

30/11 14/3/10



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

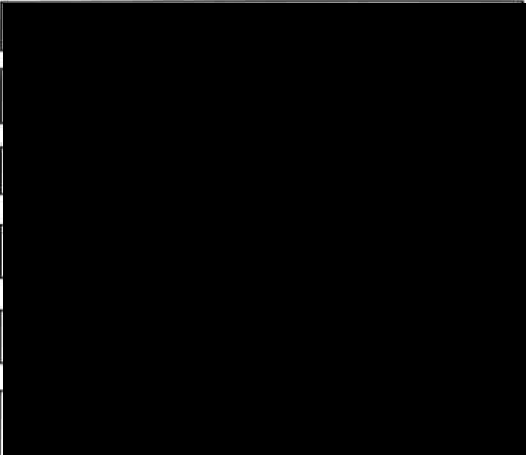
Part B – Your Representation(s). Please fill in a separate sheet for each representation you wish to make.

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"/>	Mr
First Name	<input type="text"/>	Mark
Last Name	<input type="text"/>	Rose
Job Title <i>(Where relevant)</i>	<input type="text"/>	Director
Organisation <i>(Where relevant)</i>	Rosconn Strategic Land	Define
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	
Line 3	<input type="text"/>	
Line 4	<input type="text"/>	
Post Code	<input type="text"/>	
Telephone Number	<input type="text"/>	
Email Address <i>(Where relevant)</i>	<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.

Refer to attached representation –
Rosconn Strategic Land - NWL PLP Rep Policy H3

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

The District's housing needs and supply requires detailed consideration including reference to the development strategy specific settlement needs and additional site allocations.



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:

Mark Rose

Date:

12/08/16

North West Leicestershire Publication Local Plan – August 2016
Representations on behalf of Rosconn Strategic Land Limited

Policy H3 – Housing Provision : Allocations

For the reasons set out in the objections to Policies S1 and S2, Rosconn Strategic Land supports the allocation of additional development sites in the plan period. On the basis of the available site information and the justification given in the Background Paper, there is no objection to the specific sites proposed for allocation at this time.

However, the response to Policy S1, highlights the concerns with the scale of growth proposed in Coalville, given the market issues in that location. Similarly, as set out in response to Policy En2, the potential limitations imposed by the River Mease SAC could significantly reduce the deliverability of the additional sites at Ashby de la Zouch and Measham, which lie within its catchment and make up the majority of the further housing allocations proposed. As such, the deliverability of additional allocations needs to be carefully examined and demonstrated to avoid any shortfall in provision within the 5 year period following the Local Plan's adoption, and indeed, over the duration of the residual plan period.

Moreover, it is apparent that the additional allocations only further emphasise the focus of future delivery on the Principal Town and Key Services Villages, and ignores the role Sustainable Villages can play in assisting in the delivery of housing across the District, and the need to make appropriate allocations to support those settlements (as highlighted in objections to Policies S1 and S2).

If the housing requirement in the District increases or the supply over the 5 year or plan period reduces, as suggested as set out in our objection to Policy S1, then additional allocations will be required. It is, therefore, proposed that the Council should look to Sustainable Villages to address those likely changes in need and supply, focusing on those locations not currently planned to accommodate further development, such as at Heather, as highlighted in objection to S2.

The current spatial strategy approach will have a significant negative impact on the role and function of Sustainable Villages in the District, such as Heather, and additional development allocations should be identified in these locations in order to meet local needs, support local services and facilities, and ensure the sustainability of those settlements in the long term.

Ommission Site

This should include land to the west of the village adjacent to Sparkenhoe Estate (SHLAA Site Ref. H3) that would provide a sustainable location for some future housing development.

The site is an entirely suitable development site in an accessible and unconstrained location. It is not subject to any landscape or ecological designations and can be readily accessed via Swepstone Road. The nature of the site means that its delivery can be phased to meet housing needs as they arise, which is considered to be an appropriate strategy to reflect the likely demand in this location and the scale of facilities available or that might be extended to support such. Development within the site can be readily integrated with the existing built form, maintaining key links to the village and the existing services and facilities. The site is very much contained by the existing woodland planting to the west, and the landscape and visual impact of development on the site will be relatively limited as

key landscape features will be retained, the visual envelope is very contained, and the proposed public open space and strategic landscaping can positively respond to the landscape character and visual amenity. As such, the site should be allocated and included under Policy H3.

