



# 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 & Mrs	Mr
First Name		Christopher
Last Name	Mansfield	Lindley
Job Title <i>(Where relevant)</i>		Director
Organisation <i>(Where relevant)</i>		DPDS Consulting Group
Address Line 1	c/o Agent	3 Gleneagles House
Line 2		Vernon Gate
Line 3		Derby
Line 4		
Post Code		DE1 1UP
Telephone Number		01332 206222
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)  Policies  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 checked="" 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.

Please refer to covering letter and enclosures.

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

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

Please refer to covering letter and enclosures.

*(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

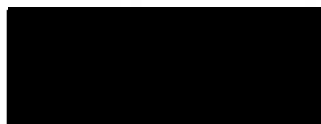
8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is important that my clients are able to fully participate in the oral examination to verbally justify their position. It is submitted that the plan in its current form is unsound and my clients propose changes to policies that it considers could assist with resolving the identified issues of soundness.

Participation is respectfully requested to enable my clients to respond to important issues raised as part of the examination and assist the Council and the Inspector in formulating a sound plan.

**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.

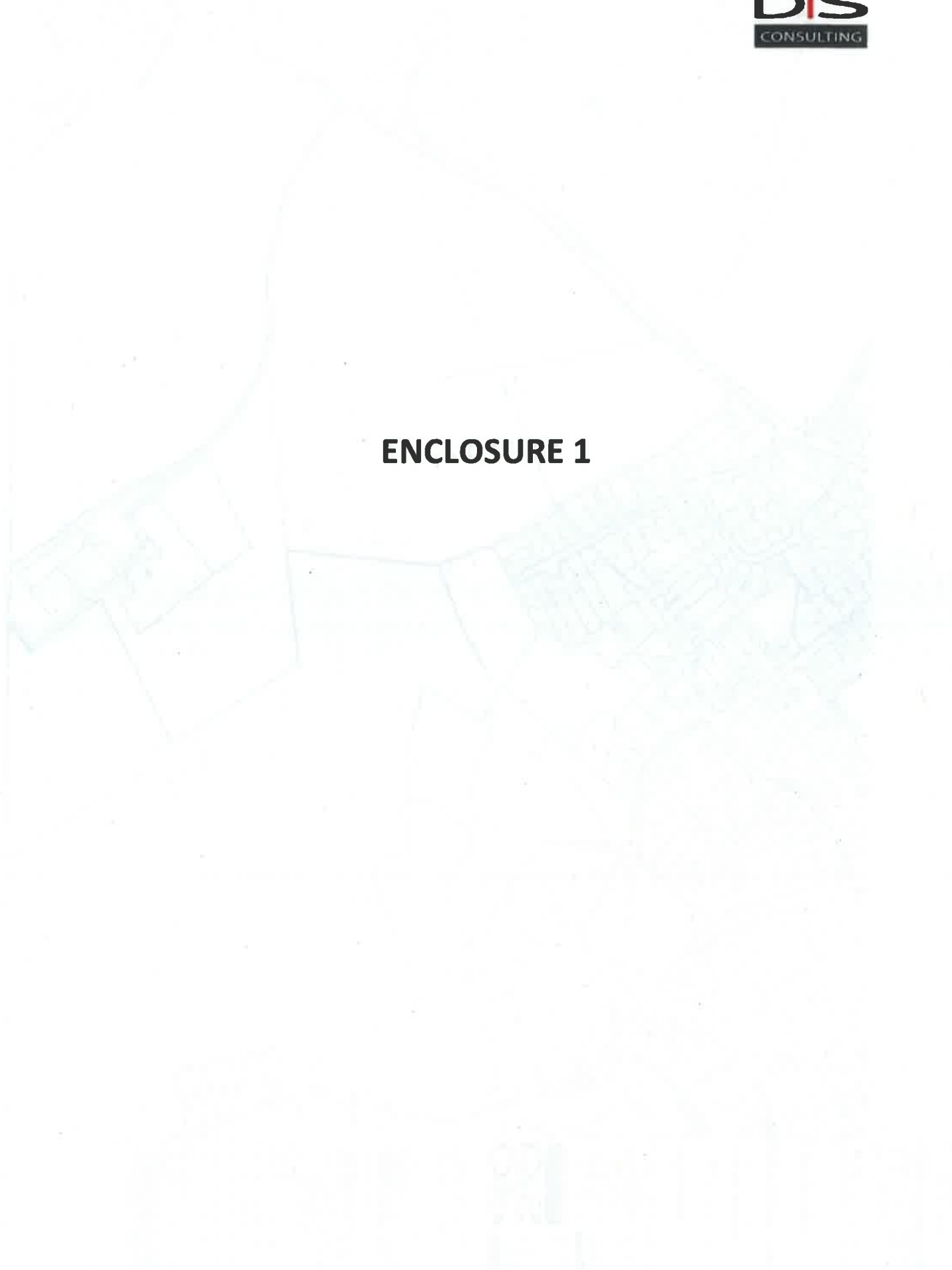
9. Signature:

