

**NORTH WEST LEICESTERSHIRE LOCAL PLAN  
FURTHER POSITION STATEMENT  
MARCH 2017**

This further Position Statement considers the responses received to the Council's Position Statement of February 2017 (EX/76) which itself set out the Council's response to questions identified by the Inspector in his letter of 17 January 2017 (IN/08). Where appropriate it also proposes further modifications.

In order to provide all of the relevant information in one document this Position Statement is structured as follows:

Inspectors question from IN/08 (in **bold**)

Council's response to Inspector's question as set out in EX/76

Summary table of comments received to EX/76 and the Council's response

Proposed further modifications (where appropriate)

Changes that the Council are proposing to policies/supporting text are shown as **bold** and underlined, and proposed deleted text is shown as ~~striketrough~~. The further modifications are shown as **bold**.

Inspector's question

- a. **Following further consultation with Representors who have contributed suggested modifications, or otherwise offered to take part, proposed Main Modifications (MM) to the wording of Policy S1 (and others as appropriate) to establish clear criteria for review of the Plan and the submission of any review for examination within specified timescales in response to changed circumstances and in particular altered housing and employment development needs demonstrated by the new HEDNA.**

Council's response

In response to the issues raised, the Council is proposing the following amendments to Policy S1:

**Policy S1 – Future housing and economic development needs**

Over the Plan period to 2031 provision is made for a minimum of ~~10,400 dwellings (520 each year), 96 hectares~~ **66** hectares of land for employment purposes **(B1, B2 and B8 of less than 9,000sq metres)**, 7,300 sq metres for shopping purposes **and 10,400 dwellings (520 dwellings each year)**.

**This provision meets the Objectively Assessed Need for the district of 481 dwellings per annum and also provides some built-in flexibility to contribute to any potential redistribution that may be necessary from elsewhere in the Housing Market Area (HMA).**

The Council will continue to work collaboratively with ~~other Authorities, including those in the Leicester & Leicestershire~~ **Housing Market Area (HMA)** to establish through a Housing and Economic Development Needs Assessment, objectively, the level of long term housing and economic growth required including testing options for, and agreeing its the scale and distribution amongst the authorities concerned **of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one or more authority to accommodate its own needs.**

~~In the event that this work indicates an additional need in North West Leicestershire, the Council commits to bringing forward an early review of this Plan (either partial or otherwise) unless there is sufficient flexibility within the Local Plan.~~

**The District Council will commence an immediate review of this Plan where:**

- a) **The HMA authorities agree a Memorandum of Understanding (MOU) by end of January 2018 which establishes that there is an unmet need across the HMA that requires re-distribution; and**

- b) That MOU identifies the proportion of the unmet need that must be accommodated in North West Leicestershire; and
- c) There is insufficient flexibility within the plan to accommodate that additional need identified in the MOU without making further provision

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Ashby Town Council	24	<p>972 dwelling over-provision is unjustified, especially as undetermined applications number approximately 900 dwellings, and no allowance has been made for 'windfall' sites.</p> <p>The latest housing trajectory includes 2,694 in Ashby de la Zouch, 25% of the total for the District 2011-31. Ashby de la Zouch had only 13% of the District's households.</p> <p>The trajectory includes 1,375 dwellings at Money Hill (with a further 675 post 2031). Over-provision means the 675 dwellings for Money Hill post 2031 are not required.</p> <p>By the time the Local Plan is approved it will only have 14 years life. Planning guidance states that there needs to be a 15 year life from adoption. The plan will need to be reviewed to include the period 2031 to 2036 to ensure alignment with the HEDNA. Provision for an early review should be made in S1.</p>	<p>Noted , but any over provision provides flexibility in the event of a) sites not coming forward as envisaged or b) to help meet unmet need from elsewhere in HMA (if required).</p> <p>The Council has previously responded to this issue as part of its Matter 2 statement.</p> <p>As noted above any over provision will provide a degree of flexibility.</p> <p>The NPPF advises that plans should be drawn up over an appropriate timescale "<u>preferably</u> a 15-year time horizon". It is not, therefore, a requirement.</p> <p>In terms of a review of the plan it is considered that it would be appropriate to make a further modification to Policy S1 so that the review would commence by the end of January 2018 (the agreed date for completion of the MOU) or within 3</p>

			months of the adoption of the Local Plan, whichever is the later. This will provide more certainty a) that a review will take place and b) when it will commence. A date other than January 2018 is required in the event that , for whatever reason, the Local Plan is not adopted by January 2018 a review could not commence.
IM Properties	27	<p>No target included for provision of strategic B8 development.</p> <p>No indication of timescales for the preparation, submission, examination or adoption of a Local Plan Review.</p> <p>No reference to triggers for the review of the Plan other than the HEDNA process.</p>	<p>Neither the HEDNA nor the Strategic Distribution Study (EC/02) identify any individual district targets.</p> <p>Timescales for a review would be partly dependent upon the extent of any review, which itself would be informed by the quantity of any additional development which needs to be provided for. Any timescales would, therefore, be artificial.</p> <p>In terms of reference to other triggers, the Council considers this is not necessary. Instead it is considered that it would be appropriate to make a further modification to Policy S1 so that the review would commence by the end of January 2018 (the agreed date for completion of the MOU) or within 3 months of the adoption of the Local Plan, whichever is the later. This will provide more certainty a) that a review will take place and b) when it will commence. A date other than January 2018 is required in the event that , for whatever reason, the Local Plan is not adopted by January 2018 a review could not commence.</p>
Rosconn Strategic Land	36	It is unclear what the implications are if no HMA agreement in place by January 2018. Need a clear commitment to meeting unmet needs from Leicester City. Inappropriate to deal with as part of Strategic Growth Plan as this is not subject to same level of scrutiny as Local Plan.	<p>There is a firm commitment from the Member Advisory Group (MAG) to agree a revised Memorandum of Understanding by January 2018.</p> <p>The Strategic Growth Plan (SGP) is a separate document to the MOU, although the two will be</p>

		OAN of 481 is inadequate and support figure of 619 put forward by Gladman's.	prepared in parallel. The SGP will go to 2050 whereas MOU will go to 2036 at the most. Noted
Money Hill Consortium	45	Support proposed approach which provides flexibility. Have concerns regarding review mechanism in terms of timing (plan unlikely to have been adopted by early 2018) and lack of clarity regarding steps to be taken. Query whether such an early review is necessary.	Noted
WYG o/b/o William Davis	68	Rewording does not provide any commitment that any housing that is redistributed will be committed.  Suggest additional wording: "In the event that redistribution requirements are confirmed but no MOU is agreed then the District Council will immediately commence a review of this Plan (or when it is shown that housing completions within the HMA as a whole fall to 10% beneath the HEDNA trajectory over two consecutive years)".	The Council considers that it would be appropriate to make a further modification to Policy S1 so that the review would commence by the end of January 2018 (the agreed date for completion of the MOU) or within 3 months of the adoption of the Local Plan, whichever is the later. This will provide more certainty a) that a review will take place and b) when it will commence. A date other than January 2018 is required in the event that , for whatever reason, the Local Plan is not adopted by January 2018 a review could not commence.  In terms of the issue of housing completions, this, as worded, is unreasonable as the Council would be required to commence a review where other authorities had failed to deliver against their requirements. Such a requirement could only work where it was specific to North West Leicestershire.
Leicester City Council	70	Broadly support policy but it is unclear what the implications are if no HMA agreement in place by January 2018.	The Council considers that it would be appropriate to make a further modification to Policy S1 so that the review would commence by the end of January 2018 (the agreed date for completion of the MOU) or within 3 months of the adoption of the

		<p>Suggest that the uplift between OAN of 481 and requirement of 520 now planned for should be set against the unmet need anticipated to arise from the City (although do not specify what the level of unmet need is).</p>	<p>Local Plan, whichever is the later. This will provide more certainty a) that a review will take place and b) when it will commence. A date other than January 2018 is required in the event that , for whatever reason, the Local Plan is not adopted by January 2018 a review could not commence.</p> <p>As yet there is no formally declared unmet need which identifies extent of such unmet needs or when such unmet needs will arise. The Local Plan cannot make decisions about unmet need from elsewhere (even where it exists) as it needs to be done collectively.</p>
Home Builders Federation	85	<p>Proposed re-wording remains ambiguous. The modification does not reflect the fact that Leicester City and Oadby &amp; Wigston will be unable to meet their OAN.</p> <p>No effective mechanism to guarantee that an MOU regrading redistribution will be agreed and signed. Without an MOU the review is not triggered.</p>	<p>The Council considers that it would be appropriate to make a further modification to Policy S1 so that the review would commence by the end of January 2018 (the agreed date for completion of the MOU) or within 3 months of the adoption of the Local Plan, whichever is the later. This will provide more certainty a) that a review will take place and b) when it will commence. A date other than January 2018 is required in the event that , for whatever reason, the Local Plan is not adopted by January 2018 a review could not commence.</p>
Ashby Civic Society	110	<p>The flexibility in having a larger housing provision is unnecessary. S1 should be modified to use the HEDNA recommendations.</p> <p>S1 should be modified to include other contiguous HMA's especially Derbyshire and Nottingham HMAs which will help provide housing to support employment growth in the Castle Donington area.</p>	<p>Noted , but any over provision provides flexibility in the event of a) sites not coming forward as envisaged or b) to help meet unmet need from elsewhere in HMA (if required).</p> <p>The Duty to Cooperate requirements apply beyond the Housing Market Area so it is not necessary to include as part of S1.</p>

		<p>S1 should define the trigger date for the 5 year review of the plan.</p> <p>Planning guidance recommends that local plans should have a life of 15 years. This plan will have 14 years left to run if adopted in 2017. The plan therefore should have a major modification to extend the period to 2036.</p>	<p>It would not be appropriate to define a specific trigger date as circumstances could require an earlier or later review.</p> <p>The NPPF advises that plans should be drawn up over an appropriate timescale “preferably a 15-year time horizon”. It is not, therefore, a requirement. Revisions to the end date of the plan at this late stage would result in a significant delay in adoption of the plan as it would be necessary to revisit elements of the evidence base which only go to 2031 and would also require the allocation of additional sites for housing and employment. Such a delay is not in the interests of all those with a stake in the future of the district.</p>
Cliftonthorpe Residents	113	<p>No regard has been paid to implications of the reduced HEDNA housing requirement. The reduction of 800 dwellings further undermines the case for so much valuable greenfield countryside, and particularly the Ivanhoe Equestrian centre.</p> <p>Highly skewed distribution of development undermines the regeneration of Coalville and former mining communities typically less attractive to developers.</p> <p>Some development on the better located proposed Area of Separation in the Coalville Urban Area should be considered.</p> <p>The strategy will lead to higher overall house prices and exacerbate the current imbalance between housing growth in Ashby and employment growth elsewhere.</p>	<p>The Council has taken account of the findings of the HEDNA, but in order to ensure a degree of flexibility it is considered appropriate to maintain the provision at the levels proposed in the submitted Local Plan.</p> <p>The Council has previously responded to this issue as part of its Matter 2 statement.</p> <p>Noted. The Council considers that it is appropriate to retain separation between Coalville and Whitwick.</p> <p>It is not clear as to why the strategy will result in higher housing prices. Reducing the amount of overall housing will lead to increased house price pressures. The plan includes provision for</p>

			additional employment land at Ashby in order to provide some balance with new housing development in Ashby and to help offset the loss of employment land in Ashby in recent years.
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Proposed further modifications

**Policy S1 – Future housing and economic development needs**

Over the Plan period to 2031 provision is made for a minimum of ~~40,400 dwellings (520 each year), 96 hectares~~ **66** hectares of land for employment purposes **(B1, B2 and B8 of less than 9,000sq metres)**, 7,300 sq metres for shopping purposes **and 10,400 dwellings (520 dwellings each year)**.