Conclusion

For the reasons set out above (and related objections to other policies), it is considered that the plan does not meet the tests of soundness as it:

- has not been “positively prepared” in that it does not meet objectively assessed needs;
- is not “justified” in that it is not based on the most appropriate strategy;
- is not “consistent with national policy” in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

30/2/17/10



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Email Address <i>(Where relevant)</i>	<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 checked="" type="checkbox"/>	No	<input type="checkbox"/>
ii) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
iii) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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Refer to attached representation text–
Rosconn Strategic Land - NWL PLP Rep Policy H2

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

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9. Signature:

Date:

Policy H2 – Housing Provision : Resolutions

Rosconn Strategic Land agree with the District Council taking a positive approach to working with developers and applicants on the sites included in Policy H2 to ensure that the relevant legal agreements are completed. However, it is apparent that the sites included in Policy H2 make up a very substantive part of the housing land supply in the District. In that regard simply securing the issue of a planning permission is not the ultimate objective, the delivery of the sites is and that should be the objective of the policy. Moreover, it is apparent that the Local Plan has no contingency arrangements embedded within it to address a shortfall in provision that would arise if the planning permission and delivery of any one or more of these sites cannot be secured.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

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- is not “justified” in that it is not based on the most appropriate strategy; and
- is not “consistent with national policy” in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

3013/H10



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First Name	<input type="text"/>	Mark	<input type="text"/>
Last Name	<input type="text"/>	Rose	<input type="text"/>
Job Title <i>(Where relevant)</i>	<input type="text"/>	Director	<input type="text"/>
Organisation <i>(Where relevant)</i>	Rosconn Strategic Land	Define	<input type="text"/>
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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

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(Please tick as appropriate)

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| 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"/> | No | <input type="text" value="X"/> |

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Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy H1

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

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Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy H1

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9. Signature:

Mark Rose

Date:

12/08/16

Policy H1 – Housing Provision : Planning Permissions

Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Rosconn Strategic Land do not, therefore, agree with the assumption that lapsed planning permission on the sites listed in Policy H1 should be automatically renewed, as in many cases the policy context will have significantly changed from when the planning permission was granted. Indeed, given the importance of the delivery of housing in the District, the failure to implement the existing planning permission and the overall housing land supply position in the District will be important material considerations to take into account.

Indeed, it is apparent that the sites included in Policy H1 make up a very substantive part of the housing land supply in the District. In that regard simply seeking to renew planning permissions cannot be the ultimate objective, the delivery of the housing sites is, and that should be the central objective of the policy.

Moreover, it is apparent that the Local Plan has no contingency arrangements embedded within it to address a shortfall in provision that would arise if the planning permission on any one or more of these sites does expire and is not renewed.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- has not been “positively prepared” in that it does not meet objectively assessed needs;
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3614/1802/0



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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

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

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Refer to attached representation text -

Rosconn Strategic Land - NWL PLP Rep Policy En2

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

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Mark Rose

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12/08/16

Policy En2 – River Mease Special Area of Conservation

Rosconn Strategic Land supports the principal objective of this policy to improve the water quality of the River Mease Special Area of Conservation (SAC). In order to achieve this, new development within its catchment will only be allowed where there is sufficient headroom capacity at the Wastewater Treatment Works within the River Mease catchment, or where it can be demonstrated that the proposed development (on its own and cumulatively with other development) will not have an adverse impact, directly or indirectly, upon the integrity of this SAC.

There is a significant proportion of the proposed housing provision under Policies H1, H2 and H3 that falls within the River Mease catchment, both with planning permission (1,195 dwellings under Policy H1) and with resolutions (450 dwellings under Policy H2). In addition, two of the new allocations proposed under Policy H3 (2,170 dwellings) also fall within this catchment. Moreover, a number of these sites form a core element of the 5 year housing land supply, proposing to provide some 660 dwellings (circa 20%) of the total supply identified in the 2015 statement.

This heavy reliance on development within the River Mease catchment for housing provision, in both the immediate term as part of the 5 year housing land supply and over the plan period, potentially places greater pressure on the SAC and the increased cumulative risk on water quality could affect the deliverability of these sites.

As stated in response to Policies S1 and S2 there are suitable locations within the District for additional sustainable development that lie outside the River Mease catchment, including sites within Sustainable Villages. As such, there should be greater flexibility under Policies S1 and S2 to enable other sites lying outside the SAC catchment to come forward, to provide greater flexibility should there be a delay or limit to the delivery of development sites within the river catchment.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- has not been “positively prepared” in that it does not meet objectively assessed needs;
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36/5 10/10



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Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy D1

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North West Leicestershire Publication Local Plan – August 2016

Representations on behalf of Rosconn Strategic Land Limited

Policy D1 – Design of New Development

The overarching intent of Policy D1 to secure good design within all new development is supported. In particular, Rosconn Strategic Land concurs with the design considerations proposed under items 1, 2 and 4 of the policy, and the need to demonstrate that appropriate design principles have been applied to reduce anti-social behaviour and crime are integral.

However, Rosconn Strategic Land specifically object to the requirement under item 3 for all new residential development to be assessed against Building for Life 12 (BfL12) and the explicit reference in the supporting text (para 6.12) that *“planning applications with one or more ‘reds’ will not be supported”*. This implies that any single aspect of a development assessed as red against BfL12 will deem the development unacceptable in planning terms, whether or not it is considered sustainable development based on a balanced judgement of all the relevant factors as advocated by the NPPF, meets development needs, reflects the Local Plan development strategy, or has wider benefits that outweigh any specific concerns.