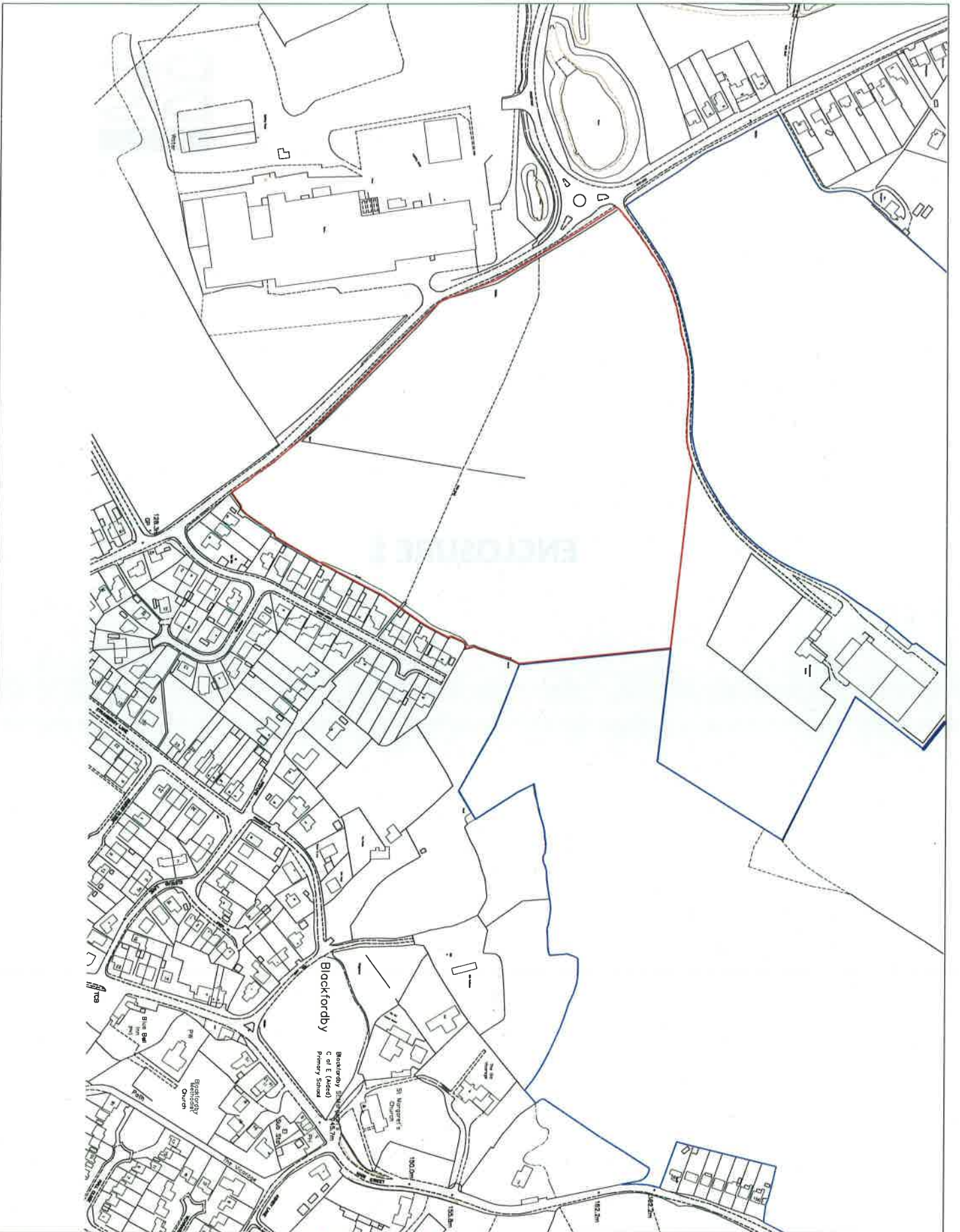


Date: 15-8-2016



**ENCLOSURE 1**





Rev.	Date	Description

DRAWING ISSUED BY:  
 FOR APPROVAL  
 FOR REVIEW  
 FOR COMMENT  
 FOR INFORMATION

Use of the drawing does not constitute an offer of insurance or any other financial product. It is intended for use as a guide only. The Client is responsible for ensuring that the drawing is used in accordance with the relevant regulations and standards.

All dimensions should be checked on site. The drawing is not to be used for construction purposes without the written consent of the architect.

**DRP**  
**DS**  
 Old Bank House,  
 5 Decker Road,  
 Old Town, Stroud,  
 Wiltshire SN1 4BU  
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 www.drpd.co.uk

**Client**  
 Mr Guy Mansfield  
 Project  
 Butt Lane, Blackfordby

**Drawing Title**  
 Site Location Plan

Scale: 1:1,250 @ A1  
 Date: 18.10.13  
 Issued by: Solutions  
 Drawn by: JD  
 Checked by: CJ

Drawing No: C9772.13.001  
 Rev: A



Drawing number: C9772 14 760  
Project: Butt Lane, Blackfordby  
Date: 30.10.14

Drawing name: Proposed Site Plan  
Revision: H

Not to Scale

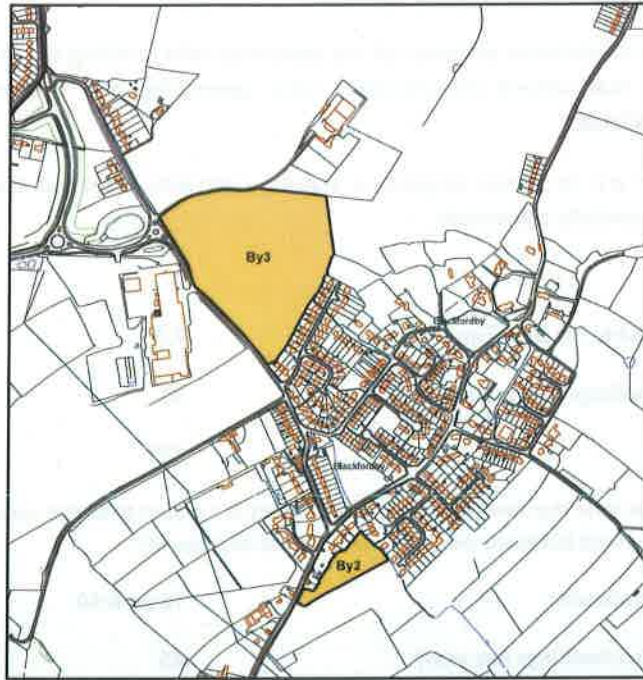


A large, faded map of a region, possibly a state or province, is visible in the background. The map shows a network of roads and geographical features, with a central area highlighted in a light blue color.

**ENCLOSURE 2**



### **By3 – Land North of Butt Lane/West of Fenton Avenue, Blackfordby**



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**Site Description:** The site is agricultural land to the north of Blackfordby. The site is fairly flat and is part Grade 3 and part Grade 4 Agricultural Land. The site is within a hazardous materials storage area associated with Hepworth Building Products. The site is within the National Forest. There is a public footpath running south east to North West across the site. The site is 90m from the Blackfordby Conservation Area. The site is within the catchment area of the River Mease SAC.

#### **Suitability:**

- **Planning Policy:** The site is outside the Limits to Development and within Countryside (Local Plan Policy S3). The adopted Affordable Housing SPD requires, in Blackfordby, 30% affordable housing on developments of 5 or more dwellings.
- **Highways:** There are no apparent fundamental reasons for this site to be excluded from consideration at this stage. However, consideration in more detail as part of the usual development control process might lead to the site being viewed less favourably.
- **Ecology:** There is the potential for badgers to inhabit the site as well as the potential for Great Crested Newts to inhabit the ponds nearby. The hedges on site represent potential Biodiversity Action Plan habitats. 5m buffer zones should be retained along hedges which should not be incorporated into garden boundaries but managed as part of open space, to ensure habitat continuity and retain connectivity. There are opportunities for enhancement. Some minor mitigation for nearby Great Crested newts maybe required.

The site is considered **potentially suitable**, there would need to be a change in the Limits to Development for the site to be considered suitable.

**Availability:** The site is promoted on behalf of the landowner who is willing to sell the land. There is market interest in that volume housebuilders have approached the landowner. The site is considered to be **available**.

**Achievability:** There are no known physical or viability constraints identified therefore the site is considered to be **potentially achievable**.

**Site Capacity:**

<b>Total Site Area Available for Development (hectares)</b>	<b>7.4</b>
<b>Density Applied (dwellings per hectare)</b>	<b>30</b>
<b>Estimated capacity</b>	<b>222</b>

*(The site promoter does state that dwelling numbers and density are subject to further consideration as it is anticipated that a structured landscape planting scheme would be required)*

<b>Timeframe for Development</b>	<b>Years 6-10</b>
<b>Estimated Build Rate (dwellings per year)</b>	<b>25</b>

*The measurements have been taken to facilities in Ashby however there may be closer facilities located in South Derbyshire District.*

<b>Accessibility (metres)</b>			
Distance to Bus Stop from centre of site	545	Distance to Bus Stop from site access	390
Distance to Primary School from centre of site	450	Distance to Primary School from site access	475
Distance to Local Centre from centre of site	3100	Distance to Local Centre from site access	3030
Distance to Post Office from centre of site	2700	Distance to Post Office from site access	2530
Distance to Health Centre from centre of site	3420	Distance to Health Centre from site access	3400
Distance to Secondary School from centre of site	3610	Distance to Secondary School from site access	3600
Distance to open space from centre of site	390	Distance to open space from site access	270