**This provision meets the Objectively Assessed Need for the district of 481 dwellings per annum and also provides some built-in flexibility to contribute to any potential redistribution that may be necessary from elsewhere in the Housing Market Area (HMA).**

The Council will continue to work collaboratively with other Authorities, including those in the Leicester & Leicestershire **Housing Market Area (HMA)** to establish through a Housing and Economic Development Needs Assessment, objectively, the level of long term housing and economic growth required including testing options for, and agreeing its the scale and distribution amongst the authorities concerned **of any additional provision that may be necessary in North West Leicestershire and elsewhere in the HMA as a result of the inability of one or more authority to accommodate its own needs.**

In the event that this work indicates an additional need in North West Leicestershire, the Council commits to bringing forward an early review of this Plan (either partial or otherwise) unless there is sufficient flexibility within the Local Plan.

**The District Council will commence a review of the Plan by the end of January 2018 or within 3 months of the adoption of the Local Plan (whichever is the later)**

Inspector's question

- b. **Proposed MM to Policies S2 and S3 to provide flexibility for proposals for the sustainable redevelopment of suitable brownfield or other sites situated outside defined settlement limits.**

Council's response (Policy S2)

In response to the issues raised, the Council is proposing the following amendments to Policy S2:

<u>Policy S2 – Settlement Hierarchy</u>	
The following Settlement Hierarchy will be used when assessing the suitability of a settlement for new development, with the general principle being that those settlements higher up the hierarchy will take more growth than those lower down and that the type of development proposed is appropriate to the scale and character of the settlement and its place in the hierarchy.	
Settlement Classification	Settlement(s)
Principal Town  The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by <del>public</del> <b>sustainable</b> transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.	Coalville Urban Area which comprises of Coalville, Donington-le-Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon employment area.
Key Service Centre  Smaller than the Principal Town in terms of population and also the range of services and facilities they provide, they play an important role providing services and facilities to the surrounding area and are accessible by some <del>public</del> <b>sustainable</b> transport. A significant amount of development will take place in these settlements but less than that in the Principal Town.	Ashby de la Zouch  Castle Donington

<p>Local Service Centre</p> <p>Settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place</p>	<p>Ibstock Kegworth Measham</p>
<p>Sustainable Villages</p> <p>Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.</p>	<p>Albert Village, Appleby Magna, Belton, Blackfordby, Breedon on the Hill, Coleorton (the Lower Moor Road area only), Diseworth, Donisthorpe, Ellistown, Heather, Long Whatton, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Worthington.</p>
<p>Small Village</p> <p>Settlements with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).</p>	<p><i>Battram, Coleorton (the part not considered to be a Sustainable Village), Griffydham, Hemington, Lockington, Lount, Newbold, Newton Burgoland, Osgathorpe, Peggs Green, Sinope, Snarestone, Swebstone, Spring Cottage, Tonge, Wilson.</i></p>
<p>Hamlets</p> <p>Small groups of dwellings with no services and facilities and where development will be considered in the context of the countryside policy (Policy <b>S3</b> S4).</p>	

**The re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy set out above. The redevelopment of previously developed land for housing should**

**be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.**

Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Rosconn Strategic Land	36	Need to ensure sufficient flexibility.	Noted, but it is not clear as to whether the respondent considers the proposed modification achieves this or not.

Proposed further modifications

None

Council's response (Policy S3)

In response to the issues raised, the Council is proposing the following amendments to Policy S3:

Policy S3: Countryside

Land outside the Limits to Development **as identified on the Policies Map** is identified as countryside which will be protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and the wealth of its natural resources ~~and to ensure it may be enjoyed by all~~ **by**:

(1) ~~In areas designated as Countryside on the Policies Map, development for the following uses will be supported~~ **supporting development for the following uses:**

- (a) Agriculture including agricultural workers dwellings ;
- (b) Forestry including forestry workers dwellings;
- (c) The preservation of Listed Buildings;
- (d) The re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy **S2 S3**);
- ~~(e) The redevelopment of previously developed land for housing in a Small Village in accordance with the Settlement Hierarchy (Policy **S2 [S3]**)~~ **The redevelopment of previously developed land in accordance with Policy S2;**
- (f) Flood protection;
- (g) Affordable housing in accordance with Policy H5;
- (h) The extension and replacement of dwellings;
- (i) Expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- (j) Sites for Gypsies and Travellers and Travelling Showpeople in accordance with Policy H7;
- (k) Small-scale employment generating development or farm diversification;
- (l) Community services and facilities meeting a proven local need;
- (m) Development by statutory undertakers or public utility providers;
- (n) Recreation and tourism;
- (o) Renewable energy;
- (p) Development at East Midlands Airport in accordance with Policy Ec5;
- (q) Development at Donington Park Racetrack in accordance with Policy Ec8;
- (r) Transport infrastructure;

(2) Developments in accordance with ~~(21)~~ above will be supported where:

- (a) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent pieces of evidence ; and

- (b) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and
- (c) it does not create or exacerbate ribbon development; and
- (d) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and
- (e) the development will not seriously undermine the vitality and viability of existing town and local centres; and
- (f) **The proposed development is accessible, or will be made accessible, by a range of sustainable transport.**

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	OUR RESPONSE
IM Properties	27	Makes no reference to needs, demand or opportunities for development in the M42 Corridor. Contains no provision for development in the M42 Corridor outside the Limits to Development as identified on the Proposals Map. Suggest adding in at the end of S3 (1) "(s) land required to meet the provisions of policy Ec2 (2)"	Policy S3 is a generic policy which applies across the whole district, including the M/A42 corridor.  Policy S3 and Ec2 would need to be read together. The latter provides a policy mechanism for releasing sites not currently identified.  It is considered that there would be merit in cross referencing Ec2 in S3 but that it should read: "Employment land in accordance with the provisions of Policy Ec2".
Rosconn Strategic Land	36	Need to ensure sufficient flexibility.	Noted, but it is not clear as to whether the respondent considers the proposed modification achieves this or not.
Ashby Civic Society	110	Support Major Modification. Policy S3 para 2a be modified to include reference to Settlement Fringe Assessment Reports 2010.	The Settlement Fringe Assessment (SFA) only covers limited areas of the district. Part (2) (a) refers to "any subsequent pieces of evidence" but it is considered that it would appropriate to reword this

			to state “any other relevant pieces of evidence” which could then include the SFA.
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Proposed further modifications

Policy S3: Countryside

Land outside the Limits to Development **as identified on the Policies Map** is identified as countryside which will be protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and the wealth of its natural resources ~~and to ensure it may be enjoyed by all~~ **by**:

(1) ~~In areas designated as Countryside on the Policies Map, development for the following uses will be supported~~ **supporting development for the following uses:**

- (a) Agriculture including agricultural workers dwellings ;
- (b) Forestry including forestry workers dwellings;
- (c) The preservation of Listed Buildings;
- (d) The re-use and adaptation of buildings for appropriate purposes including housing in accordance with the Settlement Hierarchy (Policy **S2 S3**);
- ~~(e) The redevelopment of previously developed land for housing in a Small Village in accordance with the Settlement Hierarchy (Policy ~~S2~~ **S3**)~~ **The redevelopment of previously developed land in accordance with Policy S2:**
- (f) Flood protection;
- (g) Affordable housing in accordance with Policy H5;
- (h) The extension and replacement of dwellings;
- (i) Expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- (j) Sites for Gypsies and Travellers and Travelling Showpeople in accordance with Policy H7;
- (k) Small-scale employment generating development or farm diversification;
- (l) Community services and facilities meeting a proven local need;
- (m) Development by statutory undertakers or public utility providers;
- (n) Recreation and tourism;
- (o) Renewable energy;
- (p) Development at East Midlands Airport in accordance with Policy Ec5;
- (q) Development at Donington Park Racetrack in accordance with Policy Ec8;

- (r) Transport infrastructure;
- (s) **Employment land in accordance with the provisions of Policy Ec2**

(2) Developments in accordance with (21) above will be supported where:

- (a) the appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is safeguarded and enhanced. Decisions in respect of impact on landscape character and appearance will be informed by the Leicester, Leicestershire and Rutland Historic Landscape Characterisation Study, National Character Areas and any subsequent **other relevant** pieces of evidence ; and
- (g) it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries; and
- (h) it does not create or exacerbate ribbon development; and
- (i) built development is well integrated with existing development and existing buildings, including the re-use of existing buildings, where appropriate; and
- (j) the development will not seriously undermine the vitality and viability of existing town and local centres; and
- (k) **The proposed development is accessible, or will be made accessible, by a range of sustainable transport.**

Inspector's question

**c. Proposed MM to include a policy encouraging sustainable transport with respect to climate change.**

Council's response

The Council has provided the following response to the Inspector's request:

**National Planning Policy Framework**

The Key Principles set out in the National Planning Policy Framework (NPPF) expect plan-making to focus development in locations which are or can be made sustainable as well as manage patterns of growth that make the fullest use of non-car modes of transport.

It is recognised that reducing the need to travel by car is fundamental to any plans strategy to reduce the impacts of climate change and facilitating sustainable development. A plan should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport and gives people a choice about how they travel. The NPPF does also recognise that different policies and measures will be required in different communities and also that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

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In order to satisfy the core principle of the NPPF to 'focus significant development in locations which are or can be made sustainable' we have defined a settlement hierarchy, not only to distinguish between the roles and functions of the settlements but also to guide the location of future development. Settlements higher in the hierarchy are expected to facilitate more growth as they provide the greatest opportunity to make the fullest use of non-car modes of transport and on reducing the impact of car use on climate change.

In addition to the proposed settlement hierarchy the plan, as a whole, seeks to reduce the need to travel and to design the built environment to support this and promote and facilitate sustainable forms of travel such a public transport, walking and cycling. These themes that are found throughout the policies of the plan, seek to reduce reliance on the car, and consequently reduce emissions and impact of the private car on climate change.

**Sustainability Appraisal**

A number of the sustainability objectives within the Sustainability Appraisal Framework seek to reduce the need to travel. These objectives can be identified as:-

- Increase number of people walking, cycling or using the bus for their day-to-day travel needs, such as getting to work, school and to access services.
- Reduce air, light and noise pollution and manage contaminated land to avoid damage to natural systems and protect human health.

It draws out a number of key issues and also highlights those policies which seek to address the NPPF objectives in terms of sustainable travel which in turn could make a valuable contribution to reduce the impact of travel on climate change. It does also provide a rounded view and recognises where there may be limitations to such positive effects. Examples are provided below:

- Policy S2 – seeks to locate further development predominately within the Principal Town and Key Service Centres. This approach should ensure growth is directed to areas that have better access to jobs, services and public transport links. This may also help encourage the use of public transport and reduce the length of trips. However it is recognised there is a possibility of increased congestion.
- Policy D1- Design could help reduce the need to travel by car although the effects would not be significant as the majority of development in the district is already committed.
- Policy H3a – It is recognised that development at Money Hill will lead to an increase in the number of car trips especially as public transport links are not strong outside of peak hours and this could have a not significant negative effect on travel. However the policy also promotes walking and cycling and the site is well linked to the town centre which could offset potential increase in car travel.
- Policy EC2 – In allocating employment development at Money Hill this policy highlights the need to provide appropriate vehicular access as well as cycling and walking links. As such this policy encourages the use of walking, cycling and public transport.
- Policy Ec4 – Requires any growth to East Midlands Airport to be accompanied by improvements in public transport access
- Policy Ec7 – Development at Donnington Park will need to incorporate public transport access improvements to reduce event traffic.
- Policy Ec13 – This policy supports tourism development and attractions that are well connected to other tourist destinations by means of public transport, walking and cycling.
- Policy IF4 – Identifies that the infrastructure required to support new development includes not only highways, but also footpaths, cycle ways, public transport and associated facilities. New development will also be expected to maximise opportunities and access to non-car modes and that the provision of cycling and walking be provided within and beyond a development.
- Policy IF7 – This policy seeks adequate parking provision is made for future development but in appropriate circumstances the policy strives to reduce car parking provision where there is, or will be, appropriate circumstances to reduce car parking provision, such as good access to other modes of transport.

- Environment policies help protect and enhance green infrastructure which could promote opportunities for sustainable travel through cycling and walking links.

**Summary:**

It is suggested that the Local Plan, throughout, seeks to reduce the need to travel, promotes and facilitates sustainable forms of travel such as non-car modes and provides for an appropriately designed built environment that would reduce a reliance on private car travel, and provide opportunity for a reduction in emissions and the impact on climate change.

