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Statement

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# North West Leicestershire Local Plan Examination

Position Statement on behalf of  
Jelson Limited

Matter 8 – Countryside and Open  
Space

December 2016



## Matter 8 – Countryside and Open Space

### Introduction

Jelson's submissions are concerned with Matters 8a and 8b which relate to Policy En5. More specifically, Jelson objects to the designation of an Area of Separation between Stevenson Way (A511) Hermitage Road and Hall Lane which, for the reasons set out below, is unsound.

Jelson notes that this Matter is being dealt with under a topic headed "Countryside and Open Space." For the avoidance of doubt, the land between Stevenson Way, Hermitage Road and Hall Lane is not open countryside and nor does it have any connection with the open countryside. It is a pocket of open land that lies fully within the Coalville urban area. It is surrounded on all sides by development.

### Is Policy En5 Consistent with National Policy

The NPPF contains two types of policy to which regard must be had when seeking to answer this question: those contained in paragraphs 17-149 which cover the various social, economic and environmental themes and associated requirements that must be addressed when decisions are taken and policies / proposals are prepared; and those contained within paragraphs 14, 15 and 150-182 which describe how Local Plans should be prepared and tested.

Insofar as the former are concerned, it is instructive to note that there is not a single reference to Areas of Separation in the NPPF. Moreover, there are only three very brief passages in the whole of the document that might be said to lend support to such designations. These are:

- a) paragraph 17 (Bullet 5) which states that planning should take account of the different roles and character of areas;
- b) paragraph 144 (Bullet 1) which states that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- c) paragraph 157 (Bullet 7) which states that crucially, Local Plans should identify land where development would be inappropriate because of its environmental or historic significance.

However, the link between these provisions and policies such as En5 is tenuous and, critically, for every passage in the NPPF that hints at policies like this being an appropriate planning tool,

there are numerous others that indicate that land of low environmental value in highly sustainable locations, which this is, should be released for development. Designed in the right way, development in this location could deliver substantial social, environmental and economic gains. Moreover, it can do so without harming settlement identity (we return to these matters below). Accordingly, En5 is at odds with national policy insofar as it fails to acknowledge and/or respond to the need to facilitate sustainable growth.

Insofar as the latter are concerned, En5 is in conflict with national policy because:

- a) it effectively imposes a blanket ban on development without acknowledging (or being part of a suite of policies that acknowledge) the circumstances in which some form of development might be appropriate. As a consequence, it takes away necessary flexibility;
- b) it has not been positively prepared insofar as it prohibits development required to meet the needs of the District;
- c) is it not the most appropriate strategy when considered against appropriate alternatives, based on proportionate evidence (see below);
- d) it is not effective – it is a relevant policy for the supply of housing and will be rendered out of date as soon as the Council fails to demonstrate that it has an NPPF compliant supply of deliverable housing sites. Moreover, for the reasons set out below, the Policy will not stand up to scrutiny at appeal as currently promoted. The Policy would be more robust if the designation were modified to take in only the land that absolutely must be kept open, this land being identified on the basis of a proper, robust assessment of settlement identity and the physical characteristics of the site; and
- e) it prohibits the delivery of sustainable development and so is not consistent with national policy.

Accordingly, En5 is not sound.

### **Does Policy En5 Make Appropriate Provision for Areas of Separation Between Coalville and Whitwick**

The Council has been considering how to deal with this land in policy terms since 2008 when it conducted a review of the Green Wedge and concluded that this particular designation could no longer be justified. In the 5 or so years that followed, it published four documents which indicated that the land between Stevenson Way and Hall Lane could accommodate sustainable development. These are:

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- a) a Regeneration Strategy for Coalville, prepared by the Princes Foundation for the Built Environment in 2010;
  - b) a Settlement Fringe Assessment, prepared by TEP, also in 2010;
  - c) the Council's 2013 Broad Locations for Growth Background Paper, prepared in connection with the Core Strategy withdrawn in October 2013; and
  - d) the Council's 2013 Sustainability Appraisal, also prepared in connection with the Core Strategy.