**ENCLOSURE 3**

**Key**

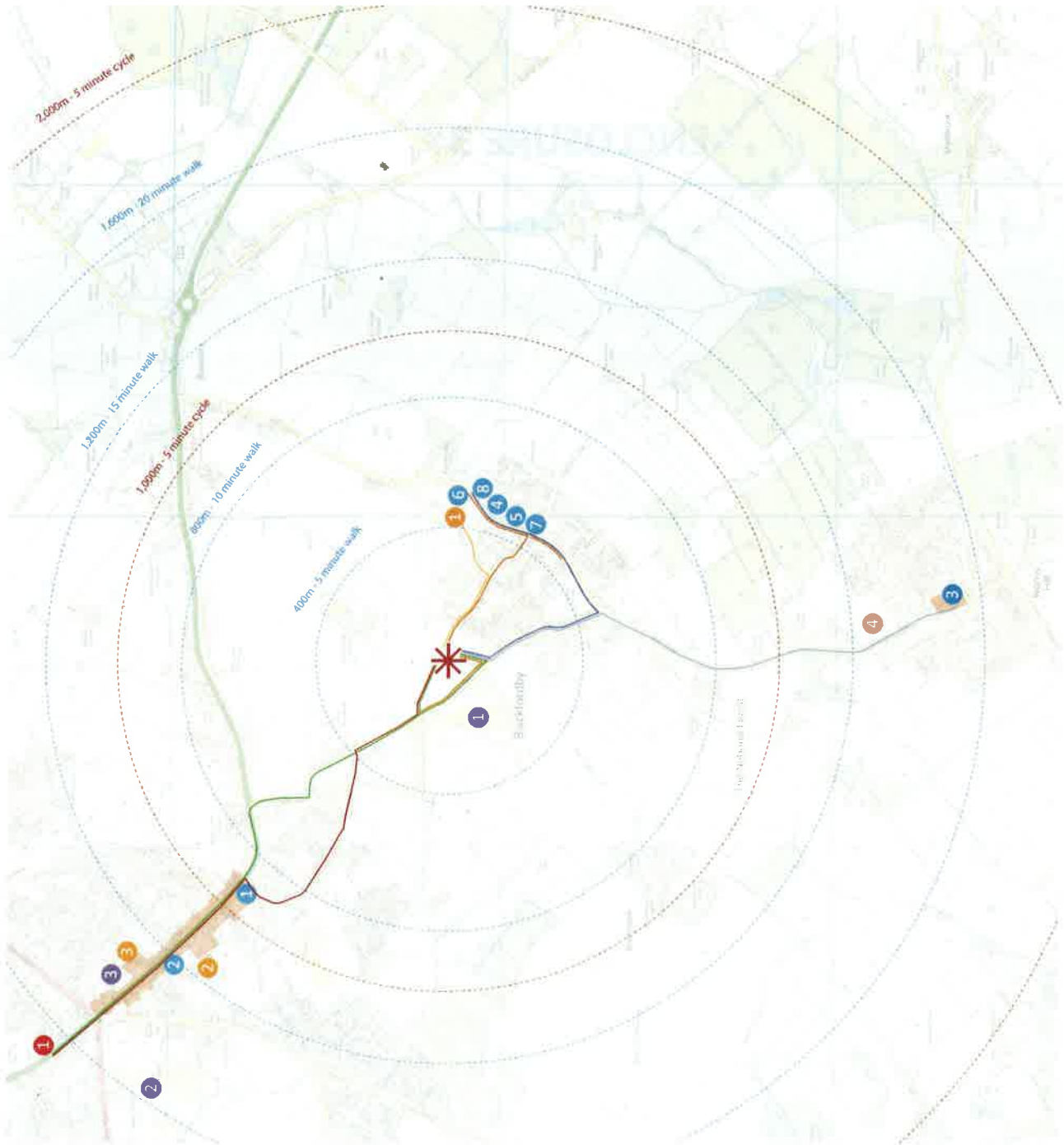


**Preferred Pedestrian Desired Lines:**

- Route 1 – Blackfordby Village Centre via Butt Lane (south) and Main Street
- Route 2 – Blackfordby Village Centre via Prow-p11, Fenton Avenue, Elstead Lane and Main Street
- Route 3 – Blackfordby St Margarets Primary School via Prow-p11, Fenton Avenue, Elstead Lane, Strawberry Lane
- Route 4 – Norris Hill Village Centre via Butt Lane and Drift Side
- Route 5 – Woodville Village Centre via Butt Lane north/ Prow-p11, South Street and A511
- Route 6 – Woodville Village Centre via Butt Lane north/ Prow p-11, Prow-p13 South Street, Thorn Street, Sun Street and A511

**Local Facility**

Local Facility	Distance
1 St Margarets Primary School	(0.54 km)
2 Woodville Primary School	(1.30 km)
3 Woodville Day Nursery	(1.50 km)
4 Moira Infant School	(1.35 km)
1 Local Shop (Premier Store)	(1.00 km)
2 Local Centre – Woodville (Tesco Express/ Takeaways/Post Office/Hairdressers/Pharmacy)	(1.30 km)
3 Local Centre – Norris Hill (Premier Store/ Takeaways/Public House)	(1.60 km)
4 Village Hall (Blackfordby)	(0.60 km)
5 Blackfordby Methodist Church	(0.55 km)
6 Parish Church of St Margaret of Antioch Blackfordby	(0.70 km)
7 Blue Bell Public House (Blackfordby)	(0.57 km)
8 Black Lion Public House (Blackfordby)	(0.68 km)
1 Wavin UK	(0.27 km)
2 Industrial Estate	(1.80 km)
3 Viking Business Park	(1.55 km)
1 Woodville Surgery	(1.80 km)



Not to Scale

Drawing name: Local Facility Proximity Plan

Drawing number: C9772.15.825

Revision:

Project: Butt Lane, Blackfordby

Date: 17.02.15



Blank white rectangular area, possibly a placeholder for a stamp or signature.

## ENCLOSURE 4



Mr Guy Mansfield  
Butt Lane, Blackfordby  
**Sustainability Technical Note**  
January 2015



[www.bancroftconsulting.co.uk](http://www.bancroftconsulting.co.uk)

**bancroftconsulting**  
transport consultancy services

**Mr Guy Mansfield**

**Butt Lane, Blackfordby**

**Sustainability Technical Note**

**January 2015**

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<b>AUTHOR:</b>	SLT	<b>CHECKED:</b>	CJB	<b>APPROVED:</b>	CJB	<b>STATUS:</b>	FINAL
<b>REPORT REF:</b>	F13152 Butt Lane, Blackfordby, Sustainability Technical Note Revision A						
<b><u>DOCUMENT ISSUE RECORD</u></b>							
<b>REVISION</b>	<b>DATE</b>	<b>DESCRIPTION</b>					
DRAFT	Jan 2015	Issued to project team for comments					
REV A	Jan 2015	Revised to reflect project teams comments					

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## 1.0 INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Bancroft Consulting were appointed by DPDS Ltd (Midlands & North) on behalf of Mr Guy Mansfield to assist in the appeal against refusal of planning permission by North West Leicestershire District Council for proposals to construct up to 100 dwellings, on land to the northeast of Butt Lane in Blackfordby.
- 1.2 In December 2013 Bancroft Consulting were appointed to provide traffic and transportation advice in respect of a proposed residential development of up to 100 dwellings at the site. A Transport Assessment and Residential Travel Plan were submitted to the Local Planning Authority (North West Leicestershire District Council) in support of the planning application for the erection of 89 dwellings (reference 14/00460/OUTM) on the 16 May 2014. Further supporting information was requested by the local highway authority and an Addendum Report was subsequently produced and submitted on 27 July 2014.
- 1.3 On 30 July 2014 the local highway authority provided their application response which recommended approval. They raised no concerns regarding sustainability, stating in that *"The site is reasonably sustainable in transport terms"*. They went on to advise that:
- "in order to improve pedestrian links to the bus stops and school it is considered that PROW P11 within the site should be improved to provide a 2m wide tarmacked link to the existing tarmacked section linking to Fenton Avenue (between number 17 and 19 Fenton Avenue). Also P11 should be upgraded within the site to provide a 3m wide tarmacked shared surface cycleway/footway to connect the site directly to Butt Lane and provide direct access to services in Swadlincote in general accordance with the masterplan. If this is provided there will be no need to upgrade the substandard 1.2m wide footway on Butt Lane along the site frontage"*.
- 1.4 In addition, the local highway authority state that *"improvements to P11 where it passes through the un-metalled part of Elstead Lane, to make it a 2m tarmac surface, should be carried out to make it a more attractive route for pedestrians as this route provides a significantly shorter and more desirable route to school (600m from centre of site to school rather than 900 m using Butt Lane), and to the*

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*bus stops (500m from the centre of the site to the incoming stop rather than 700m using Butt Lane)”.*

1.5 The local highway authority also suggest that Section 106 contributions should be provided *“to encourage sustainable travel to and from the site, achieving modal shift targets, and reducing car use”*, this would consist of:

- Travel Packs
- 6 month bus passes
- New/improvements to 2 nearest stops (raised and dropped kerbs)
- Contribution towards equipping nearest bus stops and suitable bus routes with Real Time Information (RTI)
- Travel Plan
- Travel Plan monitoring fee.