It is therefore suggested that no fundamental change is required to the local plan as this issue is considered to be satisfactorily addressed, and conforms to the NPPF, on this matter. However some additional wording is suggested to Policy IF4 in order to provide greater clarity:

Policy IF4: Transport Infrastructure and new development

- (1) The Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, **including climate change**, and incorporates safe and accessible connections to the transport network to enable travel choice, **including by non-car modes**, for residents and commuters, **businesses and employees**. In assessing proposals regard will be had to any Transport Assessment/Statement and Travel Plan prepared to support the application.
- (2) New development will be expected to **maximise accessibility by sustainable modes of transport, having regard to the nature and location of the development site and** contribute towards improvement of the following where there is a demonstrable impact as a result of the proposed development:
  - (a) The provision of cycle links within and beyond sites so as to create a network of cycleways across the district, including linkages to key Green Infrastructure
  - (b) The provision of public footpath links within and beyond sites so as to enhance the network of footpaths across the district, including linkages to key Green Infrastructure
  - (c) The provision of new public transport services, or the enhancement of existing services, to serve new developments so that accessibility by non-car modes is maximised

**(3) Where new development has a demonstrable impact upon the highway network contributions towards improvements will be sought commensurate with the impact. The following specific highway improvements are identified as priorities:**

- (a) Strategic road improvements
  - J22 of M1
  - J13 of A42
  
- (b) Local road improvements
  - the A511 corridor between J22 of the M1 and J13 of the A42

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Money Hill Consortium	45	Proposals at Money Hill will consider issues of sustainable transport for each phase of development.	Noted.
Ashby Civic Society	110	<p>The Council's position that no fundamental change to policy is not accepted. There needs to be a high-level policy to encourage sustainable transport at a strategic level.</p> <p>The policy should include:</p> <ul style="list-style-type: none"> <li>- Housing and employment sites should be co-located in order to minimise travel to work.</li>   <li>- Bus services should be enhanced between major sites of employment and residences.</li> </ul>	<p>The Plan has sought do this, for example through the allocation of land at Money Hill Ashby for both housing and employment. However, it should be recognised that the locational requirements for employment land are different to those for housing and so it may not always be possible to achieve this aim.</p> <p>Policy IF4 (2) (c) already requires improved public transport provision as a general requirement.</p>

		<ul style="list-style-type: none"> <li>- Bus services should be enhanced between residences and town centres</li> <li>- Employment sites should be distributed around the district to minimise resident employment travel.</li> <li>- Penetrative road linkages into major housing allocations should be made from key highways to the sites to avoid congestion on the local road network.</li> <li>- Contributions from developers should be directed to local network improvements not strategic highway improvement.</li> </ul>	<p>However, it is considered that it would be appropriate to clarify that improved public transport should be focused upon improving accessibility to key services and facilities and what they might be. It is proposed to amend the policy to state “so that accessibility by non-car modes <u>to essential services and facilities, such as shops, schools and employment</u>, is maximised”.</p> <p>See comments above. In addition, Policy H3a (iv) (Proposed Money Hill housing allocation) requires improved public transport provision. Both existing and proposed sites are already distributed around district. As noted above it should be recognised that the locational requirements for employment land are different to those for housing and so it may not always be possible to achieve this aim.</p> <p>It is not clear what this means, but where specific links are required these are highlighted in policies (e.g. H3a (i) and (ii) – Money Hill).</p> <p>Contributions required as part of new development can only address the impact of the proposed development. If such an impact was on the strategic highway network rather than the local highway network it would not be appropriate to direct monies to the latter.</p>
Cliftonthorpe Residents	113	Development at Money Hill will lead to unsustainable transport patterns as public transport links are poor outside peak hours.	Policy H3a(iv) requires improvements to public transport.

## Proposed further modifications

### Policy IF4: Transport Infrastructure and new development

- (1) The Council, working with the highway authorities, will ensure that development takes account of the impact upon the highway network and the environment, **including climate change**, and incorporates safe and accessible connections to the transport network to enable travel choice, **including by non-car modes**, for residents ~~and commuters~~, **businesses and employees**. In assessing proposals regard will be had to any Transport Assessment/Statement and Travel Plan prepared to support the application.
- (2) New development will be expected to **maximise accessibility by sustainable modes of transport, having regard to the nature and location of the development site and** contribute towards improvement of the following where there is a demonstrable impact as a result of the proposed development:
  - (d) The provision of cycle links within and beyond sites so as to create a network of cycleways across the district, including linkages to key Green Infrastructure
  - (e) The provision of public footpath links within and beyond sites so as to enhance the network of footpaths across the district, including linkages to key Green Infrastructure
  - (f) The provision of new public transport services, or the enhancement of existing services, to serve new developments so that accessibility by non-car modes ***to essential services and facilities, such as shops, schools and employment***, is maximised
- (3) Where new development has a demonstrable impact upon the highway network contributions towards improvements will be sought commensurate with the impact. The following specific highway improvements are identified as priorities:**
  - (c) Strategic road improvements
    - J22 of M1
    - J13 of A42
  - (d) Local road improvements
    - the A511 corridor between J22 of the M1 and J13 of the A42

Inspector's question

**d Proposed MM to Policy Ec2 (and others as appropriate) to introduce flexibility for proposals for sustainable housing or employment or other development within the M42 corridor.**

Council's response

In response to the issues raised, the Council is proposing the following amendments to Policy Ec2:

Policy Ec2 – ~~Employment allocations: new allocations~~ **New Employment sites**

- (1) Land north of Ashby de la Zouch (Money Hill) is allocated for employment development for up to 16 Ha subject to the following:
- (a) The provision of vehicular access to the A511 in conjunction with the adjoining housing development proposed under policy H3a and;
  - (b) The provision of employment units of varying sizes to meet the needs of a wide range of employers and;
  - (c) The provision of appropriate landscaping, planting and other features so as to minimise the impact upon the adjoining housing development proposed under Policy H3a as well as the impacts on the wider landscape and biodiversity and;
  - (d) design and layout of the proposed development should **have due regard to the protection and enhancement of Heritage Assets including Ashby Castle Scheduled Ancient Monument, Parish Church of St Helen and Ashby de la Zouch Conservation Area**; ~~minimise the impact upon the setting of Ashby de la Zouch Conservation Area and the Ashby Castle Scheduled Ancient Monument;~~
  - (e) The provision of cycle and walking links to the adjoining housing development proposed under Policy H3a and;
  - (f) The provision of green infrastructure links, providing both an ecological connectivity and footpath and cycle links, within the development and to the wider area and;
  - (g) provision for the discharge of wastewater into the Mease catchment in accordance with the provisions of policy En2. Development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second 'development window' for the Developer Contributions Scheme has been agreed.
- (2) **Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:**

- (a) being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
- (b) having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and
- (c) not being detrimental to the amenities of any nearby residential properties or the wider environment; and
- (d) the proposal would not significantly compromise the viability or deliverability of land allocated in this Plan for employment development.

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Ashby Town Council	24	<p>Support 16Ha of employment land on Money Hill subject to it being contained within a single site adjacent to United Biscuits warehouse.</p> <p>As the HEDNA identifies a shortfall in allocations for class B1/B2 and small B8 the allocation at Money Hill should be for B1 or</p>	<p>It is considered that land adjoining the A511/Smisby Road is an appropriate location for employment use and would, in effect, represent a continuation of the Ivanhoe Business Park on the opposite side of Smisby Road. However, it is recognised that in view of the sites relationship with existing and proposed housing it would be appropriate to restrict employment uses to those which fall within the B1 Use Class which by their definition will not be injurious to residential amenity. Therefore, it is proposed to add in a new criterion (c) to state:</p> <p>“Land adjoining the A511 and Smisby Road will be restricted to those uses falling within the B1 Use Class”.</p> <p>The remaining criterion will then be renumbered accordingly.</p> <p>There is no evidence to demonstrate that there is no need for further small B8 uses in Ashby. It would not be appropriate to impose a blanket restriction as this</p>

		<p>B2. Further small B8 is not required in Ashby. Any new employment allocations to meet HEDNA shortfall should be distributed across the district to provide even spread of employment opportunities.</p>	<p>would reduce the flexibility to respond to the needs at a particular point in time. Both existing and proposed sites are already distributed around district. It should be recognised that the locational requirements for employment land are different to those for housing and so it may not always be possible to achieve this aim.</p>
IM Properties	27	<p>Makes no specific reference to the need, demand or opportunities for strategic B8 development. Makes no specific reference to the M42 Corridor. Suggest amending Ec2 (2) by adding “in particular land for strategic B8 development in the M42 corridor” after the comma. It is also suggested that part d) should be deleted as being unnecessary, unworkable and unwieldy.</p>	<p>Policy Ec2 is a generic policy which applies across the whole district for all types of employment. Part 2 of Policy Ec2 refers to evidence of “an immediate need or demand for additional employment land” including B8. It is not considered necessary to specifically refer to strategic B8. In respect of part d) on reflection it is considered that this requirement would be unreasonable and so should not be included.</p>
Brackley Property Developments Ltd	84	<p>Proposed change is welcomed and necessary. Question whether part (d) [development would not compromise development proposed in local plan] is necessary particularly as the policy is designed to help meet identified needs.</p>	<p>The intention behind Ec2 (2) (d) was to seek to ensure that proposals in the plan would not be jeopardised by ad-hoc proposals which come forward. On reflection it is considered that this requirement would be unreasonable and so should not be included.</p>
Ashby Civic Society	110	<p>Support allocation of 16 hectares for employment on Money Hill site subject to following criteria: That the allocation is contained in one site behind the UB warehouse;</p>	<p>It is considered that land adjoining the A511/Smisby Road is an appropriate location for employment use and would, in effect, represent a continuation of the Ivanhoe Business Park on the opposite side of Smisby Road. However, it is recognised that in view of the sites relationship with existing and proposed housing it would be appropriate to restrict employment uses to</p>

		<p>Allocation should be restricted to B1 and B2.</p> <p>The employment allocation should be increased to conform to the HEDNA recommendations. The balance of employment allocation should be distributed around the district to minimise travel to work.</p> <p>An allocation to Coalville would help regenerate previously developed land.</p> <p>Para 2 is not supported. The appropriate amount of land should be allocated and not respond to additional developer proposals which may lead to unsustainable development. Flexibility should come from adequately allocated sites with possible reserved sites located close to the A42, M1 and A50.</p>	<p>those which fall within the B1 Use Class which by their definition will not be injurious to residential amenity. Therefore, it is proposed to add in a new criterion (c) to state: “Land adjoining the A511 and Smisby Road will be restricted to those uses falling within the B1 Use Class”. The remaining criterion will then be renumbered accordingly. There is no evidence to demonstrate that there is no need for B8 uses in Ashby. It would not be appropriate to impose a blanket restriction as this would reduce the flexibility to respond to the needs at a particular point in time. For reasons in the Council’s statement in response to the HEDNA (EX/70) there is no immediate need to do this. Both existing and proposed sites are already distributed around district. It should be recognised that the locational requirements for employment land are different to those for housing and so it may not always be possible to achieve this aim. This would not necessarily be the case as in allocating land it would be necessary to consider a range of factors including deliverability and viability, as well as the suitability, in planning terms, of any particular sites.</p> <p>For reasons in the Council’s statement in response to the HEDNA (EX/70) there is no immediate need to do this. It is appropriate to have a policy which sets out how the Council will deal with ‘ad hoc’ employment proposals</p>
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Cliftonthorpe Residents	113	Criteria 2c should also be applied to the Money Hill employment allocation.	<p>The suggested modification to Policy H3a includes a requirement for the preparation and agreement of a Masterplan which includes, amongst other things, the need for measures to protect the amenity of existing residential areas. It would be appropriate for Policy Ec2 (1) to also include the same requirement for a masterplan so as to ensure consistency. It is proposed, therefore to add in a new criterion (h) to state:</p> <p><u>“A Masterplan prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.”</u></p>
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Proposed further modifications

