

Representation 42  
42/1/1130/0



# 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](mailto: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	Mr	Miss
First Name	Jonathan	Marie
Last Name	Collins	Stacey
Job Title <i>(Where relevant)</i>		Senior Planner
Organisation <i>(Where relevant)</i>	Hallam Land Management Ltd	Pegasus Group Ltd
Address Line 1	Banner Cross Hall	4, The Courtyard
Line 2	Eccleshall Road South	Church Street
Line 3	Sheffield	Lockington
Line 4		
Post Code	S11 9PD	DE74 2SL
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 checked="" type="checkbox"/> |
| ii) Sound                                    | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| iii) Complies with the<br>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.

The inclusion of 'H3c - Land of Ashby Road/Leicester Road, Measham' within 'Policy H3 - Housing provision: new allocations' is supported.

Notwithstanding support for the principle of allocating site H3c, restriction of the site coming forward only if the land west of High Street Measham (Policy H2e) is prohibited is not positive or effective planning and not compliant with the principles of the NPPF to significantly boost the supply of housing.

The Local Plan should set out a positive and aspirational vision for the area but also be realistic about what can be achieved (NPPF, paragraph 174). Accordingly, the Local Plan therefore needs to provide an adequate supply of land to promote development and a degree of flexibility to accommodate uncertainties that may exist. In this respect, to ensure the Local Plan is justified 'the plan should be the

most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.' (NPPF, paragraph 182). On this basis, it is considered that Policy H3c in its current form is not the most appropriate strategy in supporting the delivery of a **minimum** 10,400 dwellings required during the plan period as set out in Policy S1 and therefore not effective.

The restriction of the land coming forward should be deleted so that the Local Plan has the potential to accommodate any uncertainties such as the route of HS2 and any others that could occur across the plan period such as slower than expected building rates for larger allocations. Allocation of the Leicester Road, Measham site would effectively eliminate any uncertainties with the deliverability of the **minimum** 10,400 dwellings required during the plan period as set out in Policy S1.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 14 outlines that for plan-making this means that:

- *'Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with **sufficient flexibility to adapt to rapid change**, unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.'*

The restriction on the site coming forward subject to confirmation of the proposed route for HS2 does not give sufficient flexibility to adapt to rapid change to boosting significantly the supply of housing. Although emerging Policy S1 instils flexibility to accommodate any additional need for housing that may be identified as part of the Housing and Economic Development Needs Assessment prepared on behalf of the authorities of the Leicester and Leicestershire Housing Market Area, this is not reflected in Policy H3c.

In addition, this restriction on the allocation also conflicts with criterion 3) of emerging Local Plan Policy IM1, which requires the Council to take necessary action to address any housing shortfall including 'bringing forward additional sites where it

can be demonstrated that such sites will assist with delivery to address short term needs'. The restrictive policy wording does not allow for allocation H3c to come forward to address any housing shortfall, to assist with delivery to address short term need, and assist in significantly boosting the supply of housing in line with paragraph 47 of the NPPF.

The Local Plan is also not legally compliant as the 'Sustainability Appraisal (SA) of the North West Leicestershire Local Plan' (June 2016) does not include a Sustainability Appraisal proforma for all housing allocations that form part of the Local Plan. In this respect, to support the allocation of land at Leicester Road/Ashby Road, Measham, a Sustainability Appraisal proforma is submitted with this representation.

The site Sustainability Appraisal proforma shows that there are no adverse impacts that would significantly and demonstrably outweigh the benefits. The site has one red outcome relating to the site's greenfield status however, North West Leicestershire does not have sufficient available brownfield sites to accommodate its housing need during the plan period and therefore greenfield sites are required to support the required housing need. In comparison to other allocated sites, the site performs well and is sustainable.

In terms of the criteria relating to Policy H3c, there is no requirement to include criterion v) for Policy H3c. The Planning Practice Guidance outlines that there should be no need to reiterate policies that are already set out in the National Planning Policy Framework (NPPF) and makes it clear that the local planning authority should avoid undue repetition(Paragraph: 010 Reference ID: 12-010-20140306).

