

Draft NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN ADVISORY COMMITTEE – 20 JANUARY 2016

Title of report	DRAFT LOCAL PLAN – CONSULTATION RESPONSES
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To provide members with a summary of the responses received to the recent consultation on the draft Local plan.
Council Priorities	<p>These are taken from the Council Delivery Plan:</p> <p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
Implications:	
Financial/Staff	None
Link to relevant CAT	None
Risk Management	A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed
Equalities Impact Screening	None
Human Rights	None
Transformational Government	Not applicable.

Comments of Head of Paid Service	The Report is Satisfactory
Comments of Section 151 Officer	The Report is Satisfactory
Comments of Deputy Monitoring Officer	The Report is Satisfactory
Consultees	Local Plan Project Board
Background papers	<p>Consultation responses copies of which are available on request from the Planning Policy team.</p> <p>National Planning Policy Framework which can be found at www.gov.uk/government/publications?topics%5B%5D=planning-and-building</p> <p>Ministerial Statement by Secretary of State for Communities and Local Government, 18 June 2015 www.parliament.uk/documents/commons-vote-office/June%202015/18%20June/1-DCLG-Planning.pdf</p>
Recommendations	<p>THAT THE ADVISORY COMMITTEE:</p> <p>(I) NOTES THE SUMMARY OF RESPONSES RECEIVED TO THE CONSULTATION ON THE DRAFT LOCAL PLAN AND;</p> <p>(II) COMMENTS ON THE ISSUES OUTLINED IN THE REPORT AND THE INITIAL SUGGESTED OFFICER COMMENTS</p>

1.0 INTRODUCTION

- 1.1 Members will recall that the draft Local Plan was approved for consultation purposes by Council at its meeting on 15 September 2015.
- 1.2 The draft Local Plan was published for consultation on 29 September 2015 up until 30 November 2015. The draft Local Plan was made available on the Council's website and comments were able to be made via the Citizen Space software which the Council has. Hard copies were made available at various places throughout the district, including all public libraries. In addition to Citizen Space, comments could also be submitted via the Planning Policy e-mail or in letter form. Those submitted via the Planning Policy e-mail or as letters have been summarised by officers on to Citizen Space in order to make the process of assessing the responses easier.
- 1.3 Publicity for the consultation was undertaken using a variety of means including the issuing of regular, themed press releases and social media releases through the Communications team. In addition, a number of events were held across the district where officers were on hand to provide advice and information to members of the public. These events took place in a range of locations including at supermarkets and in outdoor

locations so as to try and bring the Local Plan to the attention of as many people as possible.

- 1.4 This report provides information for members regarding the numbers of responses received and a summary of the key issues that were raised in the consultation responses.

2.0 CONSULTATION RESPONSES – NUMBERS

- 2.1 The number of people or organisations who responded via Citizen Space, e-mail or in a letter was 326. These 326 responses generated 1,935 detailed comments
- 2.2 Appendix A to this report provides a summary of the number of comments made in response to each of the 53 questions included in the draft Local Plan. The questions were phrased in such a way that people could answer yes or no in terms of whether they supported the approach suggested in the draft plan, as well as providing more detailed comments if they wished. These are also summarised in the schedule so as to provide members with an understanding of the general picture.
- 2.3 From this it can be seen that:
- The Strategy chapter attracted the most number of detailed comments (453) followed by the Infrastructure and Facilities chapter (436) and the Housing chapter (353).
 - All policies/question attracted some form of detailed response.
 - The policy which attracted the most comments was S2 (Future housing and economic development needs) with 197 comments (of which 140 were in respect of housing requirements) followed by IF1 (Development and Infrastructure) with 167 comments, policy H3 (Housing Provision: new allocations) (147 comments) and policy IF3 (Open space, sport and recreation facilities)(103 comments).
 - Policy Ec14 (Local Centres) attracted the least number of responses (7) followed by Ec13 (Primary and Secondary frontages) with 8 and policy Ec7 (East Midlands Airport: Public safety Zones) with 9.
- 2.4 In addition, there were a further 424 responses received which were in the form of one of a number of standard letters. These comprised of:
- 384 in relation to Ashby covering policies S2,H3,IF1 and IF3
 - 2 in respect of Cliftonthorpe-Ashby in respect of policies S2,H3,Ec2 and En3 as well as 21 in respect of policies S2 and Ec2 only
 - 17 from Diseworth not in relation to a specific policy or proposal contained in the Local Plan, but rather seeking to ensure that no development takes place on land to the south of the A453.