Far from providing evidence that supports Policy En5, these documents combined to make a compelling case for a different approach involving the release of land for development. They:

- a) indicate broadly where Coalville and Whitwick lie and where separation should be maintained (in the northern half of the Area of Separation, between Hall Lane and Hermitage Road);
- b) confirm that, overall, this Fringe has the greatest ability of any in Coalville to accommodate development without giving rise to adverse impacts in terms of landscape quality, visual quality (including settlement setting) and the scope for mitigation; and
- c) this land constitutes the most sustainable location for development in the Coalville urban area, outperforming the land that the Council chose to pursue as its main SUE at Grange Road (South East Coalville).

However, the Council has ignored this evidence and, instead, has continued to pursue a policy that enables it to resist housing development because, politically, this is easier than saying to certain local people that the land, or parts of it, should be released for development.

The Council claims that En5 is designed to preserve settlement identity but, in addition to ignoring the evidence which indicates that development could be accommodated without it impacting adversely in this regard, it has completely failed to present any fresh analysis or assessment which supports its assertions. It has done nothing on settlement structure or character, it has made only a token attempt to identify where the settlements join (an attempt not supported by any analysis or evidence, other than a reference to a map of Parish boundaries) and has given no consideration to where separation actually needs to be maintained. It has also given no consideration during the preparation of this Plan to the

alternatives that are available and whether the alternatives might lead to more sustainable and beneficial outcomes.

The reality is that Coalville and Whitwick joined (along Hermitage Road and Hall Lane) many years ago and it is difficult, when travelling between the two, to determine where one ends and the other begins. Outside the town and village centres, the settlements have no distinct feel, character or identity. The only point at which one gets anything approaching a sense of transition is part way along Hall Lane (to the immediate north of our Client's appeal site) where there is a substantial gap in the housing on the western side of the road. It is true that, within the proposed Area of Separation, one gets a feeling of being in an open area surrounded by development but not one of being between distinct settlements. It is probably for these various reasons why the Prince's Foundation concluded that it is the northern corner of the land (where it comes closest to the centre of Whitwick) that needs to be kept open (see Prince's Foundation Structure Plan).

Whatever conclusion is reached on the matter of settlement identity, we submit that it is not necessary to keep the entirety of this land free from development to maintain an appropriate degree of separation. The land between Stephenson Way, Hermitage Road and Hall Lane can accommodate development without harming the character and identity of Coalville and Whitwick. Moreover, planned properly, it can accommodate development that will maintain an appropriate degree of separation whilst delivering significant benefits to the environment, the economy, and local people. These include:

- a) much needed housing, delivered in a location that is highly sustainable, within the urban area and close to a wide range of services, facilities and businesses. Critically, this includes policy compliant levels of affordable housing which other major developments in the District are not delivering, thereby widening the affordability gap and forcing hundreds of households into inappropriate accommodation;
- b) major enhancements in terms of the landscape and biodiversity through structural landscaping, national forest planting and habitat creation (the land is completely unremarkable in these respects currently);
- c) significantly enhancing public access to and the use of the land, by improving pedestrian links and creating extensive areas for recreational use;
- d) significant job creation;
- e) increased trade for local businesses and support for local facilities; and
- f) the generation of substantial amounts of new homes bonus.

All of this has been ignored or overlooked by the Council.

Because the Council has failed to properly assess the alternatives available to it, because the Policy has no in-built flexibility, and because it impacts adversely on the ability of the Council to deliver sustainable development, En5 has not been positively prepared, is not justified and is not effective. Accordingly it is not sound and should be deleted from the Plan.

In its place, the Inspector should recommend the making of a housing allocation in respect of my Clients land off Hall Lane (see Plan attached).

**GVA**