Criterion v) reiterates the policies set out in 'Section 12: Conserving and enhancing the historic environment' of the NPPF and North West Leicestershire's emerging Local Plan Policy He1.

*(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 following modifications are required:

- Delete reference to 'Development of this site will be supported in the event that the proposed route of HS2, when confirmed, prohibits the development of land west of High Street Measham (Policy H2e)'; and
- Criterion v) of Policy H3c should be deleted.

*(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:

Hallam Land Management Ltd has interests in land off Ashby Road/Leicester Road, Measham. These representations suggest the removal of the current restriction to policy H3c to ensure that sufficient flexibility is built into the plan. It is therefore important that Hallam Land Management Ltd take part in the examination to address this issue.

*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

EMS.2487 Land off Ashby Road/Leicester Road, Measham  
Sustainability Appraisal Proforma

<b>Site ID</b>	<b>M11/M12</b>	<b>Site name</b>	<b>Land off Ashby Road/Leicester Road, Measham</b>
<b>Site Description</b>			
<p>The site is located on land to the northeast of Measham, to the east of Ashby Road and north of Leicester Road. The site is Greenfield and currently used for agricultural purposes. An existing PRoW (ref: O66) runs through part of the site from northeast to the southwest linking Packington to Measham.</p> <p>There are existing residential properties located to the south and west of the site. In addition, there are also B1 employment uses and a garden nursery to the west of the site.</p> <p>The majority of the site is Grade 3 Agricultural Land and is within the National Forest. The south-eastern extents of the site falls within the Highways Consultation Zone. The site is within the catchment area of the River Mease SAC. The site is within Flood Zone 1.</p> <p>A Grade II Listed Building (along the western boundary) is surrounding on three sides by the site. Grade II listed buildings are approximately 240m to the site boundary. The site does not form part of the curtilage of the listed buildings and does not form part of the setting to the listed buildings. There is no Scheduled Monument on or adjoining the site.</p>			

<b>Criteria</b>	<b>Decision rules</b>	<b>Appraisal findings</b>
<b>Deliverability of sites</b>	<p>The site is considered to be available and/or achievable</p> <p>The site is considered to be potentially available and/or potentially achievable</p> <p>The site is not considered to be available and/or achievable</p>	<b>G = The site is considered available and achievable.</b>
<b>Access to open space</b>	<p>Within 800m walking distance of facilities</p> <p>Within 1200m walking distance of facilities</p> <p>More than 1200m walking distance of facilities</p>	<p><b>G = The site is located within 800m from the nearest formal open space.</b></p> <p>The scale of development would also include formal open space.</p>
<b>Access to local food shop</b>	<p>Within 400m of a food shop / scale of development would support new services</p> <p>Within 800m of a food shop</p> <p>Within 1200m of a food shop</p>	<b>A = The site is within 800m of a Tesco Express and the Local Centre.</b>
<b>Access to a GP/health centre</b>	<p>Less than a 30 minute journey to a GP/Health centre by foot and/or public transport</p> <p>30-45 minute journey to a GP/Health centre by foot and public transport</p> <p>More than 45 minute journey to a GP/Health centre on public transport</p>	<b>G = The site is within 30 minute journey to Measham Medical Unit.</b>
<b>Amenity</b>	<p>Development is unlikely to adversely affect the environmental/amenities experienced by would-be occupiers and/or neighbouring areas</p> <p>Development has the potential to adversely affect the</p>	<b>G = A small number of properties along Measham Road and Ashby Road however the site layout will be able to reduce any potential adverse</b>

EMS.2487 Land off Ashby Road/Leicester Road, Measham  
Sustainability Appraisal Proforma