3.0 CONSULTATION RESPONSES – ISSUES

- 3.1 At the present time it is not possible to list all of the issues that have been raised as part of the consultation. However, officers are now in the process of assessing all of the responses and a detailed schedule will be made available for members when this has been completed.
- 3.2 Based on an initial assessment of the responses (not just the number of comments on each policy) the following key issues (on the basis in which they appear in the Local Plan) have been identified:

- Amount of new development, particularly housing;
- The settlement hierarchy;
- The suggested Limits to Development;
- The proposed allocation of land at Money Hill, Ashby de la Zouch;
- Concerns regarding the impact of new development (particularly housing) on existing infrastructure (including transport) and the need for additional infrastructure;
- Concerns regarding the lack of the identification of open spaces to be protected;

3.3 It should be stressed that there are (and will be other issues) that become clearer as officers work through the responses. Those highlighted above are considered in more detailed in the following paragraphs.

Amount of new development (Policy S2)

3.4 As might be expected the amount of new development, particularly housing, attracted a large number responses from residents who consider that sufficient housing provision has already been made. Their concerns relate to a number of issues including impact upon existing infrastructure and local communities.

3.5 Some developers consider that more housing should be provided with figures ranging between 12,000 and 13,000 over the plan period, compared to the 10,700 proposed in the draft Local Plan.

3.6 However, some developers recognise that the Council is proposing significantly more growth than the Objectively Assessed Need (OAN) identified in the Strategic Housing Market Assessment (SHMA) and the Memorandum of Understanding (MOU) signed with the other Leicester and Leicestershire Housing Market Area authorities.

3.7 Concerns about the amount of housing being over and above the OAN have been raised by both Charnwood and Oadby & Wigston Borough Councils.

Comments

3.8 It is essential that the Council can justify with evidence the scale of new housing development to be provided for in the Local Plan. Whilst the SHMA and MOU identify the OAN as being 350 dwellings each year for the period 2011-2031, both also recognise the importance of taking account of any local factors which would suggest a different housing requirement in the Local Plan from the OAN. This is what the draft Local Plan has sought to do.

3.9 Whilst the concerns expressed by both Charnwood and Oadby & Wigston are disappointing in this respect, discussions with officers of both authorities are ongoing under the Duty to Cooperate.

3.10 In addition, officers continue to explore this issue and are currently seeking some external advice from demographic experts.

The settlement hierarchy (Policy S3)

3.11 Two options were considered in terms of developing the settlement hierarchy. Option A proposed Coalville be identified as the Principal Town with Ashby, Castle Donington, Kegworth, Ibstock and Measham being identified as Rural Centres, beneath which were a

number of sustainable villages and rural villages. Option B included an additional tier (Main Town) with both Ashby and Castle Donington being identified as such. The other designations remained as per Option A. Option B was the preferred option in the draft Local Plan.

- 3.12 Of those who expressed a preference there was some support for both Options A and B, with Option B getting slightly more support.
- 3.13 Some respondents suggested that Ashby de la Zouch should be identified as a Principal Town alongside Coalville.
- 3.14 A number of people expressed concerns regarding the inclusion of some settlements as Sustainable Villages, particularly Appleby Magna and Blackfordby in view of the lack of facilities and services.

Comments

- 3.15 In population terms Coalville is significantly larger than Ashby de la Zouch and it does have a greater range of services and facilities. It is considered, therefore, that Ashby de la Zouch should not be identified as a Principal Town.
- 3.16 Policy S3 refers to Sustainable Villages as having “a limited range of services and facilities and so are suitable for a limited amount of growth”. Officers will review the list of both services and facilities available and the list of settlements, but in principle it is considered that the distinction between settlements based on available services and facilities is appropriate in order to ensure that the Local Plan delivers a sustainable pattern of development as set out in the National Planning Policy Framework (NPPF).