<p><u>Policy Ec2 – Employment allocations: new allocations</u> <b>New Employment sites</b></p> <p>(1) Land north of Ashby de la Zouch (Money Hill) is allocated for employment development for up to 16 Ha subject to the following:</p> <p>(a) The provision of vehicular access to the A511 in conjunction with the adjoining housing development proposed under policy H3a and;</p> <p>(b) The provision of employment units of varying sizes to meet the needs of a wide range of employers and;</p> <p><b><u>(c) Land adjoining the A511 and Smisby Road will be restricted to those uses falling within the B1 Use Class and;</u></b></p>
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- (d) The provision of appropriate landscaping, planting and other features so as to minimise the impact upon the adjoining housing development proposed under Policy H3a as well as the impacts on the wider landscape and biodiversity and;
  - (e) design and layout of the proposed development should **have due regard to the protection and enhancement of Heritage Assets including Ashby Castle Scheduled Ancient Monument, Parish Church of St Helen and Ashby de la Zouch Conservation Area**; minimise the impact upon the setting of Ashby de la Zouch Conservation Area and the Ashby Castle Scheduled Ancient Monument;
  - (f) The provision of cycle and walking links to the adjoining housing development proposed under Policy H3a and;
  - (g) The provision of green infrastructure links, providing both an ecological connectivity and footpath and cycle links, within the development and to the wider area and;
  - (h) **A Masterplan prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas and;**
  - (i) provision for the discharge of wastewater into the Mease catchment in accordance with the provisions of policy En2. Development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second 'development window' for the Developer Contributions Scheme has been agreed.
- (2) **Where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to the proposal:**
- (a) being accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and**
  - (b) having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and**
  - (c) not being detrimental to the amenities of any nearby residential properties or the wider environment; and**

~~(d) the proposal would not significantly compromise the viability or deliverability of land allocated in this Plan for employment development.~~

### Inspector's question

#### **d. Explanatory background as to why only an affordable housing threshold of 15 or more units was tested in the viability assessment for the main settlements and not 11 or more as for the smaller settlements (Policy H4)**

### Council's response

The Council has provided the following response to the Inspector's request:

The National Planning Policy Framework (NPPF) does not provide any guidance in respect of thresholds to be applied for affordable housing and nor does the Planning Practice Guidance (PPG). The June 2011 Planning Policy Statement made reference to a national indicative minimum site size threshold being "15 dwellings". It went on to suggest that "*Local Planning Authorities can set lower minimum thresholds, where viable and practicable, including in rural areas*" subject to consideration of issues relating to economic viability.

The Council's Affordable Housing Supplementary Planning Document (2011) which had been informed by an earlier Viability Study relating to affordable housing had a threshold of 15 dwellings in each of Ashby de la Zouch, Castle Donington and Coalville with 5 dwellings elsewhere.

Whilst the PPS3 had been replaced by the NPPF, it was considered that it, together with the Affordable Housing SPD, provided a reasonable basis on which to assess affordable housing thresholds and targets. As a result initial consideration was being given to having a lower threshold for rural areas so as to allow the potential of some delivery in rural settlements likely to only have limited opportunities for development, for example through infill developments.

However, in late 2014 the then Planning Minister issued a written statement whereby developments of 10 homes or fewer were not to be subject to affordable housing contributions. The written statement was subsequently quashed in July 2015 following a legal challenge and then reinstated by the Court of Appeal in May 2016.

The timing of the ministerial statement and the subsequent legal proceedings coincided with preparation of the draft local plan (late 2014/early 2015), consultation on the draft Local Plan (September 2015) and preparation of the publication Local Plan (early 2016) and created a period of significant uncertainty. It was decided to increase the minimum threshold in line with the Ministerial Statement but to keep the slightly higher threshold in Ashby de la Zouch, Castle Donington and Coalville, not least in recognition of the fact that in these settlements most development was likely to be significantly above a threshold of 10 or less (or 11 or more as used in Policy H4) and so applying a lower threshold would have limited impact on the provision of affordable housing. A review of the Housing Trajectory (EX/19) shows this to be the case with no current sites in Ashby de la Zouch or Castle Donington falling between 11 and 15 dwellings and only three in the Coalville area (H1o, H1r and H1ag).

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Dr D Bigby	5	Should reduce threshold in Ashby down to 11 dwellings or more.	The June 2016 viability study only tested down to 15 dwellings in Ashby (and Coalville and Castle Donington). The Council has since commissioned additional viability work (EX/84) which suggests that a size threshold of 11 dwellings in Ashby, Coalville and Castle Donington would be viable. It is therefore, proposed to modify Policy H4 to reduce the threshold in Ashby, Castle Donington and Coalville to "11 dwellings OR 1,000 sqm (gross) floor space".
Ashby Civic Society	110	Threshold for affordable housing should be 11 or more for all sites	The June 2016 viability study only tested down to 15 dwellings in Ashby (and Coalville and Castle Donington). The Council has since commissioned additional viability work (EX/84) which suggests that a size threshold of 11 dwellings in Ashby, Coalville and Castle Donington would be viable. It is therefore, proposed to modify Policy H4 to reduce the threshold in Ashby, Castle Donington and Coalville to "11 dwellings OR 1,000 sqm (gross) floor space".

Proposed further modifications

<p><u>Policy H4: Affordable Housing</u></p> <p>(1) To support the provision of mixed, sustainable communities the Council will seek the provision of affordable housing on new housing developments. <b>The provision of affordable housing will be</b> subject to the following thresholds above which <del>provision will be sought</del> and the level of contributions <b><u>will be sought:</u></b></p>
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**Greenfield Sites**

Settlement	Minimum Affordable Housing Contribution	Threshold
Ashby de la Zouch	30%	15 or more dwellings <b><u>11 or more dwellings</u></b> <b><u>OR 1,000 sq m (gross) floor space</u></b>
Castle Donington	30%	15 or more dwellings <b><u>11 or more dwellings</u></b> <b><u>OR 1,000 sq m (gross) floor space</u></b>
Coalville Urban Area	20%	15 or more dwellings <b><u>11 or more dwellings</u></b> <b><u>OR 1,000 sq m (gross) floor space</u></b>
Ibstock	20%	11 or more dwellings OR 1,000 sq m(gross) floor space
Kegworth	30%	11 or more dwellings OR 1,000 sq m(gross) floor space
Measham	30%	11 or more dwellings OR 1,000 sq m(gross) floor space
All other settlements	30%	11 or more dwellings OR 1,000 sq m(gross) floor space

**Previously Developed Land**

<u>Settlement</u>	<u>Minimum Affordable</u>	<u>Threshold</u>
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	<b><u>Housing Contribution</u></b>	
<b><u>Ashby de la Zouch</u></b>	<b><u>15%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Castle Donington</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Coalville Urban Area</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Ibstock</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Kegworth</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Measham</u></b>	<b><u>15%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>All other settlements</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>

(2) In agreeing the provision of affordable housing account will be taken of:

- site size and site constraints; and
- financial viability, having regard to the individual circumstances of the site.

Where it can be demonstrated that the full affordable housing requirement would adversely affect the viability of a proposed development then the Council will agree to look at other measures to increase viability in accordance with Policy IM1 (Implementation and Monitoring of the Local Plan) before agreeing to a lesser amount of affordable housing subject to the provision of part (4) below.

(3) The Council's preference is for on-site affordable housing provision which should:

- include a mix of types and tenure that reflects the type and nature of any need at the time the application is determined and
- be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site.

(4) Planning permission will be subject to a legal agreement to secure the provision of the agreed amount of affordable housing. Where a site is likely to be developed in phases over the longer term the agreement will include a suitable mechanism to review the amount of affordable housing provided over time as viability improves.

(5) The Council will encourage the provision of affordable homes to meet the need of elderly people. Where bungalow provision is made the Council will consider reducing the overall level of affordable housing contribution, having regard to the type and size of other affordable housing provided across the site.

Inspector's question

- e. **Consideration of how a MM might be made to Policy H4 to enable the affordable housing thresholds or percentages to be adjusted for brownfield sites in preference to individual viability assessment and negotiation.**

Council's response

In response to the issues raised, the Council is proposing the following amendments to Policy H4:

<u>Policy H4: Affordable Housing</u>		
(1) To support the provision of mixed, sustainable communities the Council will seek the provision of affordable housing on new housing developments. <b><u>The provision of affordable housing will be</u></b> subject to the following thresholds above which <del>provision will be sought</del> and the level of contributions <b><u>will be sought</u></b> :		
<b><u>Greenfield Sites</u></b>		
Settlement	Minimum Affordable Housing Contribution	Threshold
Ashby de la Zouch	30%	15 or more dwellings
Castle Donington	30%	15 or more dwellings
Coalville Urban Area	20%	15 or more dwellings
Ibstock	20%	11 or more dwellings OR 1,000 (gross) floor space
Kegworth	30%	11 or more dwellings OR 1,000 (gross) floor space
Measham	30%	11 or more dwellings OR 1,000 (gross) floor space

All other settlements	30%	11 or more dwellings OR 1,000 (gross) floor space
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**Previously Developed Land**

<b><u>Settlement</u></b>	<b><u>Minimum Affordable Housing Contribution</u></b>	<b><u>Threshold</u></b>
<b><u>Ashby de la Zouch</u></b>	<b><u>15%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Castle Donington</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Coalville Urban Area</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Ibstock</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Kegworth</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>Measham</u></b>	<b><u>15%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>
<b><u>All other settlements</u></b>	<b><u>5%</u></b>	<b><u>30 or more dwellings OR sites of 1Ha or more</u></b>

(2) In agreeing the provision of affordable housing account will be taken of:

- site size and site constraints; and
- financial viability, having regard to the individual circumstances of the site.

Where it can be demonstrated that the full affordable housing requirement would adversely affect the viability of a proposed development then the Council will agree to look at other measures to increase viability in accordance with Policy IM1 (Implementation and Monitoring of the Local Plan) before agreeing to a lesser amount of affordable housing subject to the provision of part (4) below.

(3) The Council's preference is for on-site affordable housing provision which should:

- include a mix of types and tenure that reflects the type and nature of any need at the time the application is determined and
- be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site.

(4) Planning permission will be subject to a legal agreement to secure the provision of the agreed amount of affordable housing. Where a site is likely to be developed in phases over the longer term the agreement will include a suitable mechanism to review the amount of affordable housing provided over time as viability improves.

(5) The Council will encourage the provision of affordable homes to meet the need of elderly people. Where bungalow provision is made the Council will consider reducing the overall level of affordable housing contribution, having regard to the type and size of other affordable housing provided across the site.

The Council is also proposing the following additional text to be inserted after the current Para 7.33 in the supporting text to Policy H4:

**In regards to previously developed land the Viability Study tested a range of scenarios to assess the viability of affordable housing on both greenfield and brownfield sites. The Study identified that affordable housing viability on brownfield sites is generally more constrained compared to greenfield sites.**

**The Viability Study identifies that brownfield sites in areas such as Coalville and Castle Donington, for example, have a higher value for employment land compared to residential.**

**The generally higher development costs of previously developed land (compared to greenfield sites) can impact upon site viability and so will require a different approach in respect of associated development costs, including affordable housing.**

**Therefore, to ensure the Local Plan responds to this evidence and to assist the viability and therefore delivery of brownfield sites Policy H4 provides for different affordable housing requirements for greenfield and brownfield sites.**

Summary of comments received and Council's response

<b>REPRESENTOR</b>	<b>REPRESENTOR NUMBER</b>	<b>COMMENTS MADE</b>	<b>NWLDC RESPONSE</b>
Ashby Town Council	24	The District Council anticipates delivery of 1,831 affordable dwellings against need for 3,980 dwellings. Under-delivery is not being planned for.	As noted in the Council's statement in respect of Matter 4 affordable housing can, and will, be delivered through other means than via the planning system.
Dr D Bigby	5	Concerned about the proposed wording as would apply to Ashby. The recent approval at Arla included for 30% affordable housing whereas as under the proposed change it would have been 15% and hence less affordable housing would be available in Ashby. This casts doubt on Viability Assessment for Local plan as it suggested only 15% was affordable on brownfield sites.	The Viability Assessment of the Local Plan (LP/09) by its nature has to make some generic assumptions and it is always possible that there will be some sites which perform better than others. It can only offer an across the board assessment rather than a detailed assessment. Whilst Arla as landowner have agreed to 30% affordable housing provision as part of the recent planning application, this has not been informed by a detailed viability assessment.
Ashby Civic Society	110	The Housing White Paper states that the Government intends to amend the NPPF to introduce a clear policy expectation that housing sites deliver a minimum of 10% affordable home ownership units. Therefore the proposed 5% minimum proposed is unsound.  Since June 2013 the Council has adopted a policy of relaxing the affordable housing contribution of houses in Coalville due to viability	The White Paper is not policy so only limited weight can be attached to its provisions.  The policy referred to by the Ashby Civic Society sets out the Council's policy in relation to developer financial contributions towards infrastructure

		<p>issues. Consequently the target of 20% affordable housing has not been achieved in sites in Coalville since the policy was introduced. Policy H4 should be amended to reflect the current realistic affordable housing contribution around Coalville or the June 2013 policy should be rescinded.</p> <p>The recommended 15% affordable housing for Ashby is lower than what has been consistently achieved on brownfield sites and below the 30% agreed for the Arla Dairy site. Lowering the minimum to 15% will reduce affordable housing on this site and future PD sites.</p>	<p>provision required in relation to major residential proposals in and around Coalville. A copy of the June 2013 Cabinet Report has been added to the examination library (Ex/85).</p> <p>The policy was intended to help facilitate the delivery of housing in the Coalville area in those circumstances where evidence demonstrated that viability was likely to be an issue. The policy was designed to provide some indication of what the Council's priorities would be in relation to infrastructure. The policy only applies to developments of 50 or more dwellings and it is to be a consideration in determining planning applications.</p> <p>The policy was designed to deal with specific Coalville related issues. It is not a 'long term' policy and the Council's view is that upon adoption of the Local Plan the policy will be rescinded.</p> <p>Noted. The Arla dairy site has not been subject of a detailed viability assessment so it is possible that a lower figure may be sought.</p> <p>The suggested change has been put forward in response to the Inspector's request and reflects the findings of the viability study.</p>
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No further modifications proposed.

