



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	Dr	
First Name	Sonia	
Last Name	Liff	
Job Title <i>(Where relevant)</i>	Chair	
Organisation <i>(Where relevant)</i>	Appleby Environment	
Address Line 1	[REDACTED]	
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

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="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 type="checkbox"/> |

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.

We believe that the Local Plan is unsound in that it fails to include a policy for designating Local Green Spaces within the Local Plan. We believe this is not justified in the light of provisions considered necessary in the previous plan; the objectives of the publication version of Plan as set out in para 4.6 (particularly objectives 10 & 12); and the assessment of the sustainability appraisal in respect to the risks to reaching those objectives. The Council have failed to consider alternative approaches despite strong views from the community at an earlier consultation and a clear legal opportunity to take an alternative approach as specified in the National Planning Policy Framework (para 77). The Local Plan says that it will leave Local Green Spaces designations to Neighbourhood Plans. However, it fails to consider whether this is an effective approach to achieving the objectives set out in the plan.

(contd.)

We are making this submission from the perspective of the village of Appleby Magna where we have specific sites which we believe should be designated as Local Green Spaces. However, this issue has relevance across the District and our submission is based on the absence of a policy for designating Local Green Spaces. Appleby Magna is defined in the Local Plan as a 'sustainable village'. According to data in the Local Plan around a quarter of the population of the District live in settlements of this size or smaller. We believe many of these settlements would also benefit from a Local Green Space policy and, as explained below, will have difficulties with the policy approach suggested in the publication draft plan. In Appleby Magna the sites we are concerned about are the Conservation Area on two sides of the village and one is contained within it. As such their protection through an appropriate policy framework would support the protection of the historic environment and village character as required by the NPPF and intended by the objectives of the Plan.

Provisions of the previous Plan in relation to Publication Plan

The previous Plan had a Sensitive Site policy (E1) in addition to the protection provided by the Countryside Policy. The Sensitive Site policy was intended to restrict development in areas identified on the Proposal maps which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside. This policy was used across the District, but especially in villages and smaller settlements to identify areas which contributed to local character.

There is no Policy in the Publication version Local Plan to designate important local areas and the reference to Local Green Spaces in para 10.6 is the closest the plan comes to addressing this issue. Para 10.6 says that the Plan will not designate any Local Green Spaces "but instead leave such designations to be considered as part of Neighbourhood Plans". We believe that it is not justified to abandon a protection previously assessed as necessary to protect important local sites.

Objectives of the Local Plan to which a Local Green Space would contribute

Objective 10 – Conserve and enhance the identity, character and diversity and local distinctiveness of the districts built, natural, cultural, industrial and rural heritage and heritage assets.

Objective 12 – Conserve and enhance the quality of the districts landscape character including the National Forest and Charnwood Forest and other valued landscapes.

Assessments within the Sustainability Appraisal summarised below show that these

objectives are challenged by current development patterns. A District-level Local Green Space Policy could address this.

Risks identified by the Sustainability Appraisal that a Local Green Space could address

The sustainability appraisal assesses the risk to heritage and landscape character of higher than intended housing growth (Appendix A) or a dispersed housing distribution (Appendix B) both of which are assessed to have negative effects on the 'landscape, land and soil' and on the 'built and historic environment' (see summary of alternative assessments tables).

In relation to higher levels of housing growth the sustainability appraisal says that in contrast to larger settlements where heritage assets are likely to be separated from new development "The setting of heritage assets in smaller villages may be more sensitive to development, given that they are less contained by built up areas compared to the local and key service centres and principal towns" (p.101). On its significance they say this "could have a negative effect on the setting of heritage assets" where it "may be more difficult to mitigate such effects if there are multiple development sites in individual settlements, contributing to an overall shift in character. This would be a particular issue for smaller settlements" (101). On the impact on Landscape, Land and Soil the SA notes that "(t)he sustainable villages" (of which Appleby Magna is one) "are typically surrounded by open countryside, which is sensitive to change". It assesses that a higher level of housing growth "is likely to lead to adverse effects upon the character of landscapes, most likely within Coalville and Ashby de la Zouch, but also on the periphery of Local Centres and / or sustainable villages. The cumulative effects of development could lead to significant negative effects on some areas" ... "this scale of growth would be likely to lead to negative effects on landscape in one way or another" (p102-3).

