33/11H2/0

North West Leicestershire District Council

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 **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.*	**2. Agent Details**
Title		Mr.
First Name		Nigel
Last Name		Simkin
Job Title *(Where relevant)*		Planning Director
Organisation *(Where relevant)*	Measham Land Company Limited	JLL
Address Line 1		45 Church Street
Line 2		Floor 8
Line 3		Birmingham
Line 4		
Post Code		B3 2RT
Telephone Number		[redacted]
Email Address *(Where relevant)*		

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	X	Policies Map	

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

i) Legally Compliant	Yes	X	No	
ii) Sound	Yes		No	X
iii) Complies with the Duty to co-operate	Yes	X	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.

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.

Please refer to attached letter.

(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.

Please refer to attached.

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

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

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.	X	**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 reserve the right to participate in oral examination if the relevant modifications are not made with regards to **Policies H1, H2, and H3**.

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.*

Signature [redacted] Date 15/Aug/2016

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North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
LEICESTERSHIRE
LE67 3FJ

Your ref
Our ref NS/MLCL/MW
Direct line [redacted]
Mobile [redacted]

15 August 2016

Dear Sir/Madam

Representations to the Emerging North West Leicestershire Local Plan—Policies H1, H2 & H3

Further to my discussion with Ian Nelson on **Friday 29 July 2016**, I write on behalf of our client, the Measham Land Company Limited, to make representations to the emerging North West Leicestershire Local Plan.

As you are aware, our client has been in discussions with your Authority in respect of the land known as 'Measham Waterside' for a significant number of years. Our Client submitted an outline planning application **(Reference Number 13/00141/OUTM)** for the following development:

> *'Development of up to 450 residential dwellings and reinstatement of 1.1km of associated canal, provision of public open space and vehicular, emergency and footpath access (Outline application - All matters reserved except access)'*

Members of North West Leicestershire District Council (NWLDC)'s Planning Committee resolved to approve the planning application, pending finalisation of the Section106 agreement. As discussed on the telephone, we are now in the final stages of completing of the Section 106 agreement and anticipate that this document will be finalised shortly.

Representations to the New Local Plan

Notwithstanding the progress made in relation to the submitted planning application (and that we anticipate that the Section 106 agreement will shortly be finalised), we write to make representations to NWLDC's emerging Local Plan consultation process.

This letter provides our response to the relevant sections of the Consultation Document. However, as requested, your completed consultation forms also accompany this letter. Please therefore treat both the contents of this letter and the completed forms as our formal response to this consultation process.

JLL

Emerging Policies H1, H2 and H3

The Measham Waterside site is allocated in the emerging Local Plan under **Policy H2—Housing Provisions: Resolutions.** This policy allocates the site for the delivery of 450 homes as **Site H2E.**

Whilst our client supports the allocation of the site for residential uses in principle, they do not support the approach and wording currently contained in **Policy H2**. Our client proposes that modifications to the proposed policy wording should be made in order to ensure that the Local Plan is sound.

Our client's concern relates to the caveated nature of the proposed allocation under proposed **Policy H2**. The current policy wording prevents the status of the residential allocation until such time as a planning permission has been granted (i.e. the Section 106 is signed and the Decision Notice issued).

Our client does not support this approach for the following reasons:

- The proposed approach is not in line with plan making requirements in terms of providing certainty in meeting the identified housing need required by the National Planning Policy Framework (NPPF) and in particular, **Paragraph 47** of the NPPF.

- The emerging Local Plan confirms that in order to meet the District's housing needs for a minimum of 10,400 dwellings, all dwellings identified in Policies H1, H2 and H3 ***must*** be delivered (reference **Table 2—Housing Provision** of the emerging Local Plan). Therefore, sites within emerging **Policy H2** must be allocated to ensure certainty of housing delivery, regardless of the outcome of the Section 106 agreements relating to each of these sites.

Proposed Modification to Policy H2

In light of the above, the policy wording of emerging **Policy H2** should be modified to ensure that the policy confirms that ***all*** sites identified are allocated for residential housing delivery (and hence have the same status of sites allocated within emerging **Policy H1**).

In addition, the policy wording should also confirm (for the avoidance of doubt) that the allocation of emerging **Policy H2** sites ***is not contingent*** on the outcome of the existing planning applications which are not yet issued.

If this alteration is not made and this issue is not clarified, our client considers that the emerging Local Plan may be found to be unsound by virtue of failing to **clearly identify and allocate** sufficient land to deliver the Council's housing requirements, in line with the requirements of the NPPF.

Summary and Conclusion

Although our client supports the allocation of the site for residential use in principle, the emerging Local Plan should not distinguish between sites that have planning permission; resolutions to grant; or new allocations in the Local Plan. The Local Plan should therefore be modified to make it clear that **Policy H2** sites are allocated for residential housing (as is the case with **Policy H1** sites), and that the allocation is not contingent on the outcome of the Section 106 agreement currently being negotiated for each site.

We would therefore be grateful if this modification can be made to the emerging Local Plan as set out above. We reserve our right to attend the Examination should this issue not be addressed through an appropriately worded modification.

We trust that these representations are of assistance in making the appropriate modifications to the emerging Local Plan, to ensure that it is NPPF compliant and hence will be found sound by the Inspector.

However, if you have any queries, please do not hesitate to contact me on the details set out above.

Yours faithfully,

[redacted]

Nigel Simkin
Director
For and on behalf of Jones Lang LaSalle Limited

Enc. Completed Consultation Response Form