Limits to Development (Policy S4)

- 3.17 There were a number of representations seeking amendments to the suggested Limits to Development, either taking some sites out or some sites in. Particular concern has been expressed by a number of residents of Appleby Magna.

Comments

- 3.18 Each representation will need to be assessed against the agreed criteria which have been used to define the Limits to Development to enable a judgement to be made of whether any amendments are required.

Proposed allocation of land at Money Hill, Ashby de la Zouch (Policy H3a)

- 3.19 As noted above 384 standard letters have been received expressing opposition to development at Money Hill, although no specific reason is stated.
- 3.20 However, a number of the detailed representations also object to the proposed development at Money Hill, with reference to impact upon local infrastructure (including roads) and the loss of identity of Ashby.

Comments

- 3.21 The issue of infrastructure is considered in more detail below.
- 3.22 As members will be aware decisions are currently awaited in respect of two planning appeals against the refusal of planning permission for residential development in the area covered by this proposed allocations (one for 605 dwellings and one for 70 dwellings). Decisions on these appeals are expected shortly. The outcome of these appeals will have implications for the Local Plan and these will need to be considered in due course.
- 3.23 In terms of the loss of identity, the site itself is contained within the boundary of the A511 relief road, such that it will not result in the physical coalescence with any other settlements. Furthermore, the site provides an opportunity to create an attractive and well designed development which will help to enhance the attractiveness of Ashby as a place to live.
- 3.24 It should be appreciated that if the Money Hill site is not allocated for development then a replacement site (or sites) would need to be identified instead. In view of the sustainability merits of Ashby de la Zouch it is considered that this would be difficult to justify.

Infrastructure (Policy IF1)

- 3.25 A lot of people who have expressed concerns regarding the amount of development and/or specific development proposals have also raised concerns regarding the impact upon existing infrastructure and the need for additional infrastructure.

Comments

- 3.26 It is the case that the vast majority of new development is already committed through planning permissions or resolutions to grant planning permission. In determining these proposals Section 106 Agreements have (or are in the case of resolutions) are being put in place to ensure that appropriate provision (or contributions) are made to the provision of new infrastructure to offset the impact of proposed development.
- 3.27 A schedule of these S106 Agreements is being prepared to show what infrastructure is proposed to be provided and when. It is possible based on experience elsewhere that such information might be enough to satisfy an Inspector at examination. However, officers consider that it would be prudent to go further and so consultants have been commissioned to prepare a detailed Infrastructure Delivery Plan. This will not only support the Local Plan but would also provide an evidence base to support future work in respect of a Community Infrastructure Levy and future funding bids.

Open Spaces (Policies IF 3 and En 1)

- 3.28 The draft Local Plan noted that the NPPF refers to designating Local Green Spaces in either Local Plans or Neighbourhood Plans. It was further noted that it was not proposed to identify Local Green Spaces as part of the Local plan but to leave this to Neighbourhood Plans.
- 3.29 A significant number of responses have been received suggesting that the Local Plan should identify Local Green Spaces. In particular, a number of respondents have suggested that land at the Bath Grounds and around Ashby Castle should be identified as

Local green Space. Similarly a number of respondents express concerns regarding the fact that sites which are identified in the adopted Local Plan as Sensitive Areas are no longer proposed to be identified.

Comments

3.30 The NPPF states that:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.”*

3.31 On the basis of the above it will be appreciated that there are quite specific requirements to be able to identify a Local Green Space, some of which are easier to deal with than others and so there would be resource implications if the Local Plan was to seek to identify Local Green Spaces. In particular, the second bullet point would be far easier to justify through a Neighbourhood Plan having regard to the very local nature of such plans. However, this matter will be considered further by officers.

Renewable energy provision (Policy Cc1)

3.32 Policy Cc2 sets out how the Council will seek to support the delivery of renewable energy provision. A number of representations support the provision of renewable energy and the general approach included in the draft Local Plan.

