

16/11/14.2

Representor 16



LOCAL PLAN

Ref:
(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

Please return this form to North West Leicestershire District Council either by post:

Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ or email planning.policy@nwleicestershire.gov.uk no later than **5pm on 15 August 2016**.

This form has two parts-

Part A – Personal Details

Part B – Your Representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details

2. Agent Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	Emilie	<input type="text"/>
Last Name	Carr	<input type="text"/>
Job Title <i>(Where relevant)</i>	Historic Environment Planning Advisor	<input type="text"/>
Organisation <i>(Where relevant)</i>	Historic England East Midlands	<input type="text"/>
Address Line 1	2nd Floor	<input type="text"/>
Line 2	Windsor House	<input type="text"/>
Line 3	Cliftonville	<input type="text"/>
Line 4	Northamptonshire	<input type="text"/>
Post Code	NN1 5BE	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address <i>(Where relevant)</i>	<input type="text"/>	<input type="text"/>

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s)

Policy

Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

i) Legally Compliant

Yes

No

ii) Sound

Yes

No

iii) Complies with the
Duty to co-operate

Yes

No

5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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Within section 4.0, 'What are the Issues', reference should be included to 'heritage assets' rather than 'assets of heritage value' in order to ensure compliance with the NPPF and ensure a sound plan.

(Continue on a separate sheet/expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Heritage paragraph within table 1 (after para. 4.2) should be amended to *"The provision of new development needs to be achieved whilst also paying due regard to the protection and enhancement of assets of heritage value heritage assets"*

(Continue on a separate sheet/expand box if necessary)

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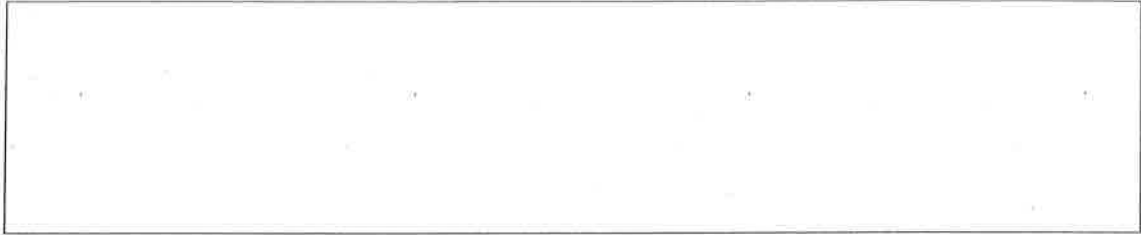
7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination.

Yes, I wish to participate at the oral examination

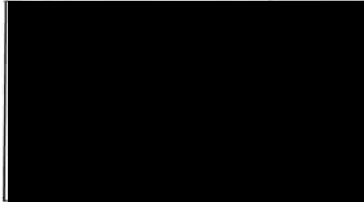
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Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:



Date:

03 August 2016

10/2/14.6

presenter 16



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Part B - Please use a separate sheet for each representation

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Paragraph(s)

Policy

Policies Map

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Revised objective 10 is welcomed.

(Continue on a separate sheet/expand box if necessary)

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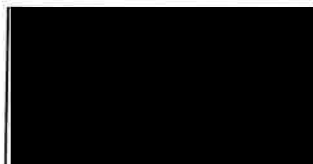
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9. Signature:



Date:

3 August 2016

16/3/18 10

Representor 16



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Paragraph(s) Policy Policies Map

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iii) Complies with the
Duty to co-operate

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The site at Money Hill has the potential to cause harm to Ashby Castle (Scheduled Monument 17121), its designed landscape and the Parish Church of St Helen (Listed grade I). The text as proposed is unsound as Policy H3 does not include reference to the protection of all heritage assets in accordance with paragraph 141 of the NPPF.

Ashby Castle is a Scheduled Monument in the guardianship of the Secretary of State for Culture Media and Sport, designated on the basis of its national archaeological importance this important home of the Hastings family has extensive gardens and parkland associated, both it and the Church of St Helen are Grade I listed buildings and lie within a Conservation Area. An area of ridge and furrow will be lost to the south of the site. There will be harm, which must be assessed and balanced in terms of housing allocations for the borough.

Amendments to policy H3c in accordance with our 24 November 2015 letter are welcomed. However policy H3a still does not include reference to the protection of all heritage assets in accordance with paragraph 141 of the NPPF which

would in our view assure a sound policy.

(Continue on a separate sheet/expand box if necessary)

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An additional criteria is suggested as follows within policy H3a:-
“protection and enhancement of heritage assets, including their setting, with particular reference to Ashby Castle Scheduled Monument and Parish Church of St Helen (listed grade I), Ashby Conservation Area, together with archaeological remains including historic field boundaries and areas of extant ridge and furrow”
Criteria v) is not considered to sufficiently cover this.