A copy of the observations are included in **Appendix TN1** of this Sustainability Technical Note.

1.6 On 2 December 2014 the application (up to 81 dwellings) was refused planning permission. The Appeal relates to the single reason for refusal as stated within the Local Planning Authority’s Decision Notice, dated 2 December 2014 in respect of Planning Application Reference 14/00460/OUTM. A copy of the Decision Notice is included at **Appendix TN2** of this Technical Note.

*“Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the Adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. The introduction of residential development on this un-developed greenfield site, outside of Limits to Development, remote from services would constitute un-sustainable development, contrary to the policies and intentions of the NPPF and Saved Policy S3 of the North West Leicestershire Local Plan”.*

1.7 The objective of this Sustainability Technical Note is to assist the appeal with further consideration of how the proposals would not 'constitute un-sustainable development.'

1.8 Following this introduction the structure of this report will be as detailed below.

- Section 2 - Policy context
- Section 3 - Existing provision
- Section 4 - Agreed conditions and proposed improvements
- Section 5 - Assessment of sustainability issues
- Section 6 - Summary and conclusion

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## 2.0 POLICY CONTEXT

### ***Central Government Policy – National Planning Policy Framework (March 2012)***

2.1 The thrust of policy guidance contained within the National Planning Policy Framework (NPPF) is to promote a simplified approach to delivering sustainable development.

2.2 Paragraph 7 of NPPF defines sustainable development and states that  
*“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- ***an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality environment, with accessible local services that reflect the community’s needs and supports its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including the moving to a low carbon economy.*

2.3 Paragraph 14 of NPPF specifically states that:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be a golden thread running through both plan making and decision making”.*

It goes on to state that:

*“For decision making this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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 this Framework indicate development should be restricted.”*

2.4 Section 4 of NPPF focuses on ‘Promoting sustainable transport’ whilst Paragraph 32 specifically states that:

*“Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds were the residual cumulative impacts of development are severe.”*

2.5 Paragraph 35 continues to state that developments should be *“located and designed where practical to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layout which minimise conflicts between traffic and cyclists or pedestrians”*.

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### ***North West Leicestershire Local Plan (adopted 22 August 2002)***

- 2.6 The only saved policy relevant to this planning application in terms of sustainable development is Policy T10, which states that:

*“Development, including that of allocated sites, will be permitted only if, where appropriate, provision is made for the requirements of effective public transport operation and the needs of passengers in terms of:*

- (a) Road layout;*
- (b) Route penetration;*
- (c) Bus lay-bys; and*
- (d) Public accessibility.*

*New housing areas should be laid out so that every dwelling is within reasonable walking distance of an existing or potential bus route. Specialist housing, particularly for elderly persons, should be situated close to bus routes. Employment areas, local shops, schools and other areas of concentrated public activity should be designed with regard to the requirements of effective public transport use, with provision of bus lay-bys and, where necessary, turning areas, as appropriate”*

### ***Leicestershire County Council Local Transport Plan 3 (2011 – 2026)***

- 2.7 Leicestershire County Councils Local Transport Plan 3 (LTP3) sets out how the County’s transport system will be managed. It seeks to set out the long-term transport goals. Chapter 6 sets out the approach to encouraging more active and sustainable travel. It states that Leicestershire County Council will:

***“1. Work through the planning system to seek to reduce the need to travel***

*We will do this by:*

a) *Seeking to promote and support land-use planning policies that are developed by others that aim to reduce the need for existing residents to travel outside their local area.*

*For example, the provision of supported office accommodation that would enable someone to work more locally on occasions rather than travel to work outside their local area.*

b) *Maximising the use of our existing transport system by seeking to deliver new developments in areas that are already able to be well served by walking, cycling and public transport.*

c) *Seeking to ensure that new development proposals put forward by others are either supported by an appropriate range of facilities that reduce the need to travel off-site or, where it is necessary to travel off-site, travel distances are minimised and genuine, safe, high quality choices are available (or can be provided) for people to walk, cycle and use public transport to access facilities and services nearby.*

d) *Encouraging high quality, safe facilities in new developments for pedestrians, cyclists and public transport users.*

*We will do this by inputting to the Masterplan process, especially for the Sustainable Urban Extensions around the edges of Leicester and our county towns.*

e) *Seeking to ensure that new development proposals put forward by others are supported, as appropriate, by travel plans.*

*Such travel plans should seek to reduce travel by car and be backed up a target driven monitoring and reporting programme that will allow the effectiveness of the travel plan in changing travel behaviour to be assessed. It is suggested that such travel plans should also contain the requirement for penalty charges to be introduced where targets are not met.*

f) *Using wider planning policies to promote and help enable travel by walking, cycling and public transport.*

*Ensuring land use and transport planning are properly integrated throughout the planning process is vital to reduce the need to travel and to encouraging travel by public transport, bike or on foot<sup>50</sup>.*

*This is particularly important given the level of growth planned for*

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*Leicester and Leicestershire. It should be noted that through the planning system, we will, if appropriate, seek to resist proposals that would likely result in adverse impacts on our efforts to encourage modal shift away from the private motor car”.*

2.8 In addition to the above LTP3 goes on to state that the local authority commit to the following:

**“2. Improve the quality of the walking, cycling and public transport services, facilities and infrastructure on offer across the County”.**

**“3. Increase our efforts to influence travel choices and raise the awareness of residents and businesses about the impacts of their travel behaviour on their environment, their health and their quality of life”.**

**“4. Encourage less polluting travel by car”.**

2.9 Chapter 7 of LTP3 focuses on improving the connectivity and accessibility of the authority’s transport system, particularly on access to local facilities such as employment, healthcare, education and retail. It states that:

*“The performance indicators that we will use to monitor the degree to which we are delivering these outcomes for the people of Leicestershire are shown below.*

**Key performance indicator (KPI)**

- *Access to services and facilities in the County by public transport, walking and cycling.*

**Supporting indicators**

- *Access to employment by public transport, walking and cycling.*
- *Access to education (including primary, secondary and further education) by public transport, walking and cycling.*



- *Access to healthcare (including GPs and local hospitals) by public transport, walking and cycling.*
- *Access to food stores by public transport, walking and cycling”.*

### **‘The 6Cs Design Guide’ (last updated December 2014)**

2.10 IN6 within the 6Cs Design Guide details the sustainability standards for residential developments. With paragraphs 1.40 to 1.41 providing details of the general standards and guidelines. It states that:

*“1.40 The following guidelines for sustainable development have been derived from national guidance and are based on the following assumptions:*

- *Average walk speed of 1.4m/s or 400m every 5 minutes*
- *Cycling speeds 12 mph/or 1.6km every 5 minutes*

*1.41 Applicants should be aware of the following guidelines when submitting planning applications for new development within the Principal Urban Area<sup>3</sup> (PUA) and Sub Regional Centres (SRC)<sup>4</sup> :*

- *Major employment areas should be within 2km (25min) walk or 5 km (15min) cycle ride. For applications involving new employment uses the same standards will apply in respect of major residential areas*
- *Public transport to a main public transport interchange should be within 800m (10min) walk*

*1.42 In more rural areas i.e. those outside the PUA and SRC the following will apply:*

- *Minimum of hourly bus service to SRC within 800m (10min) walk*
- *PUA / SRC within 5km*
- *800m (10min) walk to village centre offering access to key services for example education facilities, local convenience*

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*shop/Post Office, public house, community facilities, health services, employment areas”.*