	<p>environmental/amenities experienced by would be occupiers and/or neighbouring areas unless mitigated</p> <p>Development is likely to adversely affect the environmental/amenities experienced by would-be occupiers and/or neighbouring areas</p>	<p>visual impacts on these properties.</p> <p>The site is adjacent to roads, residential uses, B1 employment uses and a garden centre/nursery. The site layout will be able to mitigate any potential noise effects from these noise sources and avoid any adverse impacts on existing and would-be occupiers.</p>
<b>Access to a village/community hall</b>	<p>Within 800m walking distance of facilities</p> <p>Within 1200m walking distance of facilities</p> <p>More than 1200m walking distance of facilities</p>	<p>G = The site is within approximately 800m of Measham Village Hall.</p>
<b>Loss of employment land</b>	<p>No</p> <p>Yes, employment land not in use</p> <p>Yes, employment land still in use</p>	<p>G = No.</p>
<b>Proximity to public transport</b>	<p>Regular bus service within 800m</p> <p>Low frequency bus service within 400m</p> <p>Regular bus service within 800m-1200m</p> <p>Low frequency bus service within 400-800m</p> <p>Bus service over 1200m away</p> <p>Low frequency bus service more than 800m away</p>	<p>A = Within 400m-800m of low frequency bus service (1 per hour).</p>
<b>Access to key employment sites locally</b>	<p>&lt;800m</p> <p>800m-1200m</p> <p>&gt;1200m</p>	<p>A = The site is approximately 1200m from the existing employment site on Tamworth Road and there are a number of employment opportunities within the village that are closer to the site.</p>
<b>Access to schools</b>	<p>Within 500m walking distance of a primary school / scale of development supports new facilities</p> <p>Within 1200m walking distance of a secondary school</p> <p>Within 500-1000m walking distance of a primary school</p> <p>Within 2000m of a Secondary school</p> <p>More than 1000m walking distance from a primary school</p> <p>More than 2000m from secondary school</p>	<p>A = The site is within 550m of Measham C of E School.</p> <p>R = The site is more than 2000m from Ivanhoe College.</p>
<b>Fluvial flood risk</b>	<p>Site is located entirely within Flood Zone 1</p>	<p>G = The site is located entirely within Flood Zone 1.</p>



EMS.2487 Land off Ashby Road/Leicester Road, Measham  
Sustainability Appraisal Proforma

	<p>Some of the site is in Flood Zones 2 or 3 (up to 50%) Most of the site is in Flood Zones 2 or 3 (more than 50%)</p>	
Impacts on biodiversity on site	<p>An Extended Phase 1 Survey has been undertaken alongside further Protected Species Surveys.</p>	<p>A = The majority of the site consists of species-poor or improved grassland which is of limited habitat diversity.</p> <p>There are no designated ecological sites within the site boundary.</p> <p>There is limited potential for Badgers, Grass Snake, and Bats.</p> <p>There is the presence of GCN within the surrounding area and therefore an EPS license is required.</p> <p>Features and habitats of biodiversity value (trees, ponds, hedges and ditches) can be retained within the development and/or mitigation provided onsite. Accordingly, the development of the site is unlikely to cause significant adverse effects to local biodiversity.</p>
Proximity to designated biodiversity and geodiversity sites	<p><u>Measure distance to the following:</u> SSSI European sites Local wildlife sites / priority species</p> <p>Effects unlikely</p> <ul style="list-style-type: none"> <li>▪ Over 400m from a SSSI, SAC or SPA</li> <li>▪ Over 100m from a local wildlife site</li> </ul> <p>Potential effects</p> <ul style="list-style-type: none"> <li>▪ Within 400m of a SSSI, SAC or SPA</li> <li>▪ Within the River Mease Catchment</li> <li>▪ Within 100m of a local wildlife site, priority species or habitats</li> </ul> <p>Effects likely</p> <p>Contains or adjacent (50m) to a SSSI</p> <ul style="list-style-type: none"> <li>▪ Loss of Local Wildlife Site</li> <li>▪ Contains priority species</li> </ul>	<p>G = The site, at its nearest point, is approximately 1,300m to the north of the River Mease SAC/SSSI however given the lack of directly connecting habitat, there would be no significant effects on the qualifying features of the site during construction phases.</p> <p>Mitigation through best practice protocols is recommended to avoid any potential effects to hydrology/water quality.</p>

