

NORTH WEST LEICESTERSHIRE LOCAL PLAN EXAMINATION  
MATTERS FOR DISCUSSION

REPRESENTOR 11:

DAVID OWEN (on behalf of Cliftonthorpe Management Company)

POSITION STATEMENT TO MATTER 1:

Legal Compliance and Future Plan Review

1a. Is the Plan legally compliant with respect to :

- i. no comment
- iii. no comment
- iv. no comment

1b. no comment

1c. no comment.

Context:

Cliftonthorpe is a development of 8 apartments in a converted "gentleman's residence" dated 1874, with 8 freehold houses in the grounds. It benefits from pleasant communal gardens, driveways and car parks and is relatively well-served with mature trees both within and outside its boundaries.

Cliftonthorpe is bounded on the west by land designated in the local plan for employment use, and on the north and east by the immediately adjacent Ivanhoe Equestrian Centre. A well-designed and landscaped area around a balancing lake to the south provides a break between Cliftonthorpe and the recently completed Ivanhoe Fields housing development.

1a)ii, v., and vi – The National Planning Policy 2012 states:

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made."  
(Paragraph 155)

This policy requires the council to produce a statement of community involvement. North West Leicestershire's Statement of Community Involvement 2015 contains the following:

6.2 There are three main stages of DPD production where some form of consultation or engagement is required by the Regulations. These are summarised below. Preparation of a Local Plan (Regulation 18): At this stage in the process we must consult and invite representations from:

- 'specific' consultation bodies (identified in the Regulations);
- 'general' consultation bodies (identified by the Local Authority), and
- Residents or businesses within the area, who we consider appropriate.

Representation will be sought on what a Local Plan ought to contain. Apart from these requirements there is flexibility open to us as to how we carry out the initial stages of plan production. Plan preparation can be an informal and ongoing process and involvement will be possible up to the publication of the Local Plan. However there will be at least one 'formal consultation' period during the Local Plan Preparation stage, normally with a 6-12 week consultation period.

Further to the above:

Plan Preparation (Regulation 18)

7.4 Notify and invite comments from the specific and general consultation bodies as well as residents or other persons with an interest in the district. To meet these requirements the specific and general bodies along with residents and business will be informed, by letter or email during this stage of plan preparation.

The formal consultation stage on the draft Local Plan took place between 29 September and 30 November 2016.

Residents from Cliftonthorpe responded to the employment land proposal, among other issues, during the consultation.

Consultation responses were reviewed by officers and published in tabular form on the Council's website.

Table C – Housing, and under Policy H3 Housing provision – new allocations, question 12 asks:

Do you agree with our proposed housing allocations? If not what change would you suggest? - Please provide further comments;

Page 101 of that document contains a response from Pegasus Group on behalf of Miller Homes:

The allocation of 1,750 dwellings on land north of Ashby de la Zouch at policy H3a is supported, subject to the boundary being amended to include the Ivanhoe Equestrian site, as set out below.

The NWL response was:

In principle it is acknowledged that the inclusion of Ivanhoe Equestrian Centre into the wider Money Hill allocation would be appropriate;

and its proposed action was:

Amend the site area of H3a to include additional land at the Ivanhoe Equestrian Centre.

The proposed action was then presented to the meeting of the Local Plan Advisory Committee of 9 March 2016:

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 9 MARCH 2016

6.7 A representation from Miller Homes has suggested that additional land currently occupied as part of the Ivanhoe Equestrian Centre be included as part of the allocation (Appendix A). This area was excluded from the draft Local Plan as it was not part of the area being promoted by the Money Hill consortium. Further information has been sought from Miller Homes who have confirmed that the land in question is under an option and that they are in discussion with the Money Hill consortium to integrate it in to the wider development.

I can find no subsequent mention of that particular proposal in the minutes, so must assume that it was approved at the meeting of that Committee on 18 April.

It is disconcerting to discover that no question was raised by members of the Local Plan Advisory Committee about the proposal and its blatant ignoring of any notion of consultation with .... “residents or other persons with an interest in the district”; OR “Early and meaningful engagement and collaboration.

The publication stage document at Paragraph 7.15 reads as follows:

We have considered a range of potential locations and sites to make this provision and have concluded that the most appropriate allocation would be 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 A 22 (Former Arla dairy, Smisby Road). They adjoin each other and are proposed as a single allocation.;

There is no apparent mention of the late addition, without consultation, of the land at Ivanhoe Equestrian Centre;

and Background Paper 4, in paragraph 6.11 states:

6.11 Allocation of the Money Hill site together with former Arla Dairy site would provide about 1,750 dwellings. This is more than the identified shortfall (800 dwellings). However, a development of 1,750 dwellings would support the provision of additional infrastructure that a development of 800 dwellings could not, including new primary school, which can help relieve pressure elsewhere in the town. Furthermore, access to the development from the A511 Ashby Bypass requires the provision of a significant access road which would not be likely to be supported by only 800 dwellings. We estimate that of the 1,750 dwellings only 1,500 will be delivered by 2031 but even then it will help to provide a buffer to ensure that sufficient new homes are delivered across the plan period throughout the district.

The total number of dwellings is quoted as 1750, consistent with previous information.

Officers and Councillors at this point seem to have ignored the need for consultation.

The late addition is, no doubt, expedient, but has deprived a community of people whose properties would, if the plan is approved, be more closely surrounded by housing and employment development than they had understood all the way through the draft plan and consultation.

What is then more alarming is that Miller Homes has also made a representation (number 71) to the examination, revealing that the land at Ivanhoe Equestrian Centre would add a further 300 houses at standard densities, putting the total for the Money Hill development to 2050 homes.

My representation therefore is that, by depriving Cliftonthorpe residents of an opportunity to be consulted on the late addition of land at Ivanhoe Equestrian Centre, officers and councillors of North West Leicestershire District Council have not complied with the legal guidance steering the local plan; that they have not followed National Planning Policy or even their own Statement of Consultation.

Expediency does not overrule the duty to consult.

I would like to see this additional land withdrawn from the housing land allocation until a formal and compliant consultation has taken place.

David Owen

Director, Cliftonthorpe Management Company

7 December 2016