Inspector's question

- f. **Proposed MM to require a comprehensive master plan (or development framework) for the strategic mixed allocation at Money Hill, Ashby de la Zouch.**

Council's response

In response to the issues raised, the Council is proposing the following amendments to Policy H3a

Policy H3 – Housing provision: new allocations

The following sites are allocated for housing development, subject to meeting the specified requirements set out below. These sites will be subject to a Section 106 Agreement to secure the provision of any specific requirements including on and off-site infrastructure.

H3a - Land north of Ashby de la Zouch (**about 2,050** ~~1,750~~ dwellings in total)

Development will be subject to the following requirements:

- (i) provision for suitable and safe access from the A511 (the principal vehicular access route), Smisby Road (the secondary vehicular access point) and Nottingham Road (primarily as a sustainable transport access, with some potential for very limited vehicular access) and;
- (ii) any highway link between the A511 access and Smisby Road access should be designed in such a way that it would not provide an attractive through route from the A511 to Smisby Road and;
- (iii) provision of suitable and safe walking and cycling connections from the site to Ashby town centre, and adjoining employment areas (existing and proposed) **and the wider countryside** and;
- (iv) provision of a range of infrastructure including a new primary school, extensions to secondary schools, affordable housing, open spaces, green infrastructure and community facilities and enhanced public transport provision and;
- (v) design and layout of the proposed development should **have due regard to the protection and enhancement of Heritage Assets including** ~~minimise the impact upon the setting of Ashby de la Zouch Conservation Area and the Ashby Castle Scheduled Ancient Monument,~~ **Parish Church of St Helen and Ashby de la Zouch Conservation Area;**

(vi) provision for the discharge of wastewater into the Mease catchment in accordance with the provisions of policy En2. Development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second ‘development window’ for the Developer Contributions Scheme has been agreed and no more than 600 dwellings will be allowed to be built until provision is made for pumping wastewater from the sewage treatment works at Packington out of the river Mease catchment and;

(vii) provision of a mineral assessment identifying the potential effect of the proposed development on the mineral resources beneath and adjacent to the site.

**(viii) A Masterplan agreed in writing with the local planning authority for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.**

Summary of comments received and Council’s response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Dr D Bigby	5	Proposed wording is inadequate as it fails to provide a sufficient level of detail. It also fails to acknowledge the emerging Ashby NP which requires a Masterplan to be agreed with the Town Council.	It is not for the local plan to go in to significant detail, which is the task of the Masterplan. The proposed wording identifies those matters which it is expected that a Masterplan will address. It is recognised that the Town Council are a key stakeholder but the final decision as to the approval of the Masterplan is that of the District Council as the local planning authority. However, it would be appropriate to amend part (viii) of H3a to include reference to the need for the involvement of stakeholders. The following wording is suggested:

			<p>A Masterplan, <u>prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority</u> , for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.</p>
Dr D Bigby	5	As HEDNA identifies lower housing figure than previously used in the Local Plan, the capacity at Money Hill should revert to no more than 1,750 dwellings.	Identifying a capacity of 1,750 dwellings would represent an inefficient use of land as the overall site is capable of accommodating more than 1,750 dwellings, with some of these being after 2031.
Ashby Town Council	24	Masterplan should be in place before development commences. Concerned that there is no provision for community consultation.	<p>It is recognised that the Town Council are a key stakeholder. It would be appropriate to amend part (viii) of H3a to include reference to the need for the involvement of stakeholders. The following wording is suggested:</p> <p>A Masterplan, <u>prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority</u> , for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.</p>

Money Hill Consortium	45	No objection	Noted
Ashby Civic Society	110	<p>The increased housing allocation to 2050 is not supported by sound evidence nor HEDNA requirements.</p> <p>(i) the phrase "very limited vehicular access" requires clarification.</p> <p>(iv) provision of public car parking should be added.</p> <p>(viii) the key issue of the development of the Money hill site is the traffic impact on the existing road network. Therefore the masterplan must define the principal access routes and sustainable transport links.</p> <p>The Masterplan to be approved before any further planning applications are approved. The plan should also be agreed by the Town Council and the masterplan inserted into Neighbourhood plan.</p>	<p>Notwithstanding the fact that this provision was not included as part of the suggested modification, the wording reflects the advice of highway authority. Notwithstanding the fact that this provision was not included as part of the suggested modification, it is not clear as to how a car park would meet the CIL tests. Any requirement would have to be limited to a size to meet impact arising directly from the development. In view of proximity of site to town centre this is likely to be quite small.</p> <p>Part (i) of this policy already sets out key road network issues.</p> <p>It is recognised that the Town Council are a key stakeholder but the final decision as to the approval of the Masterplan is that of the District Council as the local planning authority. However, it would be appropriate to amend part (viii) of H3a to include reference to the need for the involvement of stakeholders. The following wording is suggested:  A Masterplan, <u>prepared in consultation with stakeholders, including both the district and town council and</u> agreed in writing with the local planning authority , for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within</p>

			and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.
Cliftonthorpe Residents	113	<p>The Masterplan should include a full impact assessment before any further allocations are made.</p> <p>Masterplans by Dartmoor National Park Authority, which has similar sensitivities to the National Forest, suggests greater depth of policy guidance for the Masterplan brief.</p> <p>The following additional criteria are suggested: Masterplan to be worked up with the community, landowners and developers through the emerging Ashby de la Zouch Neighbourhood Plan.</p>	<p>It is not the role of the Masterplan to consider the allocation of any additional land, but rather its role is to identify how the site will be developed out. It is considered that the proposed wording is sufficiently detailed and identifies those matters which it is expected that a Masterplan will address.</p> <p>It is recognised that the Town Council are a key stakeholder but the final decision as to the approval of the Masterplan is that of the District Council as the local planning authority. However, it would be appropriate to amend part (viii) of H3a to include reference to the need for the involvement of stakeholders. The following wording is suggested:  A Masterplan, <u>prepared in consultation with stakeholders, including both the district and town council and</u> agreed in writing with the local planning authority , for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.</p>

		<p>Measures to be put in place to protect the amenity of existing residential areas including screening.</p> <p>The provision of Z% of green infrastructure, incorporating and expanding existing footpath and bridleway networks, and new cycleways, into town and out across the A511 to the National Forest.</p> <p>Protection of the line of the former Ashby-Worthington railway route through the existing tunnel under the A511 for future use.</p> <p>Concentration of employment land adjacent to the existing United Biscuits Distribution Centre.</p> <p>Retention of existing Ivanhoe Equestrian centre and consideration of developing healthy countryside leisure uses.</p>	<p>The proposed wording already refers to “what measures will be put in place to protect the amenity of existing residential areas”.</p> <p>Policy H3a (iv) already requires provision of open space and green infrastructure whilst part (iii) requires the provision of cycling and walking links. It would be for the Masterplan to decide on the details of these.</p> <p>It is not clear what future use is envisaged or how development might impact upon the former tunnel.</p> <p>It is considered that land adjoining the A511/Smisby Road is an appropriate location for employment use and would, in effect, represent a continuation of the Ivanhoe Business Park on the opposite side of Smisby Road. However, it is recognised that in view of the sites relationship with existing and proposed housing it would be appropriate to restrict employment uses to those which fall within the B1 Use Class which by their definition will not be injurious to residential amenity. Therefore, it is proposed to add in a new criterion (c) to Policy Ec2 (1) to state:  “Land adjoining the A511 and Smisby Road will be restricted to those uses falling within the B1 Use Class”.</p> <p>The remaining criterion will then be renumbered accordingly.</p> <p>It is considered that in planning terms there is no justification for requiring the retention of the equestrian centre. Other aspects of the policy require footpath and cycle links to be included as part of the development of the site.</p>
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## Proposed further modifications

### Policy H3 – Housing provision: new allocations

The following sites are allocated for housing development, subject to meeting the specified requirements set out below. These sites will be subject to a Section 106 Agreement to secure the provision of any specific requirements including on and off-site infrastructure.

H3a - Land north of Ashby de la Zouch (**about 2,050** ~~1,750~~ dwellings in total)

Development will be subject to the following requirements:

- (i) provision for suitable and safe access from the A511 (the principal vehicular access route), Smisby Road (the secondary vehicular access point) and Nottingham Road (primarily as a sustainable transport access, with some potential for very limited vehicular access) and;
- (ii) any highway link between the A511 access and Smisby Road access should be designed in such a way that it would not provide an attractive through route from the A511 to Smisby Road and;
- (iii) provision of suitable and safe walking and cycling connections from the site to Ashby town centre, ~~and~~ adjoining employment areas (existing and proposed) **and the wider countryside** and;
- (iv) provision of a range of infrastructure including a new primary school, extensions to secondary schools, affordable housing, open spaces, green infrastructure and community facilities and enhanced public transport provision and;
- (v) design and layout of the proposed development should **have due regard to the protection and enhancement of Heritage Assets including** ~~minimise the impact upon the setting of Ashby de la Zouch Conservation Area and the Ashby Castle Scheduled Ancient Monument,~~ **Parish Church of St Helen and Ashby de la Zouch Conservation Area**;
- (vi) provision for the discharge of wastewater into the Mease catchment in accordance with the provisions of policy En2. Development which does not meet these provisions will not be permitted. In addition, development will not be permitted until a second 'development window' for the Developer Contributions Scheme has been agreed and no more than 600 dwellings will be allowed to be built until provision is made for pumping wastewater from the sewage treatment works at Packington out of the river Mease catchment and;

(vii) provision of a mineral assessment identifying the potential effect of the proposed development on the mineral resources beneath and adjacent to the site.