- 2.11 Section DG6 of the 6Cs Design Guide sets standards for public transport accessibility. Paragraph 3.73 states that *“In the interest of sustainability, new development should be located in areas well served by alternative means of transport to the private car, including buses, taxis and cycle routes”*. It goes on to state within Paragraph 3.77 that when public transport is proposed that public transport is a sustainable alternative to cars *“it is likely that the services will have to be more frequent than once an hour during the day, Monday to Saturday, with an evening and Sunday service for larger developments”*.
- 2.12 Paragraphs 3.81 and 3.82 provide details on pedestrian access to bus routes, with state respectively that *“Generally walking distances to bus stops in urban areas should be a maximum of 400m and desirably no more than 250m. In rural areas the walking distance should not be more than 800m”*. In addition, pedestrian routes to bus stops should be designed to be *“as direct, convenient and safe as possible to encourage use of public transport”*.
- 2.13 Section DG7 provides guidance on achieving pedestrian and cyclist accessibility, Paragraph 3.106 states that *“Walking and cycling offer real alternatives to journeys by car particularly over shorter distances. In the interests of sustainability new developments must make appropriate, high quality provision for pedestrians and cyclists”*.
- 2.14 Paragraph 3.110 goes on to state that *“Routes that run separately from a road are not normally encouraged; for example, the Manual for Streets sets out that cyclists should generally be accommodated on the carriageway in residential areas. But where a separate route can be justified, for example, where it is necessary to break a road link to discourage through traffic or to give a more direct link to shops, schools, community facilities or public transport, you should take care to minimise crime opportunities”*.
- 2.15 Paragraph 3.111 goes on to state that:  
*“As general guidance however, justified separate routes should normally meet the following criteria.*

- *They should be in the open wherever possible. Where this is not possible, buildings should be designed with windows overlooking the route. You should avoid blank walls or close-boarded fences and so on.*
- *Routes should be as short, straight and direct as is possible, ideally with each end being clearly visible from the other.*
- *Routes should be well lit.*
- *Within 2m either side of the route, any planting should be low, ground-cover only for at least 1m, grading to no more than 1m high. Plants should not have thorns. If a route is curved or has corners, you should increase the 2m distance to maintain satisfactory visibility.*
- *You should take care to make sure that any planting, particularly trees, would not reduce illumination from the lighting”.*

**‘Manual for Streets’ (DfT, March 2007) and ‘Manual for Streets 2’ (September 2010)**

2.16 Manual for Streets (MfS) provides guidance for planning and designing new residential streets, with the aim of improving the quality of life through good design, which creates more people orientated streets. Manual for Streets 2 provides a wider application of the principles set out in MfS.

2.17 Section 4.4 of MfS defines ‘The walkable neighbourhood’, with Paragraph 4.4.1 stating that:

*“Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes’ (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot, However, this not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents”.*

- 2.18 Paragraph 4.4.2 continues with this statement *“By creating linkages between new housing and local facilities and community infrastructure, the public transport network and established walking and cycling routes are fundamental to achieving more sustainable patterns of movements and to reducing people’s reliance on the car.”*
- 2.19 Chapter 6 of MfS sets out the various requirements of street users and promotes inclusive design, whilst Chapters 5 and 6 of MfS2 summaries pedestrian and cyclist requirements. In summary it is advised that
- *“The propensity to walk is influenced not only by distance, but also the quality of the route”*. [MfS Paragraph 6.3.1]
  - *“Pedestrian Routes need to be direct and match desire lines as closely as possible. Permeable networks help minimise walking distances”* [MfS Paragraph 6.3.6]
  - *“Pedestrian networks need to connect with one another. Where these networks are separated by heavily-trafficked roads, appropriate surface level crossings should be provided”* [MfS Paragraph 6.3.7]
  - *“Cyclists should generally be accommodated within the carriageway”* [MfS Paragraph 6.4.1].

### 3.0 EXISTING PROVISION

3.1 The Transport Assessment and Travel Plan reports each describe what existing facilities are available. To enhance the details previously provided a site visit was undertaken on Tuesday 20 January 2015 to assess the sustainable transport facilities in the vicinity of site, with particular attention being given to the walking routes within the preferred maximum walking distance of 2 kilometres.

#### *Pedestrian*

3.2 The proposed development would link to the existing pedestrian network surrounding the site, this includes pedestrian connections at the proposed vehicular access onto Butt Lane. In addition, pedestrian links are also proposed at Butt Lane and Fenton Avenue via the existing Public Right of Way P11 (PROW P11) that runs through the centre of the site, and PROW – P13 which runs along the northern boundary of the site and runs from South Street in Woodville, across Butt Lane and Health Lane, through Blackfordby to Ashby Road in Boundary.

3.3 The following section describes the likely walking routes to the facilities to the south of the site within Blackfordby and Norris Hill, and then those located to the northwest of the site within Woodville. Details of the key pedestrian desire lines are shown on **Figure TN1**, labelled as routes 1 to 6.

3.4 There are several key pedestrian desire lines to the facilities within Blackfordby, these are:

- Route 1 – Blackfordby Village Centre via Butt Lane (south) and Main Street
- Route 2 – Blackfordby Village Centre via PROW-11, Fenton Avenue, Elstead Lane and Main Street.
- Route 3 – Blackfordby St Margarets Primary School via PROW-11, Fenton Avenue, Elstead Lane, Strawberry Lane, Wells Lane and PROW-15

Whilst the key pedestrian desire line to Norris Hill would be via Butt Lane and Drift Side (Route 4).

3.5 A footway extends along the northeastern edge of the carriageway at Butt Lane, which measures approximately 1.2 metres wide. From Boothorpe Lane (to the

south of the site) footways measuring approximately 1.8 metres wide and extends along both sides of the carriageway providing a direct link to Main Street and facilities within the village centre. A footway then extends along the eastern edge of the carriageway at Main Street, measuring approximately 1.8 metres wide.

- 3.6 PROW-P11 runs through the centre of the site from Butt Lane (adjacent to the Butt Lane/Forest Road roundabout) through to Strawberry Avenue, within the adjacent residential development. Through the site the footpath is an unmade track, to the east it continues as a tarmacked footpath measuring approximately 32 metres in length and connects the site to Fenton Avenue. Another section of tarmacked footpath that measures approximately 30 metres in length provides a connection to Elstead Lane. These footpath links measure approximately 1.2 metres wide, have street lighting, and were observed to be well maintained. PROW-P11 then continues along Elstead Lane (west), which is an unmade shared surface road which measures approximately 120 metres in length, 4.2 metres wide and serves approximately 9 dwellings.
- 3.7 Within the adjacent residential development footways measuring approximately 1.8 metres wide typically run along both sides of the carriageway. In addition to the shared surface section of Elstead Lane, there is a section of Strawberry Lane measuring approximately 120 metres in length and Wells Lane measuring approximately 80 metres in length where there are no footways. This link has a general width of approximately 4.2 metres wide and serves approximately 12 dwellings and provides alternative pedestrian access to the local primary school. During the site visit, these routes were observed to be very lightly trafficked with street lighting. In addition, it is important to note that these routes have been identified by the local highway authority as providing a *“significantly shorter and more desirable route”*
- 3.8 Continuing south west towards Norris Hill a footway measuring approximately 1.5 metres wide runs along the southern edge of Drift Side. There is street lighting for the majority of this route and the footway is well maintained.



**Photo 1**



**Photo 2**

**Photo 1:** Footpath P11 from Fenton Avenue to site

**Photo 2:** Footpath P11 from Fenton Road to Elstead Lane



**Photo 3**



**Photo 4**

**Photo 3:** Footways along Strawberry Lane (looking south west)

**Photo 4:** Footway along Elstead Lane (looking south east)



**Photo 5**



**Photo 6**

**Photo 5:** Elstead Lane (looking north west from Strawberry Lane)

**Photo 6:** Elstead Lane (looking north west from Main Street)



Photo 7



Photo 8

**Photo 7:** Strawberry Lane (looking north towards the school)

**Photo 8:** Public Footpath (from Strawberry Lane to school)



Photo 9



Photo 10

**Photo 9:** Footways along Main Street (looking north east)

**Photo 10:** Footways along Main Street (looking south west)

- 3.9 The main pedestrian routes to the facilities within Woodville would either be via Route 5 or 6 described above.
- 3.10 To the north of the site the footway (measuring approximately 1.2 metres) runs along the northeastern edge of Butt Lane and continues along the entire length of the road. At Hepworth Road (at the northern end of Butt Lane) a pedestrian refuge is provided to assist pedestrians crossing to South Street.
- 3.11 PROW-P13 provides an alternative link from Butt Lane to South Street, for the majority of its length it is an unmade track. A pedestrian refuge is provided where PROW-P13 crosses Hepworth Road. PROW-P13 between Hepworth Road and South Street is a shared surface track that measures approximately 3.3 metres wide, and is a no-through route for vehicles and provides access to only two residential dwellings.