3.33 The Secretary of State for Communities and Local Government in a Ministerial statement of the 18th June 2015 the Department for Communities and Local Government stated that proposals for one or more wind turbine should only be approved if “ *The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan;*”.

3.34 This statement was made too late to be able to taken in to account in the draft Local Plan but it is appropriate for the matter to now be considered.

Comments

3.35 The draft Local plan does not identify whether any specific areas are suitable for wind energy. If the Local Plan does not identify areas as being potentially suitable for wind energy, then on the basis of the Ministerial Statement the Council would not be able to approve any planning applications for turbines anywhere in the district even if it were minded to do so.

3.36 If the Local Plan were to identify areas as being suitable for wind energy development, it does not automatically follow that permission would have to be granted for a proposal as it

would still fall to be considered on its relative merits. It would, however, enable the Council to resist proposals in areas considered unsuitable and in the process demonstrate that it was supportive of similar proposals in more suitable areas.

- 3.37 There is a risk that if no suitable areas were identified in the Local Plan that a Planning Inspector may consider that the Local Plan is not sound. This does not appear to have been the case so far although there are examples of where authorities who were close to , or had just finished, an Examination were required to include a new policy wording to address the principles of the Ministerial Statement. This happened in the case of the Charnwood Local Plan whereby new policy wording deferred dealing with this issue until the next stage of the Charnwood Local Plan.
- 3.38 On balance officers are of the view that it would be appropriate to commission some additional work to look at this issue but the views of the Advisory Committee are sought before doing so.

4.0 NEXT STEPS

- 4.1 It is proposed that the Local Plan will now be considered at the meeting of full Council on 28 June 2016, not March 2016 as originally envisaged.
- 4.2 The date when the Local Plan will be considered by Council has changed for a number of reasons. The scale of responses received is greater than had been anticipated and it would be appropriate to take some extra time now, ahead of a full Council decision, to collate and respond to all of these comments. In addition, this extra time will also allow the Council to enhance the evidence base, in particular the Infrastructure Delivery Plan which will support the Local Plan and ultimately ensure that what is built in the district is sustainable and supports strong local communities.
- 4.3 Following the decision of Council the plan will then be subject to a further round of consultation, before it is submitted for examination by an independent Planning Inspector.
- 4.4 The following timetable is now proposed. It should be noted that once the plan has been submitted the programme will be set by the Planning Inspector and so the Council has no control over these stages.

Date (Subject to Review)	Stage
28 June 2016	Council agrees publication version
4 July 2016 to 15 August 2016	Publication consultation
26 September 2016	Submission
December 2016	Examination starts
July 2017	Receipt of Inspector's Report
September 2017	Adoption

APPENDIX A

DRAFT LOCAL PLAN – SUMMARY OF CONSULTATION RESPONSES

What are the issues?

Policy	Question Number	Title	Yes	No	No of detailed comments
Issues	1	Are there any other issues which the Local Plan has not identified? If so what are these and what is the evidence to support it?	29	17	54
Objectives	2	Do you agree that the identified strategic objectives are appropriate for North West Leicestershire? Should any changes be made? If so, please identify what changes should be made.	27	22	61
Issues total					115

Strategy

Policy	Question Number	Title	Yes	No	No of detailed comments
S1 – Presumption in favour of sustainable development	3	Do you agree that the preferred approach provides a good basis for applying the presumption in favour of sustainable development? If not, what changes do you suggest?	27	20	46
<i>S2 – housing requirements</i>	4	<i>Do you agree with the amount of housing development we propose to make provision for? If not what changes do you suggest?</i>	16	73	140
<i>S2 – employment requirements</i>	5	<i>Do you agree with the amount of employment development we propose to make provision for? If not what changes do you suggest?</i>	20	16	33
<i>S2 – retail</i>	6	<i>Do you agree with the amount of retail development we propose to make</i>	17	15	24