EMS.2487 Land off Ashby Road/Leicester Road, Measham  
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	<ul style="list-style-type: none"> <li>▪ Significant development (&gt;1500 dwellings) in the River Mease Catchment</li> </ul>	<p>G = The closest LWS is Measham Cemetery, which is over 200m to the south. There is a pLWS, namely Measham, Parkers Wood Fishing Lake approximately 80m to the northwest of the site. However, best practice measures will be implemented and so there will be adverse effects to these sites.</p>
<p>Qualitative assessment of heritage impacts</p>	<ul style="list-style-type: none"> <li>▪ Is the site within a conservation area?</li> <li>▪ Does the site adjoin a conservation area?</li> <li>▪ Is there a conservation area within the settlement concerned and if so how does the site relate to it?</li> <li>▪ Is there a listed building or Scheduled Ancient Monument on the site?</li> <li>▪ Does the site adjoin a listed building or Scheduled Ancient Monument?</li> <li>▪ Is there a listed building or Scheduled Ancient Monument close to the site and if so how does the site relate to it?</li> </ul> <p>Significant effects on the heritage assets and their settings are unlikely / potential for enhancement</p> <p>Moderate potential to achieve suitable mitigation / effects on heritage assets and their settings</p> <p>Significant effects on heritage assets or their settings are likely / mitigation measures unlikely to prevent harm</p>	<p>G = The site is not within or adjoining a conservation area and modern built development exists between Measham Conservation Area and the site.</p> <p>G = There is not a listed building or Scheduled Monument on or adjoining the site.</p> <p>G = The closest listed buildings are Grade II listed and are approximately 240m to the site boundary. The listing includes 4 terraces (101 – 105 High Street, 2 Leicester Road). The site does not form part of the curtilage and does not form part of the setting to the listed buildings.</p> <p>Grade II* listed Church of St Lawrence is approximately 400m to the southwest of the site. Any views that contribute to the significance of the listed structure can be retained within the site layout.</p>
<p>Landscape impact</p>	<p>High potential of achieving suitable landscape mitigation or enhancement</p> <p>Moderate and Moderate/High potential of achieving suitable landscape mitigation</p> <p>Low potential of achieving suitable landscape mitigation.</p>	<p>G = The site has high potential to achieve suitable landscape mitigation.</p>

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<b>PDL</b>	Site is largely Brownfield (>70%) Site is a mix of Brownfield and Greenfield land Site is largely Greenfield (>70%)	<b>R = The site is largely greenfield.</b>
<b>Agricultural land classification</b>	Majority of site is not Grade 1, 2 or 3 (>70%) Majority of site is Grade 3 (>70%) Majority of the site (>70%) is Grade 1 or 2 Significant loss (more than 20ha) of Grade 1,2 or 3	<b>A = The majority of the site is Grade 3.</b>
<b>Potential effect on air quality</b>	Development unlikely to have a significant effect on congestion at key junctions Housing development likely to contribute to increased congestion at key junctions	<b>G = Development is unlikely to have a significant effect on congestion at key junctions.</b>





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**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	Mr	Miss
First Name	Jonathan	Marie
Last Name	Collins	Stacey
Job Title <i>(Where relevant)</i>		Senior Planner
Organisation <i>(Where relevant)</i>	Hallam Land Management Ltd	Pegasus Group Ltd
Address Line 1	Banner Cross Hall	4, The Courtyard
Line 2	Ecclesall Road South	Church Street
Line 3	Sheffield	Lockington
Line 4		
Post Code	S11 9PD	DE74 2SL
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="text"/>	No	<input type="text" value="x"/>
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"/>

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.