3.12 A footway exists along the western edge of South Street and measures approximately 1.5 metres wide and provides a direct connection to A511. Whilst, along Thorn Street footways are provided along both sides of the carriageway for the majority of its length that range in width from approximately 1.2 to 1.8 metres. There is however a short section (approximately 25 metres) where there is only a footway measuring approximately 1 metre wide along the southern edge of the carriageway only. Sun Street has standard width footways on both sides of the carriageway.

3.13 The A511 is the main road running through Woodville and has footways along both sides of the carriageway that measure approximately 2 metres wide. Tactile paved dropped kerbs are provided at all the minor T-junctions and within Woodville signalised pedestrian crossings facilities are provided approximately every 250 metres along the A511 from Sun Street to the Clock Roundabout. Signalised pedestrian crossings are also provided on the Hartshorne Road and Swadlincote Road within 50 metres of the Clock Roundabout.



**Photo 11:** Pedestrian refuge at Hepworth Road (linking Butt Lane to South Street)



**Photo 12:** View north along South Street



**Photo 13:** PROW P13 linking Hepworth Road with South Street



**Photo 14:** View southeast along Thorn Street



**Photo 15**



**Photo 16**

**Photo 15** View southeast along the A511 (from Sun Street)

**Photo 16:** View northwest along the A511 (from Sun Street)



**Photo 17**



**Photo 18**

**Photo 17:** Footways along the A511 (looking south east)

**Photo 18:** Signal controlled pedestrian crossing on the A511

### *Cycling*

3.14 The development site and Blackfordby are surrounded by other settlements that contain employment and leisure based attractions. These include Ashby-de-la-Zouch, Swadlincote, Packington, Hartshorne, Overseal, and Donisthorpe. It has been demonstrated within the Transport Assessment and Travel Plan that these surrounding areas are all within a reasonable cycling distance.

3.15 Butt Lane is a signed cycle route with a short section of cycle lane marked within the carriageway at the Butt Lane (south) arm of the Butt Lane/Forest Road roundabout. This continues along the southern edge of Forest Road as a combined cycleway/footway and then along Hepworth Road. A Toucon crossing is also provided at the Hepworth Road/A511 signal controlled junction. The surrounding roads within the vicinity of the site are considered to be of a suitable width and topography to accommodate cyclists within the carriageway.



Photo 19



Photo 20

**Photo 19:** Cycle Route within the carriageway at Butt Lane

**Photo 20:** Combined cycleway/footway at Hepworth Road



Photo 21

**Photo 21:** Toucon crossing at the Hepworth Road/A511 signal controlled junction

### *Public Transport*

- 3.16 The nearest bus stops are located approximately 650 metres from the centre of the site (when accessed via Butt Lane), on Main Street in Blackfordby. However, the local highway authority has suggested that an alternative route via PROW-P11 would provide a more attractive and shorter route to the bus stops (500 metres). These stops consist of bus shelters on both sides of the carriageway that are served by Route Numbers 9 and 9E, which travel to a number of the surrounding areas, including Burton-upon-Trent, Swadlincote, Ashby-de-la-Zouch and Coalville. During weekdays, these routes provide a combined frequency of at least one service every 60 minutes during peak periods and the daytime. On Saturdays and Sundays, there is at least one service every 60 minutes during the day. Which complies with Leicestershire County Council's requirements as specified within the 6Cs Design Guide.



## 4.0 AGREED CONDITIONS/PROPOSED IMPROVEMENTS

### *Transport Assessment*

4.1 During the process of preparing the Transport Assessment, it has been agreed with the local authority that:

- The proposed development of up to 100 dwellings would generate the following vehicle movements:

• morning peak	29 arrive	45 depart	74 total
• evening peak	46 arrive	30 depart	76 total

- The residential element of the scheme would generate the following person trips:

	peak hour	daily
• by underground, metro, light rail, or tram	0	0
• by train	0	3
• by bus	2	13
• by motorcycle/scooter/moped	0	3
• by car/van (as driver)	76	493
• by car/van (as passenger)	5	36
• by taxi or minicab	0	3
• by bicycle	1	6
• on foot	3	21
• other	0	3

4.2 With regard to pedestrian facilities, it was recommended in the Transport Assessment that any future site masterplan should include a comprehensive network of pedestrian routes linking to the footways at the two proposed access arrangements. These should include 2 metres wide footways along with crossings at key desire lines, as well as potential footpath routes. The existing public footpath that extends through the site from Butt Lane (adjacent to the Butt Lane/Forest Road roundabout) to Fenton Avenue would also need to be maintained as part of the masterplan and this presents an opportunity to provide a more attractive route for all users. As the proposals would only result in a maximum hourly increase of 3 pedestrian trips in the peak hour, it is considered

that the existing infrastructure should be sufficient to serve the proposed development.

- 4.3 With regard to cycling it was suggested that within the site itself, any future masterplan could incorporate off-road cycle routes, although it would also be acceptable to expect cyclists to travel within the carriageway. The person trip calculations show that the proposed development would generate 6 daily cyclists movements associated with the site including only 1 in the peak hour. These modest increases should be comfortably accommodated within the existing highway layout, without the need for any additional off-site improvements
- 4.4 In terms of bus journeys, it was demonstrated that the proposed development would result in an increase of 13 daily and 2 hourly bus passenger trips. It was concluded that this level of additional demand could be accommodated by the regular existing bus services that operate in the vicinity of the site.
- 4.5 The Transport Assessment concluded *“That the surrounding opportunities for sustainable travel should also satisfactorily accommodate any increases in pedestrian, cycle and public transport trips resulting from the proposed development”*.

### ***Proposed improvements***

- 4.6 In line with the recommendations made by the local highway authority, the following improvements would be implemented as part of the scheme:
- PROW P11 within the site would be improved to provide a 2m wide tarmacked link to the existing tarmacked section linking to Fenton Avenue
  - Also PROW P11 would be upgraded within the site to provide a 3m wide tarmacked shared surface cycleway/footway to connect the site directly to Butt Lane.
  - Improvements to P11 where it passes through the un-metalled part of Elstead Lane, to make it a 2m tarmac surface, would be carried out.
- These improvements would negate the need to improve the footway along Butt Lane.

4.7 In addition the following Section 106 contributions would be provided “to encourage sustainable travel to and from the site, achieving modal shift targets, and reducing car use”, this would consist of:

- Travel Packs
- 6 month bus passes
- New/improvements to 2 nearest stops (raised and dropped kerbs)
- Contribution towards equipping nearest bus stops and suitable bus routes with Real Time Information (RTI)
- Travel Plan
- Travel Plan monitoring fee.

4.8 In conclusion, it has been demonstrated that sustainable travel to and from the site could be satisfactorily accommodated by the existing infrastructure/proposed off-site improvements.

#### ***Revised proposals***

4.9 It is understood that the site masterplan has now been revised taking the number of proposed dwellings down to 81 dwellings. As the above conclusions and recommendations were made on the basis of up to 100 dwellings, it should be concluded that they are sufficient to support the revised proposals. A copy of the revised layout is included at **Appendix TN3**.