Not all developments in all locations can deal with all BfL requirements. For example, not all Sustainable Villages identified in the Local Plan currently have access to public transport. However, development there could have other significant benefits that more than outweigh this issue. Public transport accessibility is not necessarily a design matter, but development within such can derive other important benefits and should be considered on their own design merits.

The policy overinflates the importance of BfL12 criteria, which should be applied an aspirational guide for the design of new development, not as a prescriptive test of a scheme’s wider planning merits. This approach potentially restricts any development from taking place in certain locations and, therefore, the improvement or enhancement of existing facilities directly related to the delivery of development. As such, Policy D1 should be explicit in referring to BfL12 as a design tool and that each development will be assessed on its specific merits and on its ability to derive other planning benefits.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- is not “justified” in that it is not based on the most appropriate strategy;
- is not “consistent with national policy” in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

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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"/>	Mr	<input type="text"/>
First Name	<input type="text"/>	Mark	<input type="text"/>
Last Name	<input type="text"/>	Rose	<input type="text"/>
Job Title <i>(Where relevant)</i>	<input type="text"/>	Director	<input type="text"/>
Organisation <i>(Where relevant)</i>	Rosconn Strategic Land	Define	<input type="text"/>
Address Line 1	<input type="text"/>		<input type="text"/>
Line 2	<input type="text"/>		<input type="text"/>
Line 3	<input type="text"/>		<input type="text"/>
Line 4	<input type="text"/>		<input type="text"/>
Post Code	<input type="text"/>		<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"/> | No | <input type="text" value="X"/> |

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.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S1

(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 plan period be extended to 2036 and the minimum housing requirement should be amended to reflect this extended period and the findings of the HEDNA. Reference should be made to ongoing collaboration with HMA Authorities to update the Memorandum of Agreement and the review of the policy in conjunction with the completion of the Strategy for Growth.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S1

(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.

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:

The District's housing needs and supply requires detailed consideration including reference to the development strategy specific settlement needs and additional site allocations.

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:

Mark Rose

Date:

12/08/16

Policy S1 – Future Housing and Economic Development Needs

Policy Context

A central tenet of the NPPF is the provision of sufficient housing to meet the needs of present and future generations, and in doing so to widen the choice of housing (paras 7 & 9). To achieve that it requires (para 14) that *“local planning authorities should positively seek opportunities to meet the development need of their area”*; and that *“Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change”*, and set out a *“clear strategy for allocating sufficient land”* (para 17). More specifically, in order to *“significantly boost the supply of housing”* it requires (para 47) that local planning authorities use their evidence base to ensure that their Local Plan *“meets the full objectively assessed needs for market and affordable housing in the market housing area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”*

Housing Requirement

In that regard the proposed reduction in the housing requirement set out in Policy S1 (compared to the previous draft of the Local Plan) to provide a minimum of 10,400 dwellings in the District over the plan period to 2031 is not supported by Rosconn Strategic Land as it is not currently supported by sufficient evidence to demonstrate the scale and distribution of housing will meet the future needs of the District and the wider HMA.

The proposed level of provision (520 dwellings per annum) reflects the level of identified need in the Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) (June 2014), which has been found conclusively to be out of date in recent appeals, notably including the Greenhill Road, Coalville appeal decision (Ref. APP/G2435/W/15/3005052 – paras 25 and 26). As acknowledged within the Committee Report dated 28th June 2016 (para 5.6), the SHMA can only be considered as a starting point for assessing the housing requirement. Whilst the Review of Housing Requirements (2011-2031) prepared on behalf of the Council seeks to consider changes in requirements since the SHMA, it still does not reflect an up-to-date evidence base. Indeed, para 7.27 of the Review document acknowledges that housing needs figures will be reviewed as part of the ongoing preparation of a Housing and Economic Development Needs Assessment (HEDNA) (as referred to in further detail below). The 2014-based household projections for England (published on 12th July 2016) also indicate an increase in the base annual demographic need figure for North West Leicestershire between 2012 and 2014. For these reasons, the Review document must be considered to be already out-to-date.

The preparation of an up-to-date evidence base through this collaborative exercise needs to be undertaken in the preparation of the Local Plan and is clearly supported by PPG (2a-018-20140306), which requires the plan maker to consider making an uplift when identifying the housing need, in order to avoid unsustainable commuting patterns and harming the resilience of local businesses. Whilst an uplift based upon economic growth has been proposed, which is supported in principle, it clearly requires further review once the additional and updated evidence is available.