Policy	Question Number	Title	Yes	No	No of detailed comments
requirements		<i>provision for? If not what changes do you suggest?</i>			
S2 total					197
S3 - Settlement Hierarchy	7	Do you agree with our suggested settlement hierarchy? If not what changes do you suggest?	19	49	97
S4 - Countryside	8	Do you agree with our suggested approach to development in the countryside? If not what changes do you suggest?	25	30	72
S5 - Design	9	Do you agree with our suggested approach to the design of new development? If not what changes do you suggest?	22	21	41
Strategy total					453

Housing

Policy	Question Number	Title	Yes	No	No of detailed comments
H1 – housing permissions	10	Do you agree with our suggested approach in respect of housing sites with planning permission? If not what changes do you suggest?	22	23	47
H2 – Housing resolutions	11	Do you agree with our suggested approach in respect of housing sites with a resolution to grant planning permission? If not what changes do you suggest?	24	19	32
H3 – housing allocations	12	Do you agree with our proposed housing allocations? If not what change would you suggest?	20	83	147
H4 – Affordable Housing	13	Do you agree with our suggested approach to the issue of affordable housing? If not what changes do you suggest?	23	18	45
H5 – Rural Exception sites	14	Do you agree with our suggested approach to the issue of rural exceptions sites for affordable housing? If not what changes do you suggest?	21	15	26
H6 –Housing type and mix	15	Do you agree with our suggested approach to the issue of house types and mix ? If not what changes do you suggest?	26	16	33
H7 – Provision	16	Do you agree with our suggested approach to the issue of making	22	11	23

Policy	Question Number	Title	Yes	No	No of detailed comments
for Gypsies and Travellers and Travelling Showpeople		provision for gypsies and travellers? If not what changes do you suggest?			
Housing total					353

Economic

Policy	Question Number	Title	Yes	No	No of detailed comments
Ec1 – employment permissions	17	Do you agree with our suggested approach in respect of employment sites with planning permission? If not what changes do you suggest?	18	6	16
Ec2 – employment allocations	18	Do you agree with our proposed employment allocations? If not what change would you suggest?	14	13	35
Ec3 – Existing employment Areas	19	Do you agree with our suggested approach in respect of existing employment areas? If not what changes do you suggest?	21	5	22
Ec4 – Brickworks and Pipeworks	20	Do you agree with our suggested approach in respect of brickworks and pipeworks? If not what changes do you suggest?	20	1	11
Ec5 – East Midlands Airport	21	Do you agree with our suggested approach in respect of East Midlands Airport? If not what changes do you suggest?	25	3	25
Ec6 - East Midlands Airport: Safeguarding	22	Do you agree with our suggested approach in respect of safeguarding at East Midlands Airport? If not what changes do you suggest?	20	2	12

Policy	Question Number	Title	Yes	No	No of detailed comments
Ec7 - East Midlands Airport: Public Safety Zones	23	Do you agree with our suggested approach in respect of Public safety Zones at East Midlands Airport? If not what changes do you suggest?	20	1	9
Ec8 – Donington Park	24	Do you agree with our suggested approach in respect of Donington Park? If not what changes do you suggest?	23	1	14
Ec9 – Town Centres Hierarchy	25	Do you agree with our suggested Town Centre hierarchy and our approach to main town centre developments? If not what changes do you suggest?	15	13	35
Ec10- impact thresholds	26	Do you agree with our suggested thresholds? If not what changes do you suggest?	15	6	11
Ec11- Primary Shopping Areas	27	Do you agree with our suggested approach to Primary Shopping Areas? If not what changes do you suggest?	21	2	11
Ec12 – Hot Food Takeaways	28	Do you agree with our suggested approach to Hot Food Takeaways? If not what changes do you suggest?	18	4	13
Ec13 – Primary and Secondary frontages	29	Do you agree with our suggested approach to Primary and Secondary Frontages? If not what changes do you suggest?	20	2	8
Ec14 – Local Centres	30	Do you agree with our suggested approach to Local Centres? If not what changes do you suggest?	19	3	7
Ec15 – Tourism and Cultural development	31	Do you agree with our suggested approach to Tourism and Cultural development? If not what changes do you suggest?	21	10	31
Economic total					260