## 5.0 ASSESSMENT OF ACCESSIBILITY ISSUES

### 5.1 Introduction

5.1.1 As previously stated sustainability issues were originally dealt with by the local highway authority in their assessment of the Transport Assessment and Travel Plan. The development proposals were found to be compliant with both national and local standards and in accordance with best practice recommendations for maximum walking distances and accessibility to sustainable transport options. In addition, recommendations have been made by the local highway authority to further promote sustainable travel which should be incorporated in to the development proposals. It has been shown how in line with the 'Key performance indicator' specified within Chapter 7 of LTP3 access to services and facilities are provided "by public transport, walking and cycling". The aim of the following section is therefore to provide further clarification on how the proposed developed should be considered sustainable in transportation terms, specifying how the proposals not only comply with the 'Key performance indicator' but also the 'supporting indicators' within Chapter 7 of LTP3.

- *"Access to employment by public transport, walking and cycling.*
- *Access to education (including primary, secondary and further education) by public transport, walking and cycling.*
- *Access to healthcare (including GPs and local hospitals) by public transport, walking and cycling.*
- *Access to food stores by public transport, walking and cycling".*

#### *Public Transport Accessibility*

5.1.2 Firstly, Paragraph 5.11 of 'The Guidelines for Planning for Public Transport in Developments' (IHT, 1999) provides details on how to identify public transport accessibility, it states that:

*"There are two aspects to identifying public transport accessibility*



- *access to public transport, which measures how far a location is from the public transport network and the level of service on that network; and*
- *access by public transport, which takes account of where the services go and identifies the public transport catchment areas.”*

5.1.3 Whilst, Paragraph 3.81 of the 6Cs Design Guide sets out what is considered to be an acceptable walking distances for pedestrian access to bus routes, it states that *“Generally walking distances to bus stops in urban areas should be a maximum of 400m and desirably no more than 250m. In rural areas the walking distance should not be more than 800m”.*

#### *Pedestrian Accessibility*

5.1.4 It is considered that residential based pedestrian trips will primarily be made up of work, leisure and school journeys. **Table TN1** identifies the key facilities that are located within 2 kilometres of the site. This takes into account the pedestrian infrastructure proposed as part of the proposals. The locations of facilities and other general employment opportunities within the surrounding area are shown within **Figure TN2**, with the desirable walking routes shown on **Figure TN1**.

**TABLE TN1 – Local Facility Walking Distance from Proposed Development**

	Facility	Walking Distance from Centre of Site (m)
1.	St Margarets Primary School	540 m
2.	Woodville Primary School	1300 m
3.	Moira Infant School	1350 m
4.	Local Shop (Premier Store)	1000 m
5.	Local Centre - Woodville (Tesco Express/Take Aways/Café/Post Office/Hairdressers/Pharmacy)	1300 m
6.	Local Centre – Norris Hill (Premier Store/ Takeways/Beauty Salon/Public House)	1600 m

7.	Woodville Surgery	1800 m
8.	Village Hall (Blackfordby)	600 m
9.	Blackfordby Methodist Church	550m
10.	Parish Church of St Margaret of Antioch Blackfordby	700 m
11.	Blue Bell Public House (Blackfordby)	570 m
12.	Black Lion Public House (Blackfordby)	680 m
13.	Industrial Estate	1800 m
14.	Viking Business Park	1550 m

5.1.5 In addition, there are several other potential employers within 2 kilometres of the site which includes, Wavin UK located opposite the site on Butt Lane, Montracon UK located approximately 950 metres from the site on Thorn Street, Ward recycling approximately 1.76 kilometres from the site on Moira Road and Greenbank Group UK located on Hartshorne Road approximately 1.8 kilometres from the site.

#### *Cyclist Accessibility*

5.1.6 It has been demonstrated that routes between the site and the facilities identified above, generally comprise a combination of off-road routes and classified and unclassified rural roads with varying speed limits, although the carriageways are typically wide enough to accommodate cyclists and vehicles without conflict and there are no severe gradients. In addressing the principles of street design, paragraph 6.4 of 'Manual for Streets' states that "*cyclists should generally be accommodated on the carriageway*".

### **5.3 Access to education (including primary, secondary and further education) by public transport, walking and cycling.**

5.3.1 As stated within the **Table TN1** there are 3 primary schools located within 2 kilometres of the site, this includes, St Margarets Primary School on Main Street, Blackfordby, Woodville Primary School located on the A511 in Woodville and Moira Infant School located on Blackfordby Road at Norris Hill. In addition, Granville Sports College is located approximately 2.6 kilometres walk from the site on Burton Road.

5.3.2 The public transport, walking and cycling routes to the facilities within Woodville have been summarised within Section 5.2 above. For the facilities within Blackfordby and Norris Hill it has been demonstrated that:

- Pedestrian desire lines to St Margarets Primary School would be via Route 3, whilst pedestrian desire lines to Moira Infant School would be via Route 6.
- Along Route 3 there are occasional vehicle crossovers, a minor road (Fenton Avenue) to cross. Whilst, along Route 6 in addition to the occasional vehicle crossovers, minor junctions (Butt Lane/Fenton Avenue and Butt Lane/Strawberry Lane) and a minor road (Main Street) to cross.
- Footways along each of the desire lines have a general width of between 1.2 and 1.8 metres, whilst the sections (along Route 3) where there are no footways are wide enough to safely facilitate pedestrian and vehicular trips.
- The routes are lightly trafficked, with street lighting and are well maintained.
- Walking journey times of approximately 8 to 16 minutes respectively (calculated using an average walk speed of 1.4m/s or 400m every 5 minutes)
- It was concluded in the Transport Assessment there are no ongoing highway safety issues that require further attention.

### **5.4 Access, to healthcare (including GPs and local hospitals) by public transport, walking and cycling.**

5.4.1 **Table TN1** shows that Woodville Surgery is approximately 1.8 kilometres from the centre of the site, and Section 5.2 demonstrates how the facilities within Woodville are accessible by public transport, walking and cycling.

## **5.5 Access to food stores by public transport, walking and cycling.**

**5.5.1 Table TN1** also shows that the existing local facilities in Woodville includes the Premier Store (approximately 1 km from the centre of the site), the local shopping centre, which includes Tesco Express, Post Office, takeaways, hairdressers and a pharmacy (approximately 1.3 kilometres from the centre of the site), whilst the Norris Hill local shopping centre, which includes, the Premier Store, takeaways, beauty salon and public house (approximately 1.6 kilometres from the centre of the site). Section 5.2 and 5.3 demonstrates how the facilities within Woodville are accessible by public transport, walking and cycling.

**5.5.2** The above details provide a snap shot of the existing amenities that are within a reasonable cycling and walking distance of the site, as previously outlined in the Transport Assessment and Travel Plan reports. It also shows that there is adequate opportunity to access these facilities using the existing public transport facilities. It is clearly evident from the above that there are ample opportunities to access the site by sustainable modes of transport and the existing infrastructure is suitable to accommodate these trips. It can therefore be concluded that the proposed development complies with the 'Key performance indicator' and the 'supporting indicators' within Chapter 7 of LTP3.

## **5.2 Access to employment by public transport, walking and cycling.**

5.2.1 It has been outlined above how there are a number of potential employers within 2 kilometres of the site which could be accessed either by public transport, walking or cycling. In summary it has been demonstrated that the proposals have:

- Bus stops that are approximately 500 metres from the centre of the site on Main Street, Blackfordby.
- Journey time to the nearest bus stop would be approximately 6 minutes (calculated using an average walk speed of 1.4m/s or 400m every 5 minutes).
- Route Numbers 9 and 9E, operate at a combined peak hour frequency of 1 service per hour in each direction, and provide a direct connection to the facilities within Woodville.
- The preferred walking route to the bus stops in Blackfordby would either be via Route 1 or Route 2, whilst Route 5 and Route 6 would be the preferred walking routes to Woodville.
- Footways along Routes 1 and 2 have a general width of 1.2 and 1.8 metres, whilst the sections where there are no footways are wide enough to safely facilitate pedestrian and vehicular trips. These routes are alongside lightly trafficked roads and are well maintained with street lighting.
- Routes along Routes 5 and 6 have a general width of between 1.2 and 1.8 metres, pedestrian refuges are provided on Hepworth Road, and tactile paved dropped kerbs are provided at several junctions along the route, including the A511/Sun Street, A511/Princess Close and A511/Belvedere Road junctions. In addition a Toucon crossing is provided at the Hepworth Road/A511 signal controlled junction, and signalised pedestrian crossings are provided along the A511 within Woodville and on Swadlincote Road and Hartshorne Road.
- The existing cyclist infrastructure can be considered suitable to accommodate the moderate increase in cyclist movements that would be associated with the proposed development, with combined cycleway/footways provided along Hepworth Road and a Toucon crossing at the Hepworth Road/A511 junction.
- It was concluded in the Transport Assessment there are no ongoing highway safety issues that require further attention along these links.