(Continue on a separate sheet/expand box if necessary)

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9. Signature:



Date:

03 August 2016



LOCAL PLAN

Representor 16
16/11/15

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1. Personal Details

2. Agent Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text" value="Emilie"/>	<input type="text"/>
Last Name	<input type="text" value="Carr"/>	<input type="text"/>
Job Title <i>(Where relevant)</i>	<input type="text" value="Historic Environment Planning Advisor"/>	<input type="text"/>
Organisation <i>(Where relevant)</i>	<input type="text" value="Historic England East Midlands"/>	<input type="text"/>
Address Line 1	<input type="text" value="2nd Floor"/>	<input type="text"/>
Line 2	<input type="text" value="Windsor House"/>	<input type="text"/>
Line 3	<input type="text" value="Cliftonville"/>	<input type="text"/>
Line 4	<input type="text" value="Northamptonshire"/>	<input type="text"/>
Post Code	<input type="text" value="NN1 5BE"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address <i>(Where relevant)</i>	<input type="text"/>	<input type="text"/>

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|--------------------------------|----|----------------------|
| i) Legally Compliant | Yes | <input type="text" value="x"/> | No | <input type="text"/> |
| ii) Sound | Yes | <input type="text" value="x"/> | No | <input type="text"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input type="text" value="x"/> | No | <input type="text"/> |

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The addition of criteria (e) is strongly welcomed. There are a number of heritage assets within the vicinity of the airport which are vulnerable to the effects of noise and disturbance, including numerous assets within Castle Donington, to the north, the grade II* listed Donington Hall to the west and other assets within neighbouring authorities.

(Continue on a separate sheet/expand box if necessary)

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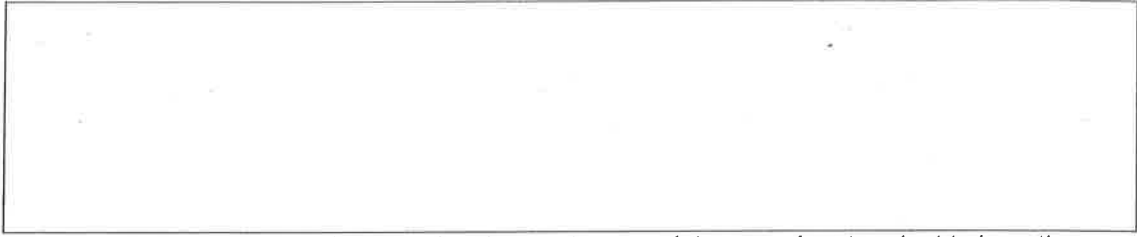
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Date:

03 August 2016

16/5/EC13/S



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First Name	Emilie	<input type="text"/>
Last Name	Carr	<input type="text"/>
Job Title <i>(Where relevant)</i>	Historic Environment Planning Advisor	<input type="text"/>
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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|--|----|--------------------------|
| i) Legally Compliant | Yes | <input checked="checked" type="checkbox" value="x"/> | No | <input type="checkbox"/> |
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Duty to co-operate | Yes | <input checked="checked" type="checkbox" value="x"/> | No | <input type="checkbox"/> |

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Reference to heritage within policy Ec13: Tourism development, criteria (e) is welcomed.

(Continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

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Date:

03 August 2016

Representor IG
16/6/11.9/5



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16/7/11/12

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- | | | | | |
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Paragraph 11.12's bullet point in relation to evidence is welcomed, but would be improved and strengthened in order to ensure a sound plan, if the previously proposed bullet point was included to provide greater detail and clarity.

(Continue on a separate sheet/expand box if necessary)

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The following bullet point could be inserted after that in relation to the evidence base:-

“Maintain an appropriate evidence base, this may include character appraisals and management plans, a review of heritage at risk and revision to local heritage designations including a local list”

(Continue on a separate sheet/expand box if necessary)

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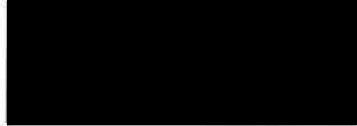
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Date:

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16/8/16



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North West Leicestershire Local Plan Proposed Submission

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Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ or email planning.policy@nwleicestershire.gov.uk no later than **5pm on 15 August 2016**.