Infrastructure and Facilities

Policy	Question Number	Title	Yes	No	No of detailed comments
IF1 – Development and Infrastructure	32	<i>Do you agree with our suggested approach to securing infrastructure as part of new development? If not what changes do you suggest?</i>	22	44	98
IF1 – Development and Infrastructure	33	<i>Are there any other general items of infrastructure we should be seeking to secure?</i>	17	9	31
IF1 – Development and Infrastructure	34	<i>Is there a lack of any infrastructure in specific parts of the district? If so what are these and what evidence is there to demonstrate this?</i>	25	4	38
IF1 total					167
IF2 – Community Facilities	35	Do you agree with our suggested approach to Community Facilities? If not what changes do you suggest?	24	7	23
IF3 – Open Space, Sport and Recreation facilities	36	Do you agree with our suggested approach to Open Space, Sport and Recreation facilities? If not what changes do you suggest?	20	58	103
IF4 – Transport Infrastructure and new development	37	Do you agree with our suggested approach to Transport Infrastructure and new development? If not what changes do you suggest?	14	16	53
IF5 – Leicester-Burton rail line	38	Do you agree with our suggested approach to the Leicester to Burton rail line? If not what changes do you suggest?	29	5	38
IF6 – Ashby Canal	39	Do you agree with our suggested approach to the Ashby Canal? If not what changes do you suggest?	26	5	21

Policy	Question Number	Title	Yes	No	No of detailed comments
IF7 – Parking provision and new development	40	Do you agree with our suggested approach to parking provision as part of new development? If not what changes do you suggest?	16	9	31
Infrastructure and Facilities total					436

Environment

Policy	Question Number	Title	Yes	No	No of detailed comments
En1 – Nature Conservation	41	Do you agree with our suggested approach to Nature Conservation issues? If not what changes do you suggest?	20	33	58
En2 – River Mease Special Area of Conservation	42	Do you agree with our suggested approach to the river Mease Special Area of Conservation? If not what changes do you suggest?	22	2	18
En3 – The National Forest	43	Do you agree with our suggested approach to the National Forest? If not what changes do you suggest?	33	7	29
En4 – Charnwood Forest Regional Park	44	Do you agree with our suggested approach to the Charnwood Forest? If not what changes do you suggest?	29	1	17
En5 – Areas of Separation	45	Do you agree with our suggested approach to protect the open and undeveloped area between Coalville and Whitwick? If not what changes do you suggest?	28	6	33
En6 – Land and air quality	46	Do you agree with our suggested approach to Land and Air Quality issues? If not what changes do you suggest?	24	3	15

Policy	Question Number	Title	Yes	No	No of detailed comments
Environment total					170

Historic Environment

Policy	Question Number	Title	Yes	No	No of detailed comments
He1 – Historic Environment	47	Do you agree with our suggested approach to the Historic Environment? If not what changes do you suggest?	24	8	32

Climate Change

Policy	Question Number	Title	Yes	No	No of detailed comments
Cc1 – Renewable Energy	48	Do you agree with our suggested approach to Renewable Energy issues? If not what changes do you suggest?	22	2	25
Cc2 – Sustainable Design and Construction	49	Do you agree with our suggested approach to achieve sustainable Design and construction as part of new development? If not what changes do you suggest?	25	3	17
Cc3 – Flood Risk	50	Do you agree with our suggested approach to dealing with flood risk as part of new development? If not what changes do you suggest?	19	3	18
Cc4 – Water – Sustainable Drainage Systems	51	Do you agree with our suggested approach to Sustainable Urban Drainage Systems? If not what changes do you suggest?	17	6	15

Policy	Question Number	Title	Yes	No	No of detailed comments
Climate Change total					75

Implementation and Monitoring

Policy	Question Number	Title	Yes	No	No of detailed comments
IM1 – Implementation and monitoring	52	Do you agree with our suggested approach to Implementation and monitoring? If not what changes do you suggest?	17	8	20
Neighbourhood Plans	53	Do you agree with our suggested distinction between strategic and local policies? If not, please explain why.	18	4	21
Implementation and monitoring total					41