Furthermore, whilst the policy proposes to address an increase of some 7,400 jobs stemming from the Strategic Rail Freight Interchange (SRFI) over the plan period, with 50% of workers anticipated to

require housing within the District, the housing requirement is less than that previously identified in earlier drafts of the Local Plan. This raises further questions as to the distribution of housing to meet the needs of the remaining 50% of workers anticipated, both within and outside the HMA, which also needs to be considered in the evidence base assessments.

Indeed, the SHMA states (para 9.19) that *“local authorities will need to consider how there [sic] emerging evidence base for housing and employment align and may need to adjust the level of housing provision which is planned for to support economic growth”*.

Affordable Housing and Affordability

Notably, the SHMA also states (para 9.14) that the affordable housing evidence suggests that a higher provision of housing would be justified in the District. For the period to 2031, the annual affordable housing need equates to some 75% of the demographic need figures and in that context the PPG (2a-029-20140306) requires that *“an increase in the total housing figures included in the Local Plan should be considered where it could help deliver the required number of affordable homes”*.

However, the Local Plan generally and Policy S1 specifically make no reference to addressing affordable housing needs in this manner. This matter needs to be considered to determine whether an uplift in provision is required, and potentially in specific locations within the District, to meet identified needs. That approach would accord with provisions of the NPPF (para 54): *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”*.

The justification in response to test 5 (para 7.22 of the Review document) for no uplift in housing due to many households securing suitable housing within the private rented sector is wholly irrelevant. It is not appropriate to treat the private rented sector as a form of affordable housing: neither the SHMA guidance nor the NPPF recognise it as such. Indeed, there is not any Government policy that advocates this approach to meeting affordable housing needs. The Home Truths paper produced by the National Housing Federation highlights that as more people are being forced into the private rented sector, rents are rising rapidly, and therefore so is the number of people claiming housing benefit. It also highlights the huge cost of housing benefit (£24bn pa), that largely goes to landlords rather than into building new homes that will provide secure, high quality affordable housing in perpetuity; the private rented sector provides less secure tenancies, with no guarantee they will remain. Moreover, standards may be lower than for social rented properties and there are specific households with specific needs that cannot be met within the private rented sector.

Clearly it is entirely inappropriate to rely on the private rented sector to provide affordable housing, and the focus must be on delivery of new affordable homes to reflect Government objectives. The Council must, therefore, do whatever it can to address what the SHMA refers to as an acute need, through the identification and allocation of development sites that will deliver an element of affordable housing.

The PPG (2a-015-20140306) explicitly refers to the need to consider suppressed household formation, under-supply and worsening affordability of housing as key factors in the assessing the local housing need. Whilst the Review of Housing Requirements 2011-2031 (April 2016) prepared for the Council broadly follows the PPG methodology for assessing housing need, it clearly does not meet all of the tests when assessing whether any adjustment should be made to the overall requirement. Notably, Rosconn Strategic Land strongly disagree with the assertion that market signals suggest no increase in housing supply is required, as indicated in relation to test 4 (para 7.19). Given the recognition that there are affordability pressures in the District, increases in the number of overcrowded and concealed households, alongside a consistent under-delivery of housing to date, an uplift in housing requirement is essential in order to seek to address this.

Housing Market Area (HMA)

The NPPF (para 54) refers to the duty to cooperate with neighbouring authorities introduced by the Localism Act 2011. It later states (para 179) that *“joint working should enable local authorities to work together to meet development requirements which cannot be wholly met within their own areas”*. It requires (para 181) that authorities will be expected to *“demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts”*. Following the publication of the NPPF, the DCLG’s Chief Planner recently stated that the duty to cooperate puts a legal requirement on councils to ensure a *“positive outcome”* to their strategic planning discussions, and *“they have got to show that they have addressed the issues and the outcome is a positive plan that meets objectively assessed needs”*.

Furthermore, even based on the now out dated assessment the projected household growth in Leicester in the SHMA, Rosconn Strategic Land have a real concern whether the city can meet its Objectively Assessed Housing Need. Leicester City’s records demonstrate that housing delivery in the city is substantially behind their requirement, and there are clearly significant difficulties to address given their reliance on strategic regeneration sites and a large urban extension that have been substantially delayed. The Charnwood Local Plan Examination Report (para 47) highlights the lack of capacity in the city beyond 2031 to meets its own needs, and closer scrutiny of the City’s evidence base suggests that the shortfall in capacity is much more significant than that. Therefore, in order to ensure that the full OAN for the HMA is met, and for the Council to fulfil its duty to cooperate, a proportion Leicester’s shortfall dwellings may ultimately need to be provided for in the Local Plan, over and above the dwellings required to meet the District’s own housing requirement. This is also intended to be addressed through the Strategic Growth Plan that will be informed by the HEDNA.

Whilst the need to accommodate potential changes in housing requirements as a result of the findings of the HEDNA and other assessments that will form the evidence base is recognised within the Policy S1, it is apparent that the needs across the HMA have not yet been addressed in the housing needs assumptions and associated annual housing requirement set out under this policy.

