce the 2031 trajectory to 10,045 which is still an over provision of the OAN of 425 homes or 4.4%

Despite the reduction of affordable housing in HEDNA of 199 dpa from 212 in the last Shma the projected achievement by the plan is only 92dpa.

Despite this projected underachievement the council proposes no modification to policy H4.

The council's current policy is to trade off affordable housing provision against transport S106 contributions. The impact of this policy is to reduce affordable housing by 900 over the period.

The Council also to seek to reduce affordable housing contribution on previously developed land..

These policies should be rescinded in light of the poor affordable housing performance and thereby increase affordable housing provision by 50%

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In order to assess the potential losses of employment land to other purposes it is important to consider the SHLAA produced in 2016.

Examination shows the following employment land proposed for housing development suggesting that potentially employment will cease on this land.

AP10.	Jubilee Business Park	2.02 ha
	Holywell Mill.	0.5 ha
A17.	Land of Dents Road.	5.6 ha
C35.	Owen Street Ind Es.	4.06ha
C37.	Scotland's ind est.	2.00ha
C62.	Workspace 17.	0.6ha
C69.	Office waterworks Rd.	0.29 ha
K2.	Computer centre.	3.16 ha
K10.	Slack & Parr.	6.03 ha
M6.	Measham Brick Works.	34.77 ha
C38.	Church lane Ind est.	0.79ha
Wd1.	Mount pleasant works.	5.75ha

Total. **65.57 ha**

We consider that these losses are likely to occur and some of these sites have approved planning permission. The largest loss is Measham Brick Works which is blighted by HS2 which is likely to trigger the closure.

The submitted plan suggested losses of 45 ha and in the latest report it is suggested that this could be reduced to as little as 19 ha. This is based on past performance. The above table is from data collected late in 2016 and looks forward and therefore carries more weight

If we consider B1, B2, and small B8 HEDNA suggests that 66 ha is required
The council now propose.

Planning permission.	29.86 ha
Allocations	16 ha
Starts.	6.81 ha
Total.	52.67 ha

This is approximately 13 ha short of the HEDNA target and does not take into account potential B1, B2, small B8 losses of 65ha.

It is therefore concluded that small site employment provision needs allocations of 78 ha. These allocations should be spread around the district to encourage sustainable travel and be located if possible where losses occur to aid continuity of employment.

As to large B8 requirements , it is suggested that

The lounge site is disregarded and the 25 ha loss is replaced with new allocations for large B8 located close to the A42, M1 and A511 and preferably near Measham to replace the brick work employment.

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Response to Council's submissions RIVER MEASE SPECIAL AREA OF CONSERVATION ISSUES PERTAINING TO DCS1 and DCS2. EX77

We welcome the report submitted by the council

Para 2.13. Is incorrect. There has been no improvements in water quality since DCS1 in fact there has been a deterioration. The improvements in quality were achieved between 2008 and 2012 due to improved processes at the STW at Packington.

We welcome and agree with the statement that DCS2 could not identify sufficient measures to provide capacity for all the planned development.

Table 1 and table 2 do not provide the full information on properties approved under DCS1 and DCS2 which was requested by the inspector. We cannot therefore check what level of permissions has been approved in detail.

It is interesting to note that no industrial sites are included in the data. Industrial sites do require DCS approval and we are not assured that these sites have been taken into account.

We draw the inspectors attention to the DTA briefing of 3rd October 2012 paras 2.1 to 2.7 where it is accepted that the incorrect phosphate levels were used and particularly para 2.7 which states that the value which should have been used was only 27.5% of the figure used in the DCS calculation. In subsequent paras the argument is made that use of this reduced figure had a detrimental impact on the developer contribution. However it fails to consider the technical impact on the phosphate removal. I.e the phosphate removal performance is only 27.5% also.

This supports the evidence presented in my submission EX62.

We concluded that there is no evidence presented in their report which invalidates the conclusions of my EX62 submission.

We must therefore move on to determine the impact

DCS1 can only deliver 27.5% of the quoted mitigation. Therefore the number of houses authorised under DCS 1 is only 27,5% of the 2400. This is 660 homes.

Assuming DCS2 is correct and achievable then it authorises 1826 dwelling.

Therefore the total number of houses authorised by both DCS1 and DCS2 is 2486 houses.

In the report the council has authorised 2400 houses in DCS1 and 1269 in DCS2 totalling 3669

They have therefore approved 1183 houses which cannot be authorised under the present DCS schemes.