**(viii) A Masterplan prepared in consultation with stakeholders, including both the district and town council and agreed in writing with the local planning authority for the comprehensive development of the site which identifies a range of land uses (including residential, employment and commercial uses, green infrastructure and open spaces, pedestrian and cycle links within and beyond the site and community facilities) and their relationship to each other and existing development in the vicinity of the site and what measures will be put in place to protect amenity of existing residential areas.**

Inspector's question

- g. Further explanation of the separate matters of technical errors in DCS/1 and implications for viability of development if they were taken into account and how NWL will deal with limited capacity for SAC mitigations pending further phases of DCS.**
- h. Evidence of the imposition of the DCS on sites already with permission and the implications of this with respect to their deliverability.**

Council's response

These matters are dealt with in a separate note submitted to the Examination Library (EX/77)

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Ashby Civic Society	110	<p>Paragraph 2.13 of Council statement (EX/77) is incorrect as there has not been any improvement in water quality since DCS1, but rather a deterioration.</p> <p>Welcome statement that DCS2 could not identify sufficient measures to provide capacity.</p> <p>Tables 1 and 2 in Council's statement (EX/77) do not provide full information on properties approved under DCS1 and DCS2 so cannot check what level of permissions have been approved. It is noted that no industrial sites are included in the data provided.</p>	<p>The graphs included as part of Appendix F to EX/77 clearly demonstrate that the levels of phosphate recorded at various locations along the river Mease since 2012 have declined.</p> <p>Table 1 and Table 2 of EX/77 only list those sites identified in the Local plan as it was understood that this was what the request related to. The Council has taken account of other types of development which have been permitted in the catchment, including commercial developments. It will be seen that the total number of dwellings listed in Table 1 of EX/77 is 1,480 dwellings, but as noted in paragraph 3.3 the total number of (equivalent) dwellings assigned to DCS1 is 2,437. In terms of table 2 the sites listed total 719 dwellings but the</p>

		<p>DTA briefing of 3 October 2012 accepts that the incorrect phosphate levels were used in DCS1. The DTA briefing did not go on to address the technical implications of using the incorrect figure.</p> <p>DCS1 (using the correct phosphate levels) and DCS2 in combination do not authorise the number of dwellings approved to date.</p> <p>Maintain that conclusion set out in EX/62 are correct.</p>	<p>(equivalent) dwellings referred to in paragraph 3.5 is 1,269.</p> <p>The DTA briefing (Appendix C) does not accept that the incorrect phosphate levels were used. Rather the note recognised that the Water Cycle Study had used a different figure and, therefore, identified that the first question was “What is the correct value for average P to underpin the calculation of DCS contributions...” (Paragraph 4 to Appendix C of EX/77). The note then goes on to conclude that having regard to the requirements of the Regulations for any action “to be the least onerous to those affected” that use of historical (higher data) was appropriate. It was not necessary to address the technical implications in view of the conclusion reached on this matter.</p> <p>As outlined in EX/77 DCS1 was not based on incorrect figures.</p>
Ashby Town Council	24	<p>Errors in DCS1 mean that an additional 1,800 dwellings need to be dealt with through DCS2 than have been allowed for. Development of remainder of Money Hill site not subject to planning permission should be removed from the plan.</p>	<p>As set out in EX/77 the approach taken in DCS1 is not erroneous</p>

### Inspector's question

- i. **Proposed MM to Policy H3c for the allocation of one or both of the alternative sites in Measham with respect to the potential effects of HS2, specifying a total overall capacity.**

### Council's response

The Council has provided the following response to the Inspector's request:

#### **Measham**

The site at Ashby Road/Leicester Road, Measham (Policy H3c) was put forward as a reserve site for land west of High Street, Measham (Policy H2e) which was affected by the initial proposed route for HS2. Policy H3c makes it clear that the development of land at Ashby Road/ Leicester Road Measham would only be supported in the event that the confirmed HS2 route prohibited development of land West of High Street.

On 16 November 2016 a revised route for HS2 was published which proposed an alternative route to the east of Measham rather than to the west. As a result land west of High Street is no longer affected by the current proposed route of HS2. One of the consequences of this is that the S106 agreement was subsequently signed and planning permission was issued on 21 December 2016.

Notwithstanding that the current route is the 'preferred' route and HS2 has issued a 'safeguarding corridor' via a Safeguarding Direction it is still possible that the route could be amended again and the current consultation does not close until 9 March 2017, after which further announcements can be expected.

Having considered this matter further, including holding discussions with the site promoter and their agent, the Council is of the view that land at Ashby Road/Leicester Road Measham should be retained in the plan but only as a reserve site in the event that land west of High Street cannot be developed due to the impact of HS2.

However, it is recognised that HS2 could impact upon land west of High Street but that some of the site could still be developed. Therefore, there might be a need to release the land at Ashby Road/Leicester Road even if all of the land west of High Street is not affected in order to ensure that the plan requirements are satisfied. It is proposed therefore, that a main modification be published to replace the first part of Policy H3c with the following:

Development of this site will be supported in the event that the proposed route of HS2, when confirmed, prohibits the development of **all or the majority** of land west of High street Measham

## **Kegworth**

The Local Plan as submitted included a commitment in respect of land at Ashby Road, Kegworth (Policy 1v and K7 in the SHLAA) for 110 dwellings. In addition, permission was also granted for development of land adjacent to the Computer Centre and J24 of the M1 at Packington Hill Kegworth for 150 dwellings (14/00451). This is site H11 in the SHLAA. The safeguarded route for HS2 now goes through both sites and so it is unlikely that they will deliver much, if any development. The housing trajectory assumes zero delivery from both sites.

In response to the publication version of the Local Plan a representation was received on behalf of the owner of land at Molehill Farm, Ashby Road Kegworth (Representor 65) promoting it for housing. The site is also included in the latest version of the SHLAA (HO/06) (site K12). According to the representation the site covers some 17ha but 11.4ha is located within the Public Safety Zone for East Midlands Airport and so would not be appropriate for development. The representation suggests therefore that some 6.4 would be developable and so could accommodate 115 to 135 dwellings.

In view of the fact that sufficient sites had already been provided for in the Local Plan it was not previously considered necessary to include this site. However the proposed change to the route of HS2 which will potentially result in the loss of 260 dwellings in Kegworth represents a change in circumstances. It is suggested that an approach similar to that in Measham, whereby the site at Molehill farm is identified as a reserve site in the event of one or more of the sites at Ashby Road and adjacent to the Computer Centre which already have permission not being developable due to the impact of HS2. A policy wording similar to that at Ashby Road/Leicester Road, Measham would be appropriate.

It is acknowledged that the site at Molehill Farm has not been assessed as part of the Sustainability Appraisal. However, of the sites identified in the SHLAA in Kegworth and which do not already have consent, it is the only site not affected by flooding related issues whereas both K6 and K5 are. The Council would also need to undertake more detailed examination of the site and discussions with the landowner or their agent.

Any proposal to include this site as a reserve site would have to be done as a main modification and be subject to Sustainability Appraisal but the approach is commended to the Inspector for consideration.

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Hallam Land Management	42	No objections	Noted
Jarrom Agricultural Services	65	Support Council's commendation to the Inspector to consider allocating land at Molehill farm, Ashby Road, Kegworth as a potential reserve site in the event that other sites in Kegworth are not deliverable due to the impact of HS2.	<p>Noted. The following policy wording is suggested should the proposed modification be agreed:</p> <p>"H3XX - Land south of Ashby Road, Kegworth (about 110 dwellings)</p> <p>Development of this site will be supported in the event that the proposed route of HS2, when confirmed, prohibits the development of all or the majority of sites north of Ashby Road Kegworth and south of Derby Road Kegworth.</p> <p>Development will be subject to the following:</p> <ul style="list-style-type: none"> <li>(i) provision of vehicular access from Ashby Road;</li> <li>(ii) provision of walking and cycling connections from the site to Kegworth centre;</li> <li>(iii) provision of a range of infrastructure including contributions towards education provision, affordable housing, open spaces, green infrastructure and community facilities and enhanced public transport provision and;</li> <li>(iv) the incorporation of appropriate measures to mitigate the impact of any noise issues associated with the M1, HS2 or East Midlands Airport." </li></ul>

Inspector's question

**k Considered site by site response on deliverability of housing sites tabulated in S5/60.**

Council's response

**COMPARISON OF 5-YEAR HOUSING LAND SUPPLY – NWLDC AND GVA**

At the hearing session in respect of Matter 5 GVA on behalf of Jelson queried the build rate included in the housing trajectory. The table below summarises the numerical difference between GVA's and the Council's assessments and sets out the Council's response on specific sites.

Sites proposed in Local Plan

<b>SITE</b>	<b>NWLDC ESTIMATE<sup>1</sup></b>	<b>GVA ESTIMATE<sup>2</sup></b>	<b>DIFFERENCE</b>	<b>COMMENTS OF NWLDC</b>
Money Hill Ashby de la Zouch (Policy H3a)	350	205	145	James Bompas of Icen Projects (Appendix D) has confirmed that a start on site is anticipated in mid to late 2017, and the development is expected to deliver 130 dwellings per annum based on two developers building concurrently.
Hollywell Spring Farm, Burton Road, Ashby de la Zouch (Policy H1d)	250	94	156	At a recent appeal GVA agreed that 250 dwellings was appropriate
South of Park Lane, Castle Donington (Policy H1i)	140	0	140	Development is viable, the planning permission included a detailed viability appraisal which resulted in a reduced affordable housing requirement (12%).

<sup>1</sup> Based on Housing Trajectory Ex/19

<sup>2</sup> Based on statement made by GVA at hearing session on 10 January 2017

				No public sector funding support is required. An application for funding from Highways England was submitted but this was to enable acceleration of the provision of bypass, not because funding was needed. The permission includes various triggers regarding timing of provision of the road to meet highway safety type concerns, but in highway terms there is no reason to bring forward the road quicker, it would be purely a benefit to all concerned.
Standard Hill/West of Highfield Street, Coalville (Policy H1n)	100	0	100	The agent has confirmed that Miller Homes aim to start on site in 2018 and a build out rate of 30-40 dwellings per annum is appropriate.
South-East Coalville (Policy H1q and H2c)	435	120	315	Issue was discussed at hearing session where agent confirmed that rates suggested were reasonable.
Acresford Road, Donisthorpe (Policy H1p)	36	0	36	At a recent appeal GVA agreed that 36 dwellings was appropriate
Ashby Road , Kegworth (Policy H1v)	0	0	0	Site affected by proposed route of HS2. Small amount of development may be possible but not clear at this stage.
Jackson Street, Coalville (Policy H2a)	60	0	60	Have acknowledged viability issues and this is reflected in the start date. Developer has indicated they intend to start on site in 2019 with a build rate of 30 dwellings per annum.
West of High Street, Measham (Policy H2e)	60	0	60	The agent anticipates that Reserved Matters will be submitted and approved by the end of 2017. In addition, landowner is marketing site to developers.

Blackfordby Lane, Moira (Policy H2f)	18	0	18	Agent has confirmed intention to submit a reserved matters application shortly and that the landowner will either put the site to market or implement permission himself.
Waterworks Road, Coalville (Policy H3b)	50	0	50	Council owned site. Programme envisages submission of planning application mid-May 2017 with a view to marketing site-mid-August 2017. Allowing for sale of site and subsequent applications start on site in 2019/20 is reasonable.
TOTAL	1,499	419	1,080	

Sites included in 5-year supply but not included in Local Plan

SITE	NWLDC ESTIMATE <sup>3</sup>	GVA ESTIMATE <sup>4</sup>	DIFFERENCE	COMMENTS
Land south of Greenhill Road, Coalville	126	81	45	Estimate was based on information supplied by applicant for original permission (Gladman).
Worthington lane, Newbold	16	0	16	Relatively small site with no obvious constraints to development. Assumed time table allows for lead in time of reserved matters application.
Butt Lane/Hepworth Road, Woodville	70	0	70	Planning permission issued on 27 January 2017. It is understood that landowner has had discussions with developers.
TOTAL	212	81	131	

<sup>3</sup> Based on Housing Trajectory Ex/19

<sup>4</sup> Based on statement made by GVA at hearing session on 10 January 2017

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
GVA o/b/o Jelson	60	Maintain that Council does not have a 5-year supply.	Noted. In terms of the Housing Supply Tables it is noted that no table is included on the basis of the OAN of 481 dwellings as identified in the HEDNA. For completeness this table is included below. It demonstrates that even on the basis of the reduced supply put forward by GVA that there is a 5-year supply of housing with both a 5 and 20% buffer.