Critically, the other HMA authorities have indicated the importance of completing the HEDNA, which is currently underway, in advance of a decision on the Local Plan as the mechanism for identifying the basis for the objectively assessed need and to inform the Strategic Growth Plan proposed to guide growth across the entire HMA.

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Indeed, it is acknowledged by the Council (Committee Report para 6.4) that the reason for commissioning the HEDNA is that the “*SHMA is not based on the most up-to-date national household projections and so could not be relied upon to support the Strategic Growth Plan*”. On this basis, Rosconn Strategic Land object to the proposed housing requirement currently identified in Policy S1 as this is not derived from an up-to-date HMA wide assessment of need.

Supply

To accord with the NPPF, it is absolutely critical that the Local Plan ensures sufficient land comes forward to meet those identified needs within the plan period and ensure that everyone has the opportunity of a decent home, through the identification and allocation of deliverable development sites. Moreover, a 5 year supply of housing land will need to be demonstrated at the point of adoption of the Local Plan.

To date there has been a persistent shortfall in the provision of housing within the District. The difficulties of delivering substantial development sites in the District, and particularly in and around Coalville should not be underestimated. A review of the progress of large development sites in the District has highlighted that of the five sites in excess of 100 dwellings allocated in the 2002 North West Leicestershire Local Plan, development has only commenced on one site (East of Leicester Road, Ashby De La Zouch). In respect of that site planning permission was not secured until over 9 years after its allocation, and the first completions were delivered approximately 2.5 years after that.

Looking more widely, there are obviously delivery issues within the current land supply when construction has begun on only 16 of 56 sites included in the Housing Trajectory set out within Background Paper 4 (and only 1 in Coalville), and when such a large part of the suggested supply is contained within sites that are just subject to a resolution to approve planning permission, notably around Coalville.

Whilst the overall strategy to focus future housing growth within Coalville Urban Area is accepted, Rosconn Strategic Land questions whether the scale of development proposed at the town can / will be delivered within the anticipated timescale. The current housing trajectory suggests that over 350 dpa will be provided at Coalville in the first part of the plan period. However, there is ultimately a finite amount of housing that can be sustained in Coalville, which has comparatively low housing values that would be exacerbated by the over supply of housing. As a result, if completions on larger sites reduce due to lower sales volumes, this will put pressure on other areas of the District to deliver.

Moreover, it is a very real concern that substantial elements of the suggested housing land supply are at risk. The current housing trajectory provision relies heavily on the timely delivery of a number of very large developments, most notably at South-East Coalville, which is currently anticipated to provide 1,935 of a total of a total 3,500 dwellings within the plan period (substantially more than the 905 dwellings in the same period suggested by the build out rates for included sites within the 2014 SHLAA). There are known to be significant infrastructure and viability constraints that may well prevent or at least further delay the delivery of this site. The reliance on it to meet identified housing needs at least in the short to medium term should be treated with great caution, and its contribution to the overall supply in the plan period needs to be very carefully considered (both in

terms of quantum and timing). Clear evidence of the deliverability of the development is required if it is to be relied on to meet identified needs in the Local Plan.

It is accepted that predicting the timing, phasing and delivery rates of developments of the scale and complexity proposed at Coalville is inherently difficult. However, it is apparent that the number of dwellings that can be delivered within the plan period will ultimately be limited given the infrastructure burden and lead in times required, and the recognised market constraints, and the Local Plan must still demonstrate a deliverable supply of housing land for the first 5 years following its adoption.

The housing requirement is recognised to be a 'minimum' requirement, and given the clear and inherent uncertainty embedded within the District's Housing Trajectory, contingency plans should be embedded in the Local Plan to address any shortfall in housing arising from a delay in the strategic sites coming forward, by allocating additional development sites in other sustainable locations and seeking to bring them forward at the earliest opportunity.

The response to Policy S2 highlights the concerns Rosconn Strategic Land have in respect of the development strategy and the mismatch between the proposed settlement hierarchy and the actual delivery that will result from the sites identified in Policies H1, H2 and H3, which arises from the existing commitments rather than a planned strategy of delivery. Specifically the concentration of recent past delivery and proposed delivery of housing at Coalville in particular, and also the Key Service Centres, at the expense of the Sustainable Villages, such as Heather, which have sufficient facilities to support further housing development, but no future provision is proposed.

Table 2 in Background Paper 4 highlights that almost 50% of completions and existing commitments in the District are focussed on the Coalville Urban Area. The proposed additional allocations (Policy H3) further exacerbate this issue by again focussing on the Coalville Urban Area and Key Service Centres. Table 3 in the Background Paper examines the position in relation to future growth and the total supply represents just over 36% of the total growth in Coalville, with a further 37% in the Key Service Centres.