...In relation to different distribution options (Appendix B) the SA considers a Dispersal option (D) whereby the majority of development would be directed to the local service centres and sustainable villages. In relation to the Built and Historic Environment the SA says under option D "(t)he setting of heritage assets in smaller villages (which would need to be developed under alternative D) may be more sensitive to development, given that they are less contained by built up areas compared to the local and key service centres and principal towns". They say the likelihood of significant effects would differ depending upon the settlements but in "areas such as Appleby Magna, a number of sites are directly adjacent to or contain listed buildings, and development would therefore be more likely to have a direct effect on the setting of

these features. The scale of development in smaller villages would also be likely to alter the character of the built environment and non-designated heritage assets”.

Under the significance of impact they say “(f)or Alternative D, there would be growth of some sustainable villages, which could have an adverse effect on the character of the built environment. Although direct effects on designated heritage assets would not be anticipated for most areas, there are some settlements (such as Appleby Magna) where development would most likely be adjacent to a number of listed buildings, and the potential for effects on their character would be increased” (p.119).

Appendix B also assesses the dispersal option from the perspective of Landscape, Land and Soil where it says “(h)ousing development would require the release of land with the potential to affect the openness, character and tranquillity of landscapes”.

The growth in the size of “smaller ‘rural’ settlements such as ... Appleby Magna” under the dispersal option could lead to “a change in the size and character of these settlements.” Under significance they say there would be “negative effects on the character of the landscapes at a number of smaller settlements, which are more sensitive to change and are already experiencing growth through committed development” (120-121). Overall the SA concludes “Alternative D would have moderate adverse effect on landscape character and minor negative effects upon a range of other environmental factors. It is also unattractive in that it increases reliance on car travel to access jobs and services, and will place more people in areas with poorer accessibility to essential services and facilities. Overall, this approach is considered less sustainable than the other four alternatives” (124).

Neither the higher housing rate nor the dispersal distribution option are advocated under the Local Plan. However, as para 14.10.2 of the SA notes “Although there is no identified need to deliver more housing than would be delivered by those sites identified in the Plan, it is likely that further planning proposals will come forward. There will therefore be a need to manage the scale of to ensure that cumulative effects on built and natural heritage do not accrue.”

In fact, this is not an abstract, or future, possibility for Appleby Magna. The dismissed dispersal option envisaged 65 houses for Appleby Magna whereas there have been at least 96 houses approved since 2014 including on two sites designated as sensitive under the previous Local Plan. There remain 4 currently undeveloped sites previously designated as sensitive (2 of which have been subject to planning applications). These are all within or abut the Conservation Area. Given the detrimental consequences of further development identified in the Sustainability Appraisal these areas need the protection that could be provided by a Local Green Space policy.

Sustainability Appraisal and development patterns to date this requirement is currently at risk.

Failure to assess whether the policy choice is likely to be effective in achieving Plan Objectives

To be sound the plan needs to consider whether its policies are likely to be effective in achieving their intended outcomes. The plan process has made no assessment of whether only allowing Local Green Spaces to be designated via Neighbourhood Plans is likely to be effective. Para 13.9 of the Publication Plan says that there are only 2 such designated plans within the District – both in larger settlements. It contains no plan for ensuring these occur more widely. In this context it is difficult to see how reliance on such plans is likely to be an effective strategy.

(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.

There needs to be an additional Policy dealing with the designation of Local Green Spaces under the Local Plan.

This could be in the form of:

Policy En7 Local Green Spaces

Local Green Spaces can be designated through local and neighbourhood plans providing that they meet the criteria set out with paragraph 77 of the National Planning Policy Framework.

This Plan will assess areas which previously had 'sensitive area' status against these criteria and, if they meet them, will designate them as Local Green Spaces.

It will also incorporate those areas identified as Local Green Spaces under designated Neighbourhood Plans within the District.