	OAN 481 p.a. 2011 - 2031			
	5% buffer		20% buffer	
	Council	GVA	Council	GVA
OAN 2011 - 2016	2646	2646	2646	2646
Delivered 11 - 16	2690	2690	2690	2690
Shortfall 11 - 16	-44	-44	-44	-44
Base requirement 16 - 21	2405	2405	2405	2405
Buffer	118	118	472	472
Five year requirement	2479	2479	2833	2833
annual requirement	496	496	567	567
Available supply	3975	2894	3975	2894
supply in years	8.01	5.83	7.01	5.10

Inspector's question

**I. Considered site by site response on deliverability of employment sites tabulated in PS6/57, including copies of correspondence on potential delivery of the Lounge Disposal Site.**

Council's response

Site Name	Use Class	NWLDC Site Area (Ha)	NWLDC Residual Site Area (Ha)	Planning Prospects Site Area (Ha)	Planning Prospects Residual Site Area (Ha)	Comments
Battleflat (Interlink) Bardon	B1,2,8	1.77	1.77	1.77	0	This site is different to the one referred to by Planning Prospects and is the final plot remaining on the site. The site straddles NWL's border with Hinckley and Bosworth Borough Council and forms part of a larger site. The residual 1.77Ha is for the part of the site that falls within NWLDC.
Lounge Disposal Point – G Park	B8	25.5	25.5	25.5	0	The site has planning permission. The route of HS2 runs through the western extent of the site. An email from IDI Gazeley confirms that both IDI Gazeley and Harworth Estates are keen to explore alternative development on the balance of the site that would not require the construction of the railway line. Therefore, there is still residual land available on this site but at this time the extent of residual land is not known.
West of Smisby Road (Ivanhoe Business Park) Ashby	B1,2,8	2.82	2.82	5.8	2.5	The site is now largely developed and there are a number of plots currently under construction. Two plots (A2 and A3) have been lost to development of D1 uses (a children's day nursery and a veterinary surgery). All of the outstanding plots now have planning permission. The residual figure identified is for the outstanding plots where development is yet to start (These are Plots B1, B2, D and N,P,R,S,T + U).

Ashby Business Park	B1,2	7	7	6.57	3.54	Current application, awaiting determination for the development of an industrial building for B1c,2,8 use on a 7Ha site. Until such time as this plot is developed there remains 7Ha of residual land on the site.
East Midlands Distribution Centre, Castle Donington	B8	20.39	16.96	20.39	13	Part of the site (Plot 6, apart from unit 6B) were built pre-2011. Plot 2, the large M&S distribution centre (16.7Ha) has been completed. A recent permission has been granted for Plot 5A (3.43Ha) which is now under construction. There is also a current undetermined application for the development of Plot 1 (10.22Ha). Residual figure includes Plot 1.
Pegasus Business Park, East Midlands Airport		10	10	10	6.5	The site is located close to the airport. A large part of the site has been developed but there is circa.10Ha of land remaining.
Swainspark, Albert Village	B1,2	2.11	2.11	2.11	2.11	Site allocated for employment use in the adopted (2002) Local Plan. The site does not form part of the Woodville Regeneration Area in the South Derbyshire Local Plan (Part 1). Part of the site has been developed for B8 use and part of the site has been lost to a solar park. There is a residual of 2.11Ha.
Rear of Charnwood Arms, Bardon	B1	1.14	1.14	1.14	1.14	The site is to the rear of the former Stardust club. The site has permission for B1 office development. A recent application has been submitted (17/00048/OUTM) for the development of light industrial (B1c) and B8 uses on the site. The site owners have not been successful in securing tenants for B1 use and are keen to increase the attractiveness of the site by gaining permission for alternative employment.
Beveridge Lane, Ellistown	B8	25	0	25	0	Site has permission for the development of three units. Two are complete and occupied, the larger unit (169,800sqm) is occupied by Amazon. The third unit, which was not started as of October 2016 is outside the 25Ha site and is largely within Hinckley and Bosworth Borough.

Off Beveridge Lane/South Lane, Bardon	B1,2,8	3.88	0	3.88	0	Site has been built out and is currently being marketed.
Land at Sawley Crossroads	B1,8	38.96	14.08	24.88	0	The site has part full/part outline permission. The full permission is for the development of a regional storage and distribution building (B8 use) for Aldi (24.88Ha). The outline consent is for additional B8 storage and distribution uses on the remainder of the site (14.08Ha) to be developed as and when needed by Aldi. The offsite highways works are underway.
<b>TOTAL</b>		<b>138.57</b>	<b>81.38</b>	<b>127.04</b>	<b>28.79</b>	

**Email Correspondence regarding the Lounge Site, Ashby de la Zouch**

From: Don Morgan [REDACTED]  
 Sent: 06 December 2016 11:26  
 To: EMMA TRILK  
 Subject: RE: Lounge Disposal Point, Ashby de la Zouch

Emma

I have no problem in you referring to my e mail in the Local Plan Examination.

Regards

Don Morgan  
 Consultant  
 99 Bishopsgate, London, EC2M 3XD

**IDI Gazeley**  
 Brookfield Logistics Properties

Gazeley Ltd., registered in England No: 2322154  
Registered Address: 16 Palace Street, Cardinal Place, London, SW1E 5JQ

**From:** EMMA TRILK [REDACTED]  
**Sent:** 06 December 2016 09:47  
**To:** Don Morgan  
**Subject:** RE: Lounge Disposal Point, Ashby de la Zouch

Dear Don,

Thank you very much for your email, it's really helpful.

Would it be possible for us to refer to your email as part of our Local Plan examination?

Kind Regards,

Emma.

**From:** Don Morgan [REDACTED]  
**Sent:** 02 December 2016 16:55  
**To:** EMMA TRILK [REDACTED]  
**Cc:** Bruce Topley [REDACTED]  
**Subject:** RE: Lounge Disposal Point, Ashby de la Zouch

Emma

Thanks for your email.

As you rightly say the site is seriously blighted by the HS2 proposals, nevertheless IDIGazeley and Harworth Estates would very much like to explore the possibility of promoting an alternative development on the balance of the land that will not be required to construct the new railway line. Sufficient land will remain to carry out a substantial although smaller development than that for which planning permission has been granted. We have attempted in the past to discuss this possibility with HS2 given the obvious issue that the existing access off the Loughborough Road will be totally severed. Unfortunately up

to now HS2 Ltd have been unwilling to enter into any meaningful discussions as to the possible long term solutions to this problem. The site therefore remains blighted.

If you have any ideas or suggestions as to how we could progress such discussions to secure an alternative form of development I would be very grateful for your advice.

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**From:** EMMA TRILK [REDACTED]  
**Sent:** 25 November 2016 15:40  
**To:** Don Morgan  
**Subject:** Lounge Disposal Point, Ashby de la Zouch

Dear Donald Morgan,

The Council are currently in the process of preparing for the examination of our Local Plan which is scheduled to begin in January 2017. I am in the process of putting together information for the examination, in particular information relating to future employment development within the district. Your site at Lounge, Ashby has planning permission and I wanted to ask about the deliverability of the site and the companies intentions in light of the Government's announcement of the preferred route of HS2, which looking at the maps would potentially only sterilise part of the site.

I would be grateful if you are able to provide any information regarding the deliverability of the site.

Kind Regards,  
Emma

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Planning Prospects o/b/o St Modwen Developments	57	St Modwen remain concerned that the commitments identified by the Council do not amount to a deliverable and market focussed supply and they query the findings in respect of some of the individual sites set out in the Council's response (EX/76) to the Inspector's questions.	The Council has undertaken further work in respect of those individual sites identified by St Modwen. This has resulted in some adjustments to the Council's figures in respect of the Ivanhoe Business Park Ashby, Ashby Business Park and Sawley Crossroads. The revised schedule (as at end of January 2017) is set out below. Plans in respect of those sites where there is a discrepancy have been added to the examination library (EX/86 to EX/90) as set out in the schedule. In terms of the Pegasus Business Park the area identified on the plan is the gross area, whereas the figure in the schedule is the net area.
Planning Prospects o/b/o St Modwen Developments	57	Regeneris have made a number of comments in relation to the Council's published response to the HEDNA in respect of Employment Land (EX/70). Regeneris have identified (paragraph 1.19 of their response) that Table 2 in EX/70 has incorrect figures for starts and commitments. At paragraph 1.20 of their review of the HEDNA note Regeneris note that no breakdown has been provided by the Council in respect of individual sites. They also suggest that the figures do not correspond to any of the Council's previously published supply figures.	The Council agrees that the incorrect figures have been included in Table 2. In addition, the Council has identified an instance of part of a site being omitted from the figures. To address these points the Council has prepared a schedule (set out below following the schedule of sites the subject of disagreement) which identifies starts and permissions by the various categories used in the HEDNA since the start of the plan period and has also set out a revised summary which updates Table 2 from EX/70. From this it will be seen that the figures for the various categories match up to those in the revised Table 2.

### **Employment sites the subject of discrepancy – January 2017**

The following table and maps have been produced in response to comments submitted by Planning Prospects on behalf of St Modwen.

The table does not include the following sites where the Council and St Modwen have the same residual figure (shown in brackets):

- East Midlands Distribution Centre, Castle Donington (16.96Ha)
- Swainspark, Albert Village (2.11Ha)
- Rear of Charnwood Arms (1.14Ha - a map of the site is provided to clarify its location)
- Beveridge Lane, Ellistown (0Ha)
- Off Beveridge Lane/South Lane, Bardon (0Ha)

Site Name	St Modwen Comments	Council Comments	NWLDC Residual Site Area (Ha) from EX/76	NWLDC Residual Site Area (Ha)	St Modwen Residual Site Area (Ha)
Battleflat (Interlink) Bardon	Goodman's have speculatively developed this site with circa 130,000 sq. ft. is now let to freight forwarder Allport.	The site referred to by NWLDC is different to the site referred to by St Modwen. The site NWLDC refer to is the final plot remaining on the site that straddles NWL's boarder with Hinckley and Bosworth Borough. The residual 1.77Ha is for the part of the site that falls within NWLDC (Plan EX/86)	1.77	1.77	0
Lounge Disposal Point, Ashby (G Park)	Application for single large format B8 unit originally lodged in 2007 and granted in 2012. Access from A512, via tunnel section under Ashby Road and into site. Marketed as G Park site. Proposed Hs2 route, crosses the site (north/south) including across entrance to site from A512, which is now in the safeguarding zone. Not developable whilst HS2 affects	The site has planning permission. The route of HS2 runs through the western extent of the site. An email from IDI Gazeley confirms that both IDI Gazeley and Harworth Estates are keen to explore alternative development on the balance of the site that would not require the construction of the railway line. Therefore, there is still residual land available on this site but at this time the extent of the residual land is not known (Plan EX/87)	25.5	25.5	0

	the site and its access. No alternative site with planning permission to demonstrate deliverability.				
West of Smisby Road (Ivanhoe Business Park) Ashby	Mixed use business park for small-medium size development. Pre-lets/sales to Fisher German, Children's Day Nursery, Woodward Vets and DADC Office Solutions. Only residual element of site remaining.	The site is now largely developed and construction continues on site. Two plots (A2 and A3) have been lost to development of D1 uses (a children's day nursery and a veterinary surgery). All of the outstanding plots now have planning permission. The residual figure identified is for the outstanding plots where development is yet to start (These are Plots B1, B2, D and N,P,R,S,T + U) (Plan EX/88)	2.82	2.65	1.73
Ashby Business Park	Part of wider business park, with permission granted early 2000,s, most developed. Proposed 235,000 sq. ft. single unit building to rear of existing park. Previous permission for erection of 10 No B1/B8 units withdrawn. Watercourse to re-locate which currently runs through centre of the site. Site currently marketed as a development plot on 3.54 hectares.	Site now has planning permission for the development of an industrial building for B1c,2,8 use. The permitted planning application states the site area is 7Ha. The developable site area is considered to be circa 5.27Ha (Plan EX/89)	7	5.27	4.6
Pegasus Business Park	Site on approach to airport. Prominent plots now principally developed with two large hotels (Raddison and Holiday Inn), Western power principal occupier, as well as Regis Serviced Offices – residual land available.	The site is located close to the airport. A large part of the site has been developed but there is circa.10Ha of land remaining (Plan EX/90)	10	10	5.17
Land at Sawley Crossroads	Hybrid planning permission to Aldi including Regional Distribution Unit for Aldi. Balance with outline	The site has part full/part outline permission. The full permission is for the development of a regional storage and distribution building (B8	24.88	38.96	0