Therefore, a relatively small proportion of the future development proposed in the District will be directed to other sustainable locations, such as the Sustainable Villages. Indeed, Table 2 of the Background Paper confirms that completions and existing commitments in these settlements is less than 7% of the total for the District. That is despite the recognition in the Local Plan that the Suitable Villages are suitable for a limited amount of growth.

The overall strategy of urban concentration should not be undermined, but it is apparent that a number and variety of appropriate and sustainable development sites away from the main urban area, notably in the identified Sustainable Villages, are required to come forward notably in the early part of the plan period, to accelerate the supply of housing and meet identified needs through to 2036. Those developments will also have the added benefit of meeting local development needs, including supporting the services and facilities that exist in those locations, and ensuring the continued sustainability of those settlements in the long term. Whilst such locations are less accessible than the main Urban Area and Key Service Centres, it is essential that some further

housing is provided to support existing services and facilities within these locations, potentially triggering additional functions and economic activities.

Plan Period

It is currently anticipated that the new Local Plan will be adopted in late 2017. That programme is ambitious given the progress made thus far, but even if that is achieved there will not be a 15-year time horizon to the end of the plan period (2031). This does not accord with the NPPF, which states that local plans should “*be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date*” (NPPF, para 157, point 2).

Consequently it is suggested that the plan period should be extended to 2036 to ensure that the adopted Local Plan has a time horizon in excess of 15 years and longer term requirements, including an adequate level of future housing and the infrastructure required to support that, can be provided for. That period would also reflect other Housing Market Area (HMA) partners, a number of which are preparing their own local plans for the period to 2036 and the emerging evidence base for the HMA, notably the HEDNA.

That said, the extension of the plan period must be on the basis that the Local Plan will reflect the evolving strategic context that will emerge through the preparation of the Leicester and Leicestershire Strategic Growth Plan, be subject to review as and when necessary to ensure that it remains up-to-date, and that the identified development needs in the Borough and across the Housing Market Area (HMA) are met.

The extension of the plan period will necessitate the allocation of additional housing sites, but as set out above those additional allocations can be used to reinforce the proposed settlement hierarchy, notably in the Sustainable Villages where the proposed provision is clearly inadequate to meet the needs of those settlements as set out in the response to Policy H3.

Prematurity

Policy S1 advises that the Council will continue to work collaboratively with other Authorities to establish “*the level of long term housing and economic growth required, including testing options for, and agreeing, its scale and distribution amongst the authorities concerned.*” Indeed the policy also confirms that in the event that such work indicates an additional need in the District, the Council commits to bringing forward an early review the Plan.

This is an exercise that needs to be undertaken in the preparation of the Local Plan and is clearly supported by PPG (2a-018-20140306), which requires the plan maker to consider making an uplift when identifying the housing need, in order to avoid unsustainable commuting patterns and harming the resilience of local businesses.

The evidence base to support the District’s development needs assumptions is currently being prepared through a variety of exercises, including the preparation of a HMA wide Housing and Economic Development Needs Assessment (HEDNA). As explained within the Report to Council dated 28th June 2016 (para 6.4), once that technical assessment has been concluded, which is currently

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scheduled for September 2016, the intention is to agree a new MOU (or equivalent agreement) between the authorities, but this is unlikely to be concluded until late 2016 at the earliest.

With these exercises currently underway and key findings anticipated to become available within the coming months, the current policy is not based upon up-to-date evidence as required by PPG and clearly fails to address the needs of the District and any implications stemming from the wider HMA or vice versa. By not awaiting this evidence or seeking to reach an agreement between the authorities subsequent to that, the Council has failed to comply with the duty to cooperate with other authorities as required by the NPPF (para 54) and, on this basis, there is no clear justification for the level of housing proposed. Progress of the Local Plan towards adoption is, therefore, premature in advance of this evidence being fully considered.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- has not been “positively prepared” in that it does not meet objectively assessed needs;
- is not “justified” in that it is not based on the most appropriate strategy;
- is not “effective” as it is not deliverable and does not address cross-boundary strategic priorities; and
- is not “consistent with national policy” in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

In summary Policy S1 should identify the full and objectively assessed needs for housing and economic development within the District taking into account:

- an up-to-date evidence base;
- affordable housing needs;
- extension of the plan period to 2036 to provide a 15-year time horizon;
- the wider needs of the HMA including the potential under delivery within Leicester;
- constraints to delivery in Coalville to be addressed; and
- sufficient deliverable and developable supply of housing land to be identified.

These matters need to be addressed in the preparation of the Local Plan, in order for it to comply with the NPPF and be considered sound.