This would contribute to the soundness of the Plan by continuing protection previously assessed as necessary and appropriate for valuable and vulnerable local sites; by providing a route for achieving objectives identified for the Local Plan; by providing a policy to address risks identified by the sustainability appraisal in the context of current development patterns; by being responsive to clearly stated and widespread input to the consultation process; and by being legally compliant with the NPPF which provides

for Local Plan designation as an **additional** not an alternative route. It would also contribute to effectiveness since there is little evidence that expecting designation via Neighbourhood Plans is likely to be an effective approach to protecting valued Local Green Spaces for most communities across the District.

(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.

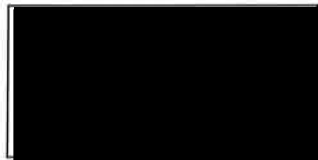
Yes, I wish to participate at the oral examination

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

I would welcome the opportunity to expand on this case particularly in relation to the specific relevance to Appleby Magna which has not been possible in this short submission.

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: 15/08/2016

Failure to address strong community participation calling for a change of approach

There was a significant response to the Consultation Draft of the Local Plan calling for a Local Green Space designations within Appleby of sites identified in the previous Local Plan as worthy of protection. These included from:

Appleby Environment (a formally constituted community group which has 82 registered supporters and has been active in the community for over 20 years);
Appleby Magna Parish Council
27 submissions from residents (see Table H of the Council's summary of responses).

This was not only an issue for Appleby residents (as can be seen from Table H). Others calling for a Local Green Space policy included Willesley Environmental Protection Association and Ashby de la Zouch Civic Society.

Since informing supporters that we intended to make a submission at this stage we have been contacted by an additional 16 supporters who did not make formal submissions but have told us that they want to support this representation.

We also have support for this submission from:

Appleby Magna Parish Council (in principle)
Campaign for the Protection of Rural England (CPRE) Leicestershire (see separate letter attached to this submission).

There were a variety of submissions to the Consultation Draft Plan but as well as asking for specific sites to be designated, submissions also explained what they saw as the limitations of the Plan's approach in para 10.6 which leaves designation to Neighbourhood Plans: particularly the difficulty of pursuing these plans at the level of a small village and the length of process before protection might be achieved. The Council's response did not engage with these concerns or assess the alternative. It merely restated:

"The designation of Local Green Space does not have to be done through the Local Plan" (see responses Table H).

Para 76 of the NPPF states "Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances".

The Publication Plan denies our local community the option to do this via the Local Plan despite a clear desire by residents that it should do so.

Legally Consistent opportunity to consider an alternative approach

As evidenced above the National Planning Policy Framework says that communities should be able to use Local AND Neighbourhood Plans. It does not say that local plans should just delegate this to NPs.

In addition, the NPPF says that that Local Planning Authorities should set out strategic policies within the Local Plan for the "conservation and enhancement of the natural and historic environment, including landscape" (paragraph 156). As shown by the



Charity Number 1164985

13/08/2016

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Dear Sonia Liff,

CPRE Leicestershire are happy to support your response to NWLDC.

Whilst CPRE cannot comment with authority about Appleby we consider that a policy which ignores the legitimate concerns of respondents to the consultation regarding the protection of green spaces cannot be sound.

We note your particular concern that protection for sensitive sites afforded by the former Local Plan has been withdrawn and the the current Draft Local Plan proposes that Neighbourhood Plans will be the vehicle for protecting green spaces.

CPRE note that the NPPF does not require LPAs to rely only on Neighbourhood Plans for protecting green spaces (see S8. Paras 76 & 77). This indicates that Local Plans **should** also be used to designate protected green spaces.

We further observe that many small communities are not equipped to prepare a Neighbourhood Plan and are obliged to rely on responding to the Local Plan consultation as their only means of influencing policy.

Please feel free to attach this note to your formal response from 'Appleby Environment' to NWLDC.

Yours sincerely

Rick Hoyland (Trustee) & Joyce Noon (Planning Campaigner)
On behalf of CPRE Leicestershire