

Persimmon Homes makes the following additional statements in response to the Inspector's Matters

a iii) Is the Plan legally compliant with respect to the Sustainability Appraisal?

1. The Council's Plan is not legally compliant in respect of the Sustainability Appraisal (SA). Within the SA it has not set out any assessment of any reasonable alternatives to the extent of the area defined on the proposals map as the Area of Separation at Coalville under Policy EN5. This is contrary to the approach required for preparing the Plan, and its accompanying SA.

Context

2. To meet the requirements of SA in preparing its policies, the Council must consider alternatives to its preferred approach. These alternatives should be reasonable and sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. They should also be realistic and deliverable¹. Furthermore, the alternatives must be assessed to the same level as the preferred approach.
3. The context for this is principally found within *Heard v Broadland District Council, South Norfolk District Council, Norwich City Council Judgement* that identifies a number of key procedural issues that should be followed. These are, in principle:
 - Alternatives should be appraised to the same level as the preferred option;
 - The final SA must outline the reasons why the various alternatives previously canvassed are still not as good as the proposals now being put forward in the plan; and
 - The SA must give reasons, or summarise / repeat the reasons that were previously given, for rejecting any reasonable alternatives, and that those reasons are still valid.
4. In respect of the Area of Separation (AoS) Policy EN5 and its geographical extents, none of the above is present in the latest SA Report.
5. To rectify this omission, the Council is required to undertake further SA work to justify its preferred approach in the extent over which the AoS is designated. This further work cannot be undertaken to justify its current preferred approach, and must be undertaken with an open mind and subject to public consultation.
6. This approach is permissible as set out in the *Cogent Land Judgement*.

Failing of the current Plan

7. Policy EN5 is a local policy. It is not a national policy contained within the NPPF. As such its gestation as a land use policy is founded within the preparation of the local Plan, and must be tested as such.

¹ *Planning Practice Guidance: Paragraph 018*

8. As a policy within the Local Plan, and pertinently one that has a geographical/spatial dimension to it that has implications for the environment particularly, it must be subject to SA.
9. On the basis that it must be subject to SA, it is necessary to consider reasonable alternatives to its preferred approach, i.e. the extent of the designation.
10. Unfortunately, the preferred approach of Policy EN5 is to retain the same geographic extent to that of the previous Green Wedge policy in respect of the southern AoS, without assessment in the SA of whether the entire extent of this area fulfils the intention of the policy or not.
11. It has also not been tested within the SA as to whether there are alternatives to the geographic extent of the AoS as proposed, which evidence demonstrates (as set out below) exist.
12. As a result of the above, the SA Report contains no assessment of Policy EN5, its implications for the environment, nor alternative approaches to the implementation of the policy. This is a failing of the Plan and its SA processes.

Is it necessary to test reasonable alternatives to geographical extent of Policy EN5?

13. While it appreciated that it is not the role of the SA to appraise the detail of the wording of each policy, policies such as EN5 that have a geographical scope in respect of land use, and as such have a direct effect on the environment in terms of the area it covers, and the associated implications for displacing potential development to other areas in the District..
14. The extent of the policy area and reasonable alternatives to its extent is therefore required to be subject to SA.

Are there any reasonable alternatives to the geographical extent identified in the Council's preferred approach?

15. The Council designates the AoS under Policy EN5 and defines the extent of this on its Inset Map 10 as broadly two locations north and south of Stephenson Way.
16. The reason for the geographical extents of the two locations is explained in the Background Paper 12, which itself refers to two other earlier Green Wedge Background Papers in 2008 and 2012. The chronology presented is, however, selective in its reporting and seeks to justify the current approach of simply replacing the entire Green Wedge Area for the Central and Southern parcels as Areas of Separation. This is set out in paragraphs 6.13 to 6.19 and summarised below.
 - In November 2008 the Council chose to delete the original Green Wedge Policy and take forward an approach ***“to identify the western part of the Green Wedge as countryside and to consider the different development options [RPS emphasis] in Coalville that could meet the housing requirements whilst bearing in mind the role the Green Wedge played in preventing the merging of settlements and the***

support from local communities for its retention” (paragraph 6.13 refers). Development options that included the Green Wedge/AoS were therefore considered in the evolution of the Plan as early as 2008.

