

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

a) Is Policy EN5 consistent with national policy in designating 'Areas of Separation'?

1. Area of Separations (AoS) have been adopted in other local plans and as such in principle they are considered to have a basis for inclusion in the North West Leicestershire Local Plan. However, the manner that the AoS policy has been drafted currently is not consistent with national policy. It is overly restrictive and without justification. Persimmon Homes has set out below and within Matter 1 how the policy extent is not justified, however, the text of the policy is also overly restrictive and akin to introducing a local Green Belt style policy. This approach has already been found inappropriate in the Preston City Council Local Plan Examination in June 2015.
2. Within the Preston City Local Plan the Area of Separation policy EN4 does not preclude development, but allows for the consideration of development proposals on their individual merits, and this is reflected in that policy. The Inspector of the Preston City Local Plan sets out in paragraph 137 that

"Policy EN4 does not preclude development. As has been shown in a number of appeal decisions, as well as those taken by the Council themselves within the last year, it allows for the positive contribution of development proposals on their individual merits, as stated in the policy itself. It certainly does not take the very restrictive 'green belt plus' approach which may be suggested by paragraph 10.14 of the Core Strategy. Such an approach has not been accepted in other parts of Central Lancashire and there would be no justification for it in Preston. It would have no basis in national policy [RPS Emphasis]"

3. It is clear that the while consideration of Areas of Separation style policies in principle is accepted, a 'pseudo-green belt' over restrictive style policy has no basis in national policy. The reason being that if an authority wants to introduce such a policy it must do it through identifying a Green Belt in accordance with the safeguards for doing so contained within the National Planning Policy Framework (NPPF). This 'alternative' approach of seeking to achieve the same outcome out with the safeguards of the NPPF is not consistent with national policy.
4. Policy EN5 (of the North East Derbyshire Local Plan) should be modified to clarify that it is not a restrictive policy on all development and that if the extent of the AoS is to be retained, the policy should allow development to be considered on its own merits against the test of separation.

b) Does Policy EN5 make appropriate provision for Areas of Separation between Coalville and Whitwick?

5. While Policy EN5 makes appropriate provision for the AoS between the core area of Coalville and Whitwick, the extent of the AoS is not justified by evidence. In fact the evidence clearly demonstrates that the parcel of land to the south of the dismantled railway line does not meet the requirement of separation. Persimmon

Homes does not repeat the information already contained within the pre-submission response and will rely upon that already submitted in the hearing sessions. The following expands on that in line with the question asked by the Inspector in this Matter.

6. Background Paper 12 (BP12) sets out the justification for the AoS and explains how this has evolved from the original Green Wedge policy, which the Council now acknowledges is not justified. BP12 explains in Section 3 the 'purpose of Area of Separation', which is ***“to avoid development which would result in the coalescence of two or more settlements”*** (paragraph 3.1 refers). It explains that inappropriate development is that ***which “would contribute to the coalescence of settlements”*** and appropriate development is that which ***“did not result in coalescence”***.
7. Paragraph 3.2 of BP12 goes on to set out that Policy EN5 is to ensure that the settlements of Coalville and Whitwick do not coalesce.

The test for justification for inclusion of land within the area designated under EN5

8. Aside from Persimmon Homes objections made elsewhere to the absence of appropriate testing of options to the extent of the area designated by EN5, to justify the inclusion of any parcel of land within the AoS under EN5 it is necessary to apply the test of whether a parcel of land (if developed) would contribute to the coalescence of Coalville and Whitwick.
9. To answer to this Matter question and understand whether appropriate provision is made, it is therefore necessary to assess whether sufficient land has been included within the AoS to protect the coalescence of the two settlements, and by the same token whether the extent is far enough or too far.
10. Paragraph 9.15 of the Green Wedge Background Paper 2012 assist this exercise that refers to the Settlement Fringe Assessment commissioned by the Council in 2010. Paragraph 9.15 sets out that the study was commissioned by the Council to provide landscape evidence for the Local Plan to help the Council ensure that the siting of new development, specifically housing, is located where it would have the least adverse effect on the landscape or the setting of each settlement. Most pertinently, the study is a key piece of evidence in respect of coalescence consideration for Coalville and Whitwick.
11. The Green Wedge Background Paper 2012 sets out through paragraphs 9.15 to 9.21 an assessment of various parcels of the Green Wedge. Paragraphs 9.20 and 9.21 specifically refer to the eastern parcel at Broom Leys Road. It clarifies the findings of the study which can be summarised as below:
 - Development is always visible from the site and there is indivisibility between the settlements;
 - A sense of separation can be created through open space and woodland to the east and west of the site;
 - Development on the land to the south of the railway line would be relatively easy to integrate without altering the character of the land or sense of separation;

12. The evidence prepared and published by the Council therefore clearly identifies that the parcel to the south of the disused railway is not critical to the separation of the two settlements and that development could be integrated without altering the sense of separation that exists now.
13. On the basis of the above, the parcel of land to the south of the railway line does not fulfil the test above in terms of being justified for inclusion in the AoS on the basis that:
- It does not in its present condition contribute to the indivisibility and separation of the two settlements; and
 - Development can be integrated into the site without altering the current sense of separation.
14. The AoS to the south of the railway line should therefore be excluded from the AoS as it is not justified by the evidence. This position is also supported by the evidence prepared to accompany Persimmon Homes current live planning application on the site, in particular the Landscape and Visual Impact Assessment (LVIA). The LVIA concurs with the Council's Settlement Fringe Assessment and demonstrates that if considered on its own merit, as Policy EN5 should be modified to apply, a modest development in this area has no impact on separation.