For the plan to be sound, the plan has to be positively prepared, justified, effective and consistent with national policy. Concern is raised with the level of affordable housing provision for schemes in Measham and whether this is the most appropriate strategy for the delivery of the plan.

The LPA's comments to the consultation response to the Draft Local Plan in relation to this concern (raised in previously representations sent to the Council) notes that '...a rate of 25% of affordable housing at Measham, whilst arguably more appropriate for a wider range of the site archetypes, the rate potentially risks an under provision against the rate that is potentially viable on the larger greenfield sites'. The allocation under Policy H3c is tested within the 'Proposed Publication Version Local Plan, Viability Review' (17 June 2016) and is a large site (over 5

hectares) for the purposes of the Review. In section 10 of the Review, the allocation is used to test the evidence and assumptions of the overall viability modelling for affordable housing provision in Measham. Under section 10.3, the table on page 58 shows the modelling outcomes for 30% and 25% affordable housing provision with different affordable tenure blends for the allocation. The following text concludes

*'The modelling suggests that the scheme is viable at 25% affordable housing, assuming all the rented affordable tenure is affordable rent, with additional affordable housing (above 25%), and the inclusion of social rented tenure, suggesting a marginal scheme.'*

Under section 10.4, the modelling has been sensitivity tested and shown within a comparative table with the last paragraph on page 59 providing a conclusion of the sensitivity testing which states:

*'The sensitivity testing shows that for a scheme with 25% affordable housing, the profit target is exceeded, whilst for a scheme with 30% affordable housing the projected profit falls short of the target by between half and one percentage point (depending on the affordable tenure blend). This suggests that it would be reasonable to assume that the scheme could viably deliver in the region of 25%-30% affordable housing, in the context of other policies in the Proposed Publication Local Plan.'*

However, the figures in the table on the same page (pg.59) provide different conclusions. Both 25% and 30% provision show marginal viability of 18.3-18.8% for the "blended" profit targets across the tenure blends. Accordingly, the profit target is not exceeded for a scheme with 25% affordable housing and the profit target for a scheme for 30% affordable housing falls short by 1.6-1.7%. Thus, the viability testing of the sample site for Measham (which is evidently the only large greenfield site within Measham to be allocated for housing) shows that both 25% and 30% affordable housing provision are only marginally viable. Paragraph 173 of the NPPF emphasises that in the pursuit for sustainable development there is a requirement for:

*'careful attention to viability in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations*

*and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.’ (our emphasis)*

The Planning Practice Guidance also emphasises that ***‘Plan makers should not plan to the margin of viability but should allow for a buffer to respond to changing markets and to avoid the need for frequent plan updating...’*** (Paragraph: 008 Reference ID: 10-008-20140306). In this respect, the policy requirement for 30% affordable housing provision in Measham does not provide a buffer to respond to changing markets (as shown by the “Blended” profit target figures) and therefore the policy is not compliant with national policy.

The Local Plan should not be relying on sites to come forward that are on the margins of viability as this could potentially risk the deliverability of the whole plan. Accordingly, the affordable housing provision for development of 11 dwellings or more in Measham should be lowered to ensure the Local Plan is sound by being positively prepared, justified and effective.

*(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.

Modify Policy H4 to reflect a minimum 25% affordable housing provision for the settlement of Measham.

*(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.

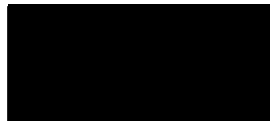
Yes, I wish to participate at the oral examination

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

Hallam Land Management Ltd has interests in land off Ashby Road/Leicester Road, Measham. These representations suggest that the proposed affordable housing provision for housing sites in Measham is too high and therefore effects the viability of sites coming forward and could potentially risk the deliverability of the whole plan. It is therefore important that Hallam Land Management Ltd take part in the examination to address this issue.

**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