30/7/10



LOCAL PLAN

Ref:
(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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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"/>	Mr	<input type="text"/>
First Name	<input type="text"/>	Mark	<input type="text"/>
Last Name	<input type="text"/>	Rose	<input type="text"/>
Job Title <i>(Where relevant)</i>	<input type="text"/>	Director	<input type="text"/>
Organisation <i>(Where relevant)</i>	Rosconn Strategic Land	Define	<input type="text"/>
Address Line 1	<input type="text"/>		<input type="text"/>
Line 2	<input type="text"/>		<input type="text"/>
Line 3	<input type="text"/>		<input type="text"/>
Line 4	<input type="text"/>		<input type="text"/>
Post Code	<input type="text"/>		<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"/>	No	<input type="text" value="X"/>

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.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S2

(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.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S2

(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.

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:

The District's housing needs and supply requires detailed consideration including reference to the development strategy specific settlement needs and additional site allocations.

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:

Policy S2 – Settlement Hierarchy

The aim of the settlement hierarchy is to direct and apportion housing development to those settlements most able to accommodate it, measured against the functions that each settlement fulfils (based on the level of existing services and facilities and their physical accessibility). This is appropriate and Rosconn Strategic Land supports the overarching principle of a settlement hierarchy to direct development within the District.

However, whilst the policy refers to capacity for development of all settlements within the District in order to identify their position within the hierarchy, Background Paper 2 does not provide any comparison between individual settlements within the same hierarchy tier, despite there being considerable variation in the level of services provided within each location. Notably, there is a wide variety of settlements identified as Sustainable Villages, as indicated in the Settlement Proforma, but the policy itself provides no differentiation between the level of services and facilities that are provided by each Sustainable Village and how this should influence the planned location and scale of planned development.

Policy S2 defines Sustainable Villages as settlements that have a limited range of services and facilities where a “limited” amount of growth will take place, but provides no definition to the limitations to the level of growth that is acceptable in a given location, except to restrict this to being located within the defined Limits to Development. However the limits to development are tightly drawn. They are based on just accommodating the development needs identified in Policy S1 despite that being a **minimum** requirement (which has in any case been challenged – refer to objection to Policy S1), resulting in a clear tension between the policies (refer to objection to Policy S3).

Moreover, the policy does not acknowledge the need to consider the specific needs of individual settlements or the potential for specific sites within such settlements to deliver sustainable development within the plan period. That is in accordance with the NPPF, take a balanced view of socio-economic benefits of development in a given location and whether the relevant environmental, technical and infrastructure matters can be addressed, rather than seek to impose a blanket constraint to development outside of a contrived defined limit to development.

On that basis whilst it is accepted that less development will be directed to Sustainable Villages than towns and centres higher up within the Settlement Hierarchy, Rosconn Strategic Land is concerned that the policy will significantly restrict any new development in Sustainable Villages that is not already identified under Policies H1 and H2 (i.e. already has the benefit of a planning permission or resolution to above) and does not, therefore, address the potential future needs of all settlements, contrary to the NPPF.

As para 54 of the NPPF states: *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable*

housing to meet local needs". Furthermore, para 55 continues: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities"*.

It is critical that the hierarchy is appropriately reflected in the Local Plan's development strategy, and particularly the identification of housing sites to meet identified needs through the plan period. In doing so account also needs to be taken of the delivery issues in the District (highlighted in the objection to Policy S1) and the particular needs of specific settlements.

There is, however, a clear mismatch between the proposed settlement hierarchy in Policy S2 and the actual delivery that will result from the sites identified in Policies H1 and H2, which arises from the level of existing commitments rather than a planned strategy of delivery. Specifically the concentration of recent past delivery and proposed delivery of housing through the plan period at Coalville in particular, and also the Key Service Centres, at the expense of the Sustainable Villages, such as Heather, which have sufficient facilities to support further housing development but no future provision is proposed, is a key cause for concern.

Therefore, whilst Rosconn Strategic Land agrees that it is appropriate to direct growth based upon the Settlement Hierarchy, the current spatial strategy approach and emphasis of Policy S2 to *"limited"* growth will have a significant negative impact on the role and function of a number of the Sustainable Villages in the District, including Heather.

Moreover, the imbalance in the provision that is proposed in the Sustainable Villages needs to be taken into account. The Housing Trajectory and Policies H1 and H2 highlight that the growth directed to the Sustainable Villages is very much focussed on only a few locations, most notably Moira, Appleby Magna and Ravenstone. In comparison, whilst Heather is similar in scale, nature and function to those settlements, it has accommodated very little development recently and absolutely no development is now planned in the rest of the plan period to 2031.

As it stands, therefore, Policy S2 does not reflect the requirement of the NPPF to address rural housing needs (para 54) or to promote sustainable development where it will enhance or maintain the vitality of rural communities (para 55). Clearly the suitability and capacity of the Sustainable Villages identified in the settlement hierarchy in Policy S2 for development should be underpinned by planned growth as a means of supporting and maintaining rural economies and of meeting local housing need in these areas. Indeed, the development of small to medium scale sites in stronger market areas, such as Heather, have the ability to significantly improve the likelihood of the Council delivering development to meet its housing requirement.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- has not been "positively prepared" in that it does not meet objectively assessed needs;
- is not "justified" in that it is not based on the most appropriate strategy;
- is not "consistent with national policy" in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

In summary Policy S2:

- should appropriately reflect the role of Sustainable Villages identified in the Settlement Hierarchy and not seek to limit development where this is in accordance with the objectives of the NPPF;
- should not restrict development within Sustainable Villages to within the Limits to Development as this is too inflexible and does not address the future development needs of all individual settlements; and
- should place emphasis on directing development to reflect the broader sustainable development principles.

