

**NORTH WEST LEICESTERSHIRE LOCAL PLAN  
RESPONSE TO MATTERS RAISED BY INSPECTOR  
IN LETTER (IN/08) OF 17 JANUARY 2017**

The Inspector's letter of 17 January 2017 (IN/08) identified a number of matters which he wished the Council to address. This document sets out the Council's response to each matter.

The Inspector's specific request is set out in **bold** followed by the Council's response. Changes that the Council are proposing to policies/supporting text are shown as **bold** and underlined, and proposed deleted text is shown as ~~strikethrough~~.

- a. **Following further consultation with Representatives 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.**

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**

**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.**

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

<u>Policy S2 – Settlement Hierarchy</u>	
<p>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.</p>	
Settlement Classification	Settlement(s)
<p><b>Principal Town</b></p> <p>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.</p>	<p>Coalville Urban Area which comprises of Coalville, Donington-le-Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon employment area.</p>
<p><b>Key Service Centre</b></p> <p>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.</p>	<p>Ashby de la Zouch Castle Donington</p>
<p><b>Local Service Centre</b></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>Batram, Coleorton (the part not considered to be a Sustainable Village), Griffydam, Hemington, Lockington, Lount, Newbold, Newton Burgoland, Osgathorpe, Peggs Green, Sinope, Snarestone, Sweptstone, 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.

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.**

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

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

- 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.**

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.**

**e. 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)**

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).

- f. **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.**

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

<u>Policy H4: Affordable Housing</u>		
<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>will be sought</b>:</p>		
<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
<b><u>Previously Developed Land</u></b>		
<u>Settlement</u>	<u>Minimum Affordable Housing Contribution</u>	<u>Threshold</u>
<u>Ashby de la Zouch</u>	<u>15%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>
<u>Castle Donington</u>	<u>5%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>
<u>Coalville Urban Area</u>	<u>5%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>
<u>Ibstock</u>	<u>5%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>
<u>Kegworth</u>	<u>5%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>

<u>Measham</u>	<u>15%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>
<u>All other settlements</u>	<u>5%</u>	<u>30 or more dwellings OR sites of 1Ha or more</u>

- (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.**

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

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.**

- h. 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.**
- i. Evidence of the imposition of the DCS on sites already with permission and the implications of this with respect to their deliverability.**

These matters are dealt with in a separate note submitted to the Examination Library

- j. **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.**

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 <b>all or the majority</b> of land west of High street Measham
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### **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.

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

**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%).  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

<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

				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

**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.**

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.

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:** 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



**Emma Trilk**  
*Senior Planning Officer*

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

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

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

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

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

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

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

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.

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

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).



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

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.

HEADING IN ROLLING 5-YEAR ASSESSMENT	EXPLANATION
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.