This form has two parts-

Part A – Personal Details

Part B – Your Representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details

2. Agent Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	Emilie	<input type="text"/>
Last Name	Carr	<input type="text"/>
Job Title <i>(Where relevant)</i>	Historic Environment Planning Advisor	<input type="text"/>
Organisation <i>(Where relevant)</i>	Historic England East Midlands	<input type="text"/>
Address Line 1	2nd Floor	<input type="text"/>
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Post Code	NN1 5BE	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
Email Address <i>(Where relevant)</i>	<input type="text"/>	<input type="text"/>

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

i) Legally Compliant	Yes <input type="text" value="x"/>	No <input type="text"/>
ii) Sound	Yes <input type="text"/>	No <input type="text" value="x"/>
iii) Complies with the Duty to co-operate	Yes <input type="text" value="x"/>	No <input type="text"/>

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If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The inclusion of a Historic Environment policy is strongly welcomed, thank you for providing the opportunity to engage in discussions prior to this consultation. Will the policy be strategic? The NPPF stresses the need within paragraph 156 for Local Plans to include strategic policies to deliver conservation and enhancement of the historic environment. If the policy is not strategic it would not be considered sound in accordance with the NPPF.

It is suggested that the previous public consultation wording in relation to paragraph (2) of policy HE1 was stronger, clearer and significantly more succinct than that now proposed, which is considered to be more repetitive of the NPPF.

(Continue on a separate sheet/expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Clarity should be provided, in the form of an explanatory paragraph, in relation to the status of policy HE1, in order to comply with paragraph 156 of the NPPF for the inclusion of strategic policies to deliver conservation and enhancement of the historic environment.

It is suggested that He1 (2) should revert to:-

"there will be a presumption against development, alteration, advertising or demolition that will be harmful to the significance of a heritage asset and their setting. Any development proposal that would cause harm to a heritage asset will be refused permission, unless the works are justified, there are overriding public benefits and mitigation measures are secured. "

(Continue on a separate sheet/expand box if necessary)

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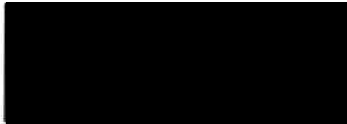
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9. Signature:



Date:

04 August 2016

16/9/16

Representor 16



LOCAL PLAN

Ref:

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Publication Stage Representation Form

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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|--------------------------------|----|----------------------|
| i) Legally Compliant | Yes | <input type="text" value="x"/> | No | <input type="text"/> |
| ii) Sound | Yes | <input type="text" value="x"/> | No | <input type="text"/> |
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Duty to co-operate | Yes | <input type="text" value="x"/> | No | <input type="text"/> |

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If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The inclusion of a Shop fronts section and distinct policy is strongly welcomed, thank you for providing the opportunity to engage in discussions prior to this consultation.

(Continue on a separate sheet/expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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03 August 2016

16/10/2016



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Part B - Please use a separate sheet for each representation

Name or Organisation:

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Paragraph(s) Policy Policies Map

Policies Maps:- **Areas**

potentially suitable for medium / large scale wind energy and Areas potentially suitable for small scale wind energy

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|--------------------------------|----|--------------------------------|
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The approach taken towards identifying potential areas for wind energy developments is not based upon sufficiently robust evidence. Indeed the areas which have been identified as being suitable for such developments may result in harm to a number of North West Leicestershire's most important designated heritage assets and hence render the policy incompatible with the NPPF's core principles of sustainable development and specifically paragraph 126.

The approach for impact on designations to be decided within the planning process, (pages 2 and 3 of the Wind Development Suitability document under the heading 'Environmental and Landscape Designations') is not sufficient. Whilst it is acknowledged that scheduled monuments and Registered Parks and Gardens are excluded, this approach does not in any case account for their

setting nor any other heritage assets and their settings (in spite of the requirements of the 1990 Act (S66-1 General Duty) in respect of listed buildings and the NPPF paragraph 129 in respect of the setting of heritage assets paragraphs 129 and 132 (designated assets) and the PPG). Significance of heritage assets gained from their setting is derived from the complex relationships between site, topography, landscape and other assets, as explored within the Planning Practice Guidance and Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets.

Paragraph 007 of the Planning Practice Guidance for Renewable and low carbon energy, states that "great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;" The approach proposed does not reflect this.

Consequently, it is considered that the approach of Policy CC1 and the wind energy maps is unsound for the following reasons:-

- (1) The identification of specific areas as being suitable for wind energy development is not based upon a sufficiently robust evidence base
- (2) The areas which have been identified for wind energy development could lead to pressure for such developments in locations which would be likely to result in harm to a number of North West Leicestershire's most important designated heritage assets. Consequently, the approach to the identification of specific areas as being suitable for wind turbine developments does not demonstrate that the plan is setting out a "*positive strategy for the conservation of the historic environment*" as is required in the NPPF.
- (3) A receptor buffering approach is neither appropriate nor sufficient to assess impact upon the significance of heritage assets since it fails to engage with their historic landscape, designed landscape, topographic or archaeological context.