3018 15310



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"/>	Mr	<input type="text"/>
First Name	<input type="text"/>	Mark	<input type="text"/>
Last Name	<input type="text"/>	Rose	<input type="text"/>
Job Title <i>(Where relevant)</i>	<input type="text"/>	Director	<input type="text"/>
Organisation <i>(Where relevant)</i>	Rosconn Strategic Land	Define	<input type="text"/>
Address Line 1	<input type="text"/>		<input type="text"/>
Line 2	<input type="text"/>		<input type="text"/>
Line 3	<input type="text"/>		<input type="text"/>
Line 4	<input type="text"/>		<input type="text"/>
Post Code	<input type="text"/>		<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"/> |

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.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S3

(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.

Refer to attached representation text –
Rosconn Strategic Land - NWL PLP Rep Policy S3

(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.

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:

The District's housing needs and supply requires detailed consideration including reference to the development strategy specific settlement needs and additional site allocations.

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:

Policy S3 – Countryside

Policy S3 identifies land outside the Limits to Development as Countryside and seeks to protect it “*for the sake of its intrinsic character and beauty*”, allowing development only for specific uses and in very specific circumstances. Rosconn Strategic Land object to this approach as it is not in compliance with the core planning principles of the NPPF.

The NPPF (para 17) now requires Local Plans to “*recognise*” the intrinsic character and beauty of the countryside, but it is no longer subject to a blanket protection from development where identified development needs exist. Similarly, whilst the NPPF (para 17) “*encourages*” the use of previously developed land, it does not prioritise it over other suitable and sustainable sites that can equally contribute to meeting identified needs.

A countryside protection and brownfield land first approach cannot be adopted in the Local Plan, as the policy imperative must be the delivery of sufficient greenfield and brownfield land to meet identified development needs when they arise. The critical issue to consider is the selection of appropriate and deliverable greenfield and brownfield sites, in sustainable locations, where the harm can be minimised and effectively mitigated against through the scheme design.

The limitation on development in the countryside of Policy S3 also conflicts with the principle of enabling the limited expansion of Sustainable Villages, as identified in Policy S2. The restriction now implicit within Policy S2 for any growth of Sustainable Villages to be within the defined Limits of Development is not supported (as outlined in the objection that policy). The defined limits to development are clearly intended to dictate where development can be located, i.e. not within the countryside. As such it self-evidently restricts the supply of housing. Indeed, the limits to development around the settlements are tightly drawn. They are based on just accommodating the development needs identified in Policy S1 despite that being a **minimum** requirement (which has in any case been challenged – refer to objection to Policy S1), resulting in a clear tension between the development strategy policies (refer to objection to Policy S2).

This is relevant to Heather, where absolutely no development in the plan period is proposed. Yet there is clear opportunity to expand the village via sustainable housing development that would clearly meet the requirements for meeting District wide and local housing development requirements, and the overarching objectives of delivering housing development that can be suitably integrated with the existing built environment and landscape character.

Whilst the Background Paper (para 2.3) proposes that Policy S3 should be considered in the context of the need for the planning system to “*contribute and enhance the natural and local environment by protecting and enhancing landscapes*” and for local planning authorities to set “*criteria based policies against which proposals for any development on or affecting protected wildlife and geodiversity sites in landscape areas will be judged*” (NPPF paras 109 and 113 respectively), this does not relate explicitly to areas defined as countryside and a presumption against development on this basis should not be imposed.

In accordance with the NPPF, the require that a balanced view of the socio-economic benefits of development and the potential impact on the countryside in a given location be taken, rather than seek to impose a blanket constraint to development outside of a contrived defined limit to development.

Conclusion

For the reasons set out above, it is considered that the plan does not meet the tests of soundness as it:

- has not been “positively prepared” in that it does not meet objectively assessed needs;
- is not “justified” in that it is not based on the most appropriate strategy; and
- is not “consistent with national policy” in that it does not enable the delivery of sustainable development in accordance with policies in the NPPF.

As such, Policy S3 should be amended in conjunction with Policy S2 to avoid restricting sustainable development that can be appropriately managed through other environmental policies within the Local Plan and, therefore, remedy the current conflict with the NPPF in applying a blanket approach to constraining development in the Countryside (para 17) and in order to reflect the presumption in favour of sustainable development and the need to meet objectively assessed needs with sufficient flexibility to adapt to change (para 14).