

Mr B Sims BSc CEng MICE MRTPI  
Planning Inspector  
North West Leicestershire Local Plan Examination  
C/O Carmel Edwards  
Programme Officer

Dear Mr Sims

## NORTH WEST LEICESTERSHIRE LOCAL PLAN – RESPONSE TO INITIAL QUESTIONS AND COMMENTS

I refer to your note (Examination reference number IN/02) received on 2 November 2016 in which you set out a number of initial comments and questions for the Council to consider and respond to.

For ease of reference, I have included your questions in a separate box with the Council's response set out afterwards.

### **Doc LP/03 - M4**

1. I suggest this should be a Main Modification (MM) as it relates to the soundness issue of how and when a review would be triggered.

2. The timescale seems vague – ie should it be 'within 12 months of the new evidence being published'? (*without prejudice*)

1. It is accepted that it could be appropriate for M4 to be a Main Modification rather than a Minor Change as originally proposed.
2. The review trigger policy was agreed by the HMA as a whole, resulting from collaborative working by the Aligning Local Plans working group. You have identified some room for interpretation, with respect to the trigger itself.

It is reasonably likely that there will be a number of events that, together, trigger a full or partial review. The publication of new evidence of housing and/or employment requirements, for the HMA as a whole, may not be the most appropriate trigger. This is because such evidence may result in a declared unmet need within one or more of the HMA authorities. If that were to be the case, a Memorandum of Understanding (MoU) or equivalent agreement would be required, to re-distribute the entire unmet need within the HMA. The review trigger 'bites', therefore, when a combination of factors exist together: there is an agreed unmet need within the HMA; and there is a formally agreed re-distribution within the HMA to accommodate the FOAN as a whole; and the local planning authority concerned (in this case North West Leicestershire) would need to make additional provision in order to accommodate its share of the re-distributed unmet need in full; then the local planning authority will formally commence a full or partial review of its local plan within 12 months.

The crucial date is therefore the date on which the final signature is applied to an MoU that re-distributes unmet need, if the Council is unable to demonstrate sufficient flexibility to accommodate its share at that time.

**Doc LP/03 – M10**

3. I suggest that the proposal to substantially increase the housing capacity of Money Hill should be a MM, representing a significant change to housing supply and potential development impact.

3. It is accepted that it could be appropriate for M10 to be a Main Modification rather than a Minor Change as originally proposed.

**Doc EX/03 – Policy S3**

4. The suggested minor change to Policy S3 does not appear to have been included in the Minor Mods Schedule LP/03.

4. Apologies, but yes a Minor Change should have been included in respect of Policy S3. I have attached appendix A to this letter with the proposed change which the Council had in mind. I have also incorporated the change proposed as part of M7 for completeness.

**Doc EX/03 – Chap 3 – Minerals Safeguarding**

5. The reference in Plan para 3.1 last bullet seems to imply that there should be a safeguarding policy in this Plan. Should this be clarified in the terms of the Council response to the representation?

5. As currently worded the final bullet point in Chapter 3 could be taken to suggest that a policy should be included in the Local Plan. However, as noted in response to comments made on the publication Local Plan as summarised in EX/03, the issue of whether the Local plan should include a policy in respect of avoiding the sterilization by new development of potential mineral supplies has been discussed with Leicestershire County Council who are the Minerals Planning Authority. They have advised that "*a mineral safeguarding type development management policy is unnecessary in your plan because the existing and emerging mineral plans address this*". In view of this advice and in order to present a potentially misleading statement it is suggested that one option would be to amend the final bullet point in Chapter 3 to state:

"The allocation of sites for development needs to take account of the potential sterilization of mineral reserves".

Policies H3a (Land north of Ashby de la Zouch) and H3C (Land off Ashby Road/Leicester Road, Ashby de la Zouch) both take account of this issue and require minerals assessments be undertaken and submitted as part of planning applications on these respective sites and so would be consistent with the statement set out above.

**MMs General**

6. MMs will, as far as possible, be discussed in oral sessions and any necessary further consultation can run parallel with reporting, so need not hold up the examination significantly overall.

6. Noted and we welcome your guidance and flexibility on this matter.

**Money Hill**

7. This major allocation seems only to be referred to as 'Money Hill' in Policy Ec2 and not in Policy H3a. I suggest this is confusing to an unfamiliar reader and suggest this nomenclature should be clarified.

7. It is accepted that there is a potential confusion regarding the reference to Money Hill. It is suggested that for consistency with Policy Ec2 that a further Minor Change be proposed

whereby the title of Policy H3a would be changed to "Land north of Ashby de la Zouch (Money Hill)".

**Plan Para 6.13 and Policy D1**

8. I suggest the cross-reference to SPD, external to this Plan and not for examination, is inappropriate.

- 8 Noted and it is suggested this could be achieved by way of a Minor Change. However, there are other policies in the Local Plan as submitted which include a reference to preparing an SPD and so for consistency these references should also be removed. The other policies where reference to SPD is made are; D2 (Amenity), H5 (Rural exceptions sites for affordable housing), IF3 (Open Space, Sport and Recreation facilities), En1 (Nature Conservation) and Cc1 (Renewable Energy).

Policy IM1 (Implementation and Monitoring) also includes a reference to SPD but it is suggested that its inclusion as part of the policy is appropriate as it sets out the type of actions which the Council might take generally.

**Plan Para 7.2 and Table 2**

9. Will a housing provision update be required or available before reporting and adoption?

- 9 It is our intention to provide information for the examination based, as far as possible, as at 1 October 2016.

**Self-Assessment – Pins Procedural Guide ('Gold Book') – June 2016**

10. Has the Council undertaken a Self-Assessment of the soundness and legal compliance of the Plan as per Pins/PAS Guidance – Gold Book para 1.12 first bullet and footnote 6?

11. If not, the Council asked to confirm separately the relevant compliance points listed at para 3.21 as the alternative.

- 10 A Self-Assessment in terms of soundness using the PAS Guidance has been undertaken and is submitted along with this letter. I will ask the Programme Officer to make the necessary arrangements to include it in the examination library.
- 11 The legal compliance guidance from PAS has been used as an aide-memoire and has not been completed at the various stages. Whilst this can be done retrospectively it would seem potentially misleading. Having regard to those matters identified at paragraph 3.21 of the PINs Procedural Guidance appendix B to this letter confirms that the Council has met the various requirements.

**Housing Trajectory and Supply**

12. To assist the Examination with respect to housing delivery, land supply and five year supply, the Council is asked to consider providing a detailed site by site table of permitted, resolved and allocated sites showing their deliverability potential year on year.

- 12 This work is underway and as noted in response to question 9 it will be as at 1 October 2016.

**Omission Sites**

13. There will be no oral sessions for Omission sites. Therefore, in the interest of a fair hearing of all duly made objections, the Council will be asked, in conjunction with the Programme Officer, to identify all Omission sites and related representations and redirect them, according to their terms and content, to the appropriate main matters for discussion, such as housing requirement/supply/strategy.

13 Noted and we welcome your guidance and we will liaise with the Programme Officer to address this matter.

Yours Sincerely

A handwritten signature in black ink, appearing to read "I. K. Nelson". The signature is written in a cursive, slightly slanted style.

Ian Nelson  
Planning Policy Team Manager