- In 2008 the Council undertook a consultation where in order to meet the housing requirements it was likely that two sustainable urban extensions would be required. One of these potential locations was on the Western part of the Green Wedge (paragraph 6.14 refers). In this context, the Green Wedge area had the potential alternative of being reduced in extent to facilitate development and development options were being considered.
 - In 2011 the Council proposed a lower housing requirement which removed the need for development on the Green Wedge north of Stephenson Way on the basis that land to the south east of Coalville could accommodate the need (paragraph 6.15 12 refers). A comparison of this option / decision is necessary in the SA.
 - Then in 2012 the Council set out that the locations previously identified as Green Wedge areas should be retained in their entirety as Areas of Separation (paragraph 6.16 12 refers). The SA should set out clearly the reason for this preferred choice compared with alternatives.
 - In 2013 the Council withdrew its Core Strategy in light of the then Inspector’s findings, with a view to resubmitting it again taking account of the Inspector’s findings at that time (paragraph 6.19 refers). While the Plan was withdrawn, the current Submission Plan is a resubmission and not a new Local Plan, thus the above chronology is still relevant for the purposes of the SA for the Plan at examination currently.
17. While the above chronology contained within Background Paper 12, and summarised above, provides some commentary on the evolution from Green Wedge to AoS, it carefully omits key documentation² that acknowledges that not all of the area identified as Green Wedge performs the function of AoS, and does not meet the requirements of the AoS.
18. It also fails to represent further aspects of the chronological narrative provided in the 2012 Green Wedge Background Paper that explains further how options have been considered within the Green Wedge/Area of Separation. This is set out below.
19. Paragraphs 4.1 to 4.5 of the 2012 Green Wedge Background Paper outline a process by where the Council considered the evolution of Green Wedge Policy to AoS through its Cabinet Meetings. This involved a range of options and alternatives, none of which have been assessed / documented in the latest SA, as is required.
20. The 2012 Green Wedge Paper, and the Cabinet Reports referred to within it highlight the following:

² North West Leicestershire Settlement Fringe Assessment (2010)

- In 2008 a series of seven options were considered for the Green Wedge which included options to identify some, or all of the locations for development, or as Areas of Separation or Strategic Gaps (paragraph 3.14 of the 2012 Green Wedge Background Paper refers).

Therefore clear options and alternatives for the extent of the area to be identified as Green Wedge/AoS were clearly being considered for development exist back as early as 2008. None of this is assessed within the current SA.

- The October 2009 Cabinet Report sets out that

“the existing Green Wedge has the potential to provide good access to the town centre and employment sites. Therefore re-allocation for housing (at least in part) may have benefits for sustainability and a more compact urban form” (paragraph 3.4 refers).

The report sets out further than ***“Whether the Green Wedge should be identified for development will depend to a large extent upon what the Development Strategy is to be and how the issue of Strategic Sites should be addressed”*** (paragraph 3.5 refers)

It is clear therefore that further alternatives and options to the retention of the entire area as a Green Wedge/Area of Separation designation were still being considered in 2009. None of this is assessed within the current SA.

- The August 2010 Cabinet Report sets out that:

“In terms of whether the Green Wedge is required for development, it will be necessary to consider what the most suitable location for new development is within the Coalville area and what the likely build rate within any individual location is likely to be. However, in view of the Green Wedge’s close proximity to the centre of Coalville, with all its services and facilities , it is clearly a sustainable location and hence some of the Green Wedge is likely to be required” (paragraph 6.3 refers)

This acknowledges that even in 2010 then the Council was still considering options of setting out that the Green Wedge is ***likely to be required*** and that it represented a ***sustainable location, thus reasonable alternatives existed to the designation of the entire area.*** No assessment is contained within the current SA of this.

- The March 2011 Cabinet Report sets out that the ***“re-designation of the Green Wedge to an Area of Separation or Strategic Gap, represents a valid policy option”***. This was confirmed in the 2011 October Cabinet Report where the Council sought to re-designate the area as an AoS.

21. The above narrative presents an evolution of the Green Wedge policy through to the Area of Separation Policy that is currently in the Plan under Policy EN5. This clearly sets out that a range of options and alternatives have been considered

that have evolved to inform the current Policy EN5, and its extents, where parts of the Green Wedge/Area of Separation have been considered appropriate for development as ***realistic sustainable alternative locations***.

22. Furthermore, what is omitted from all of the above, however, is the Council's Settlement Fringe Assessment in 2010. This was commissioned to review the development potential of parcels of land around Coalville, including an assessment of the development potential of the Area of Separation identified in EN5. This concluded that there were areas that did not perform the function of separation. No reference to this assessment, or conclusions, is considered within the Council's SA, despite the study outlining and assessing the potential of parcels of land as reasonable alternatives within the AoS.
23. This evolution of Policy EN5 and the consideration of options are all omitted from the latest SA Report, and no detailed assessment has been reported in respect of the findings of the 2010 Settlement Fringe Assessment. All of this iterative option assessment has been dismissed and not assessed, and yet it is a critical component (and requirement) of the SA process.
24. Therefore while the Council has reported in its own evidence base a series of reasonable alternative for the purposes of plan making for Policy EN5, including detailed evidence in the Settlement Fringe Assessment, none of it is reported or appraised within the latest SA process.
25. This is a fundamental failing of the plan making process, and SA.

A realistic alternative within the southern parcel of the Area of Separation EN5.
26. Persimmon Homes set out in its pre-submission consultation submission the evidence contained within the Settlement Fringe Assessment that a realistic alternative does exist to defining the full extent of the AoS, and that the area promoted by it does not meet the requirements of the AoS, as evidenced in the same document. That evidence is not repeated in this Statement and taken as read as it demonstrates clearly that the Council has failed to take into account this realistic alternative option in defining the extent of the AoS.
27. As such the Council's approach is flawed and need of review.
28. The Council should undertake an assessment of the extent of the AoS so that it, and the alternative options to defining its extent, are properly assessed alongside each other and included within the accompanying SA.
29. Without this the Council's SA and plan making process is flawed and cannot demonstrate its compliance with the requirements set out above in paragraph 3.