(Continue on a separate sheet/expand box if necessary)

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The plans showing 'Areas potentially suitable for Medium / Large scale wind energy and small scale wind energy' cannot support a sound Local Plan policy in relation to wind energy, as they are not based on a robust evidence base or methodology nor do they adequately address the historic environment as set

out above. As such, the plans should not be included in their present form.

Before identifying specific areas as being potentially suitable or unsuitable for wind energy developments, there needs to be a more robust evaluation of the likely impact upon the heritage assets of the Borough, reflected within policy CC1. Since this would require a detailed site by site assessment considering multiple effects upon the significance of multiple assets, it would be problematic to produce a map based document that is fit for purpose, given that it would require a similar level of resource investment as the creation of a housing allocation plan. We would particularly caution against the substitution of the unsuitable receptor buffering approach with an equally unsuitable zone capacity method, which whilst potentially more able to address topography, would also fail to address impacts upon cultural heritage without extensive site by site, option by option assessment.

(Continue on a separate sheet/expand box if necessary)

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Date:

04 August 2016



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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:
(Please tick as appropriate)

- | | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
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Duty to co-operate | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

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I note reference to the Evidence base within paragraph 1.22. However, it is not clear (and therefore the basis of a sound plan) from the reference as to the breadth or detail of this evidence base. As stressed within our previous response, the evidence base is critical to the preparation of a Local Plan in accordance with paragraph 169 and 10 of the NPPF.

(Continue on a separate sheet/expand box if necessary)

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Particularly relevant to site and allocations and designations could include the following:-

- Updating conservation area appraisals
- Undertaking characterisation studies
- Producing setting studies – of specific settlements, or specific heritage assets
- Local lists
- Assessments of landscape sensitivity
- Heritage at Risk

If these have been carried out, it would be helpful to make their location clearer.

(Continue on a separate sheet/expand box if necessary)

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LOCAL PLAN

Representor IG
K0112/EC2

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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s)

Policy

Policies Map

4. Do you Consider the Local Plan is:
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i) Legally Compliant

Yes

No

ii) Sound

Yes

No

iii) Complies with the
Duty to co-operate

Yes

No

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The site at Money Hill has the potential to cause harm to Ashby Castle (Scheduled Monument 17121), its designed landscape and the Parish Church of St Helen (Listed grade I). The text as proposed is unsound as Policy Ec2 does not include reference to the protection of all heritage assets in accordance with paragraph 141 of the NPPF.

Ashby Castle is a Scheduled Monument in the guardianship of the Secretary of State for Culture Media and Sport, designated on the basis of its national archaeological importance this important home of the Hastings family has extensive gardens and parkland associated, both it and the Church of St Helen are Grade I listed buildings and lie within a Conservation Area. An area of ridge and furrow will be lost to the south of the site. There will be harm, which must be assessed and balanced in terms of housing allocations for the borough.

(Continue on a separate sheet/expand box if necessary)

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An additional criteria is suggested as follows within policy Ec2:-
“protection and enhancement of heritage assets, including their setting, with particular reference to Ashby Castle Scheduled Monument and Parish Church of St Helen (listed grade I), Ashby Conservation Area, together with archaeological remains including historic field boundaries and areas of extant ridge and furrow”

In substitution for Criteria d) which is not considered to sufficiently cover this.

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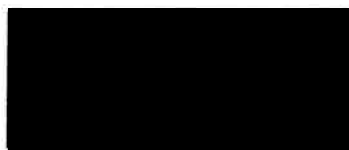
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Representor 16
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Name or Organisation:

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It is not considered that 1(d) would sufficiently protect heritage assets; reference to the heritage assets within the site would be would ensure a sound plan. It is disappointing that this issue has not been adequately picked up by the SA.

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The addition of the words 'and heritage assets' to criteria (d) of policy Ec8. This is considered to be stronger and more NPPF compliant than criteria 1d) and 2(i) as proposed.

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No, I do not wish to participate at the oral examination.

Yes, I wish to participate at the oral examination

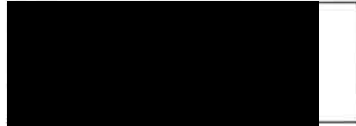
8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We are happy to participate in the examination should the Inspector require our attendance. In the mean time, we would welcome the opportunity to address the above issues by way of a Statement of Common Ground with the Local Planning Authority.



Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:



Date:

03 August 2016