	<p>permission. Sold to Aldi Stores Ltd in Oct 2015 for a bespoke distribution centre. Phase 1 committed c. 13 hectares, phase 2 future expansion c. 11.88 hectares. Not being marketed and being retained for Aldi phased occupation.</p>	<p>use) for Aldi (24.88Ha). The outline consent is for additional B8 storage and distribution uses on the remainder of the site (14.08Ha) to be developed as and when needed by Aldi. The offsite highways works are underway.</p>			
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## EMPLOYMENT LAND PROVISION APRIL 2011- JANUARY 2017 BY HEDNA CATEGORIES

### Small B8 - STARTS

Site	Plot	Starts (Ha)
South of Trent Lane, Castle Donington	Extension to Warehouse	1.16
Ivanhoe Bus. Park, Ashby	Plot E	0.81
Swainspark, Albert Village		0.38
Ivanhoe Bus. Park, Ashby	Plot C	0.91
Ivanhoe Bus. Park, Ashby	Plot H	1.32
<b>TOTAL</b>		<b>4.58</b>

### Small B8 – PERMISSIONS

Site	Plot	Permission (Ha)
Ivanhoe Bus. Park, Ashby	B1	0.64
Ivanhoe Bus. Park, Ashby	D	0.83
Willow Farm, Castle Donington	Unit 2B Pond End	0.9
Ashby Bus. Park	Northern Part	1.82
Battleflat (Interlink) Bardon		1.77
<b>TOTAL</b>		<b>5.96</b>

### Strategic B8 – STARTS

Site	Plot	Starts (Ha)
Interlink, Bardon	Plot 2	2.75
Beveridge Lane, Ellistown	Unit 1 (Amazon)	22.72
Beveridge Lane, Ellistown	Unit 2	6.02
Beveridge Lane/South Street, Bardon	Maximus 22	6
EMDC	Plot 5A	3.43
<b>TOTAL</b>		<b>40.92</b>

Strategic B8 – PERMISSIONS

Site	Plot	Permissions (Ha)
East Midlands Gateway	Roxhill	139
Lounge Disposal Point, Ashby		25.5
Land at Sawley Crossroads		38.96
EMDC		16.96
<b>TOTAL</b>		<b>220.42</b>

B1 or B2 – STARTS

Site	Plot	Starts (Ha)
Ivanhoe Bus. Park, Ashby	Plot S	0.16
Ivanhoe Bus. Park, Ashby	Plot R	0.14
Ivanhoe Bus. Park, Ashby	Plot A1	0.92
Ivanhoe Bus. Park, Ashby	Plot A4	0.68
Rear of Enterprise House, Coalville	5 Units	0.33
<b>TOTAL</b>		<b>2.23</b>

B1 or B2 – PERMISSIONS

Site	Plot	Permissions (Ha)
Pegasus Bus. Park		10
Rear of Charnwood Arms, Bardon		1.14
Ivanhoe Bus. Park, Ashby	Plot B2	0.4
Ivanhoe Bus. Park, Ashby	Plots N,P,R,S, T and U	0.78
Ashby Bus. Park	Southern Part	3.45
Rear of Bloors, Measham		1.87
Sansom Road, Coalville		0.19
Park Lane, Castle Donington		6.07
<b>TOTAL</b>		<b>23.9</b>

## SUMMARY

Type	Permission (Ha)	Starts (Ha)	Total (Ha)
Small B8 (a)	5.96	4.58	10.54
Strategic B8 (b)	220.42	40.92	261.34
B1 or B2 (c)	23.9	2.23	26.13
Small B8 and B1/B2 (a+c) (d)	29.86	6.81	36.67
Total (d+b)	250.28	47.73	298.01

Inspector's question

**m. Paginated version of Document EX/18.**

Council's response

This has been done and submitted to the Examination Library (EX/72)

Inspector's question

**n. Version of Document EX/19 with added cross-references to Site ID numbers in Policies H1-2.**

Council's response

This has been done and submitted to the Examination Library (EX/73)

Inspector's question

**o. HS2 Safeguarding Maps for NWL as an EX\* Document.**

Council's response

This has been done and submitted to the Examination Library (EX/71)

### Inspector's question

#### **p. Consideration of potential loss of employment sites to HS2.**

### Council's response

The Council has provided the following response to the Inspector's request:

The Government's preferred route for HS2 was published on 16 November 2016. Of the employment sites identified in the submitted Local Plan the former Lounge Disposal Point at Ashby de la Zouch (Policy EC1a) is directly affected by the proposed route. The safeguarding route (EX/71) passes through the westernmost part of the site. It is estimated that about 7.75 ha is covered by the safeguarding designation. The safeguarding designation also covers the (currently proposed) access on to the A512. It will be necessary for the A512 to be realigned although no detailed plans have been published as yet.

As detailed in response to question L there is an indication from the site promoter (Gazeley Properties) that they are keen to explore some forms of alternative development on the remainder of the site and they are seeking to engage with HS2.

The planning permission (07/01372) is for about 75,000 sq metres of warehousing (together with a small amount of ancillary offices). Having regard to the HEDNA (EX/65) and the Strategic Distribution Study (EC/02) such development is categorised as strategic B8. Therefore, it does not form part of the 66ha requirement for B1, B2 and small B8 identified in the HEDNA and for which an allowance has been made proposed for the potential loss of employment land (EX/70).

Whether or not all of this land will be lost as a result of HS2 is not clear at this time, but it is recognised that either way there will be a reduction in the amount of strategic B8 land over the plan period. However, even if the whole Lounge Disposal Point site was excluded, the provision over the plan period would still remain very healthy at about 222ha (including 139ha at East Midlands Gateway). The permissions remaining would be 182ha (43ha excluding East Midlands Gateway).

It should also be appreciated that the Strategic Distribution Study does not identify a specific amount of strategic B8 development to any one district. Instead it identifies a requirement for 361ha across the HMA of which, even if the whole Lounge Disposal Point site was excluded, 222ha would still be in North West Leicestershire, 61.5% of all strategic B8 in the HMA. Therefore, at this time the Council does not consider that it is necessary to immediately address the implications of the potential loss of this site but instead to keep the matter under review, including working with the site promoter and HS2 to better understanding the options for the site moving forward.

Summary of comments received and Council's response

REPRESENTOR	REPRESENTOR NUMBER	COMMENTS MADE	NWLDC RESPONSE
Ashby Town Council	24	The impact of HS2 on the delivery of the 25Ha Lounge Disposal site should be acknowledged. The portion not required by HS2 land should be returned to 'countryside' in accordance with restoration conditions.	As set out in EX/77 the prospective developer is still keen to explore the potential for a smaller development.
Ashby Civic Society	110	<p>Consideration should be given to the potential loss of jobs at Redbank Brick Works, Measham which is blighted by HS2.</p> <p>Evidence given at the examination confirmed that the Lounge development would not come forward before 2031 if at all. The site will be landlocked by the HS2 route and the HS2 timetable means that no development of the site could be achieved before 2031.</p> <p>The Lounge site should be removed from the plan.</p>	<p>The current proposed route of HS2 'clips' the western part of the Redbank brickworks site. This area appears to be mainly used for storage. The exact implications for the brickworks are not clear at this time. It would be premature to assume that the brickworks will definitely close.</p> <p>As set out in Ex/77 the prospective developer has indicated that they are still keen to explore the potential for a smaller development.</p>

Inspector's question

**q. Confirmation of affordable housing contribution in the Arla site permission.**

Council's response

The Council has provided the following response to the Inspector's request:

The Council resolved to grant planning permission for the development of up to 153 dwellings on the site of the former Arla dairy on 1<sup>st</sup> November 2016 (application reference number 16/00275/OUTM). The section 106 Agreement is currently going through due process but on the basis of the report to Planning committee it will include a requirement for 30% affordable housing (i.e. up to 46 dwellings).

Summary of comments received and Council's response

See comments and response under matters d and e.

Inspector's question

**r. Details of 5YHLS calculation sequence.**

Council's response

The Council has provided the following response to the Inspector's request:

The Rolling 5 year assessment (EX/22) has been informed by a number of different examination documents. Briefly these follow the following sequence:

Step 1 – Housing sites position as at 1 October 2016 (Originally EX/18 amended version EX/72)

This provides a detailed site-by-site, year-by-year analysis of the anticipated build rates on all sites which as at 1 October 2016 had planning permission, a resolution to grant planning permission, were under construction or were a proposed allocation in the submission Local Plan.

The assessment of anticipated build rates, particularly where development had yet to commence, was informed, wherever possible by information from the developer/agent of the various sites.

Step 2 – Housing Trajectory as at 1 October 2016 (Originally EX/19 amended version EX/73)

The information on all sites in EX/18 is then placed in to the housing trajectory which records anticipated build rates on all sites on an annual basis. The trajectory, for completeness, also records all those sites of 10 or more dwellings which have been completed since 2011 (although some may have commenced prior to 2011) and also records the number of completions on small sites. The information regarding completions prior to 1 October 2016 is taken from the Housing completions April 2011- October 2016 document (EX/21).

Each site is included as a row and the third from end column identifies the total amount of development on each site up to 2031 (including those sites which have been completed prior to 1 October 2016).

The number of new builds for each year on all sites are then recorded in columns firstly on a settlement basis and then the overall district. For example in 2016/17 it is anticipated that 679 dwellings will be built, in 2017/18 709 and so on up to 2030/31. In each case the year runs from 1 October to 31 September (eg 1 October 2016 to 31 September 2017). The exception is 2030/31 which runs from 1 October 2030 to 31 March 2031; the assumed end date for the plan.

The green row records completions across all sites on an annual basis.

The pale blue row records the projected cumulative completions which is calculated by adding the number of completions to 1 October 2016 (2,690) to the completions in each successive year. So for the number of completions anticipated by 1 October 2020 the calculation is 2,690 (completions to 1 October 2016) + 679 (completions predicted in 2016/17) + 709 (completions predicted in 2017/18) + 765 (completions predicted in 2018/19) + 767 (completions predicted in 2019/20) to give a total of 5,610.

The remaining coloured rows are not particularly pertinent to the calculation of the 5-year supply but for information they set out the annual requirement (yellow), the cumulative requirement in orange (the annual requirement multiplied by number of years in to the plan period to date), a comparison (purple row) between the projected cumulative completions (pale blue) and cumulative requirement (orange) whilst the maroon row records the ongoing annual requirement calculated by deducting the total number of completions to date from the total requirement and dividing by the number of plan years left.

Step 3 – Rolling 5 year assessment (EX/22)

A revised rolling 5-year assessment has been submitted to the examination which now includes in the first columns formulas to better explain the steps taken (EX/74) as set out below.

<b>HEADING IN ROLLING 5-YEAR ASSESSMENT</b>	<b>EXPLANATION</b>
Requirement April 2011 to relevant date (a)	This is the annual requirement multiplied by the number of plan years to the date specified (e.g. 5.5 years for October 2016, 6.5 years for October 2017)
Completions April 11 to 30 September of relevant year (b)	This is calculated from information in EX/19 using the pale blue row in the latter
Shortfall/over provision (c) (a - b)	This is the difference between the first two rows. A minus symbol represents an over provision in completions compared to the requirement.
Requirement for next 5 years (520 x 5) (d)	This is the annual requirement multiplied by 5 and is constant throughout the assessment.

Plus allowance for shortfall (where exists) (e) (d + c)	This makes an adjustment to the requirement for the next 5 years by taking account of any shortfall or over provision to date. So where there has been a shortfall to date the requirement for the next 5 years will increase by the requisite amount and where provision has exceeded requirements it will decrease.
Plus buffer (f)	This adds an additional 5% or 20% on to the requirement for the next 5 years as adjusted for shortfall or over provision.
Annual requirement for next 5 years (g) (f/5))	This divides the requirement for the next 5 years adjusted for shortfall/over provision and including a buffer of 5% or 20% by 5 in order to identify the annual requirement for each of the next 5 years.
Projected completions next 5 years (h)	This is taken from information in EX/19 by adding together the projected completions (Green row) for the period under consideration. So for the 5 years from October 2016 to October 2021 the projected completions for each year are added together (e.g. 679+709+765+767+671 = 3,591).
No of years supply (i) (h/g)	The projected completions (line h) are divided by the annual requirement for the next 5 years (g) to identify the number of years supply.