## 6.0 SUMMARY AND CONCLUSIONS

6.1 Bancroft Consulting were appointed by DPDS Ltd (Midlands & North) on behalf of Mr Guy Mansfield to assist in the appeal against refusal of planning permission by North West Leicestershire District Council for proposals to construct up to 81 dwellings, on land to the northeast of Butt Lane in Blackfordby.

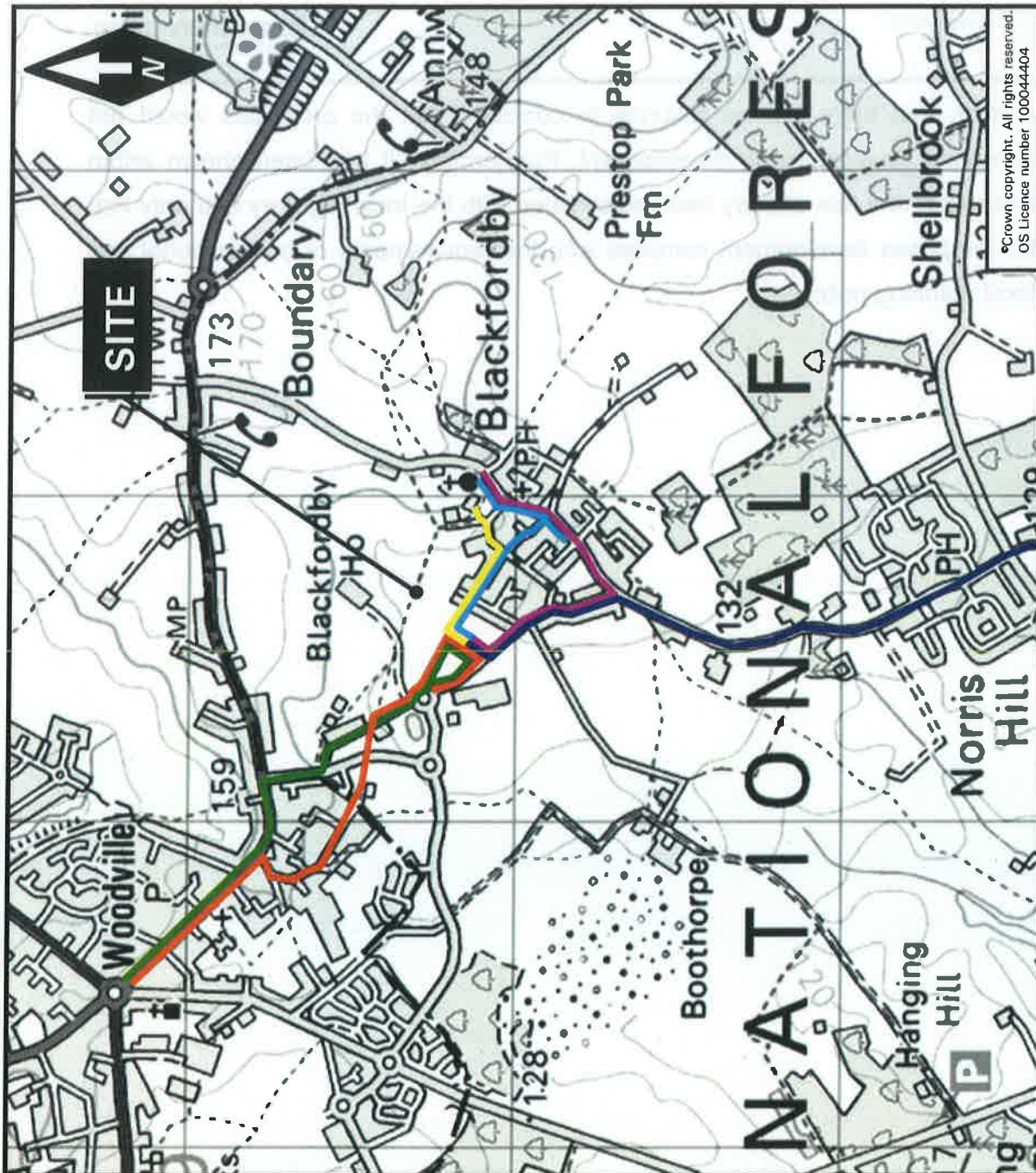
6.2 On 2 December 2014 the latest application (up to 81 dwellings) was refused planning permission. The Appeal relates to the single reason for refusal as stated within the Local Planning Authority's Decision Notice, dated 2 December 2014 in respect of Planning Application Reference 14/00460/OUTM. A copy of the Decision Notice is included at **Appendix TN2** of this Technical Note.

*"Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the Adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. The introduction of residential development on this un-developed greenfield site, outside of Limits to Development, remote from services would constitute un-sustainable development, contrary to the policies and intentions of the NPPF and Saved Policy S3 of the North West Leicestershire Local Plan".*

6.3 Paragraph 4.9 of 'Guidance on Transport Assessment' (DfT, March 2007) describes accessibility as *"the ability with which people can reach different locations and facilities by different modes.*

6.4 Section 5 of this report clearly details how the current infrastructure and proposed improvements are suitable to accommodate development generated journeys by a wide range of modes. This includes work, education and leisure based trips to many destinations within the surrounding area. The details contained within this report further validate the local highway authority's support for the proposals and

confirm that there are no grounds to conclude that the proposals would not constitute un-sustainable development. Furthermore, it has been shown within this report and has already been established with the local highway authority that the proposed development complies with the requirements of both national and local planning policy.



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**KEY**

**ROUTE 1** - BLACKFORDBY VILLAGE CENTRE VIA BUTT LANE (SOUTH) AND MAIN STREET.

**ROUTE 2** - BLACKFORDBY VILLAGE CENTRE VIA PROW-P11, FENTON AVENUE, ELSTEAD LANE AND MAIN STREET.

**ROUTE 3** - BLACKFORDBY ST MARGARETS PRIMARY SCHOOL VIA PROW-P11, FENTON AVENUE, ELSTEAD LANE, STRAWBERRY LANE.

**ROUTE 4** - NORRIS HILL VILLAGE CENTRE VIA BUTT LANE AND DRIFT SIDE.

**ROUTE 5** - WOODVILLE VILLAGE CENTRE VIA BUTT LANE NORTH/PROW-P11, SOUTH STREET AND A511.

**ROUTE 6** - WOODVILLE VILLAGE CENTRE VIA BUTT LANE NORTH/PROW P-11, PROW-P13 SOUTH STREET, THORN STREET, SUN STREET AND A511.

SCALE: **Do Not Scale**

DATE: **23.01.15**

DRAWN: **PK**

CLIENT:

**GUY MANSFIELD**

TITLE:

**PREFERRED PEDESTRIAN DESIRED LINES**

JOB TITLE:

**BUTT LANE, BLACKFORDBY**

**bancroftconsulting**  
transport consultancy services

JOB NUMBER:

**F13152**

FIGURE:

**TN1**



**KEY**

ROUTE 1 - BLACKFORBY VILLAGE CENTRE VIA BUTT LANE (SOUTH) AND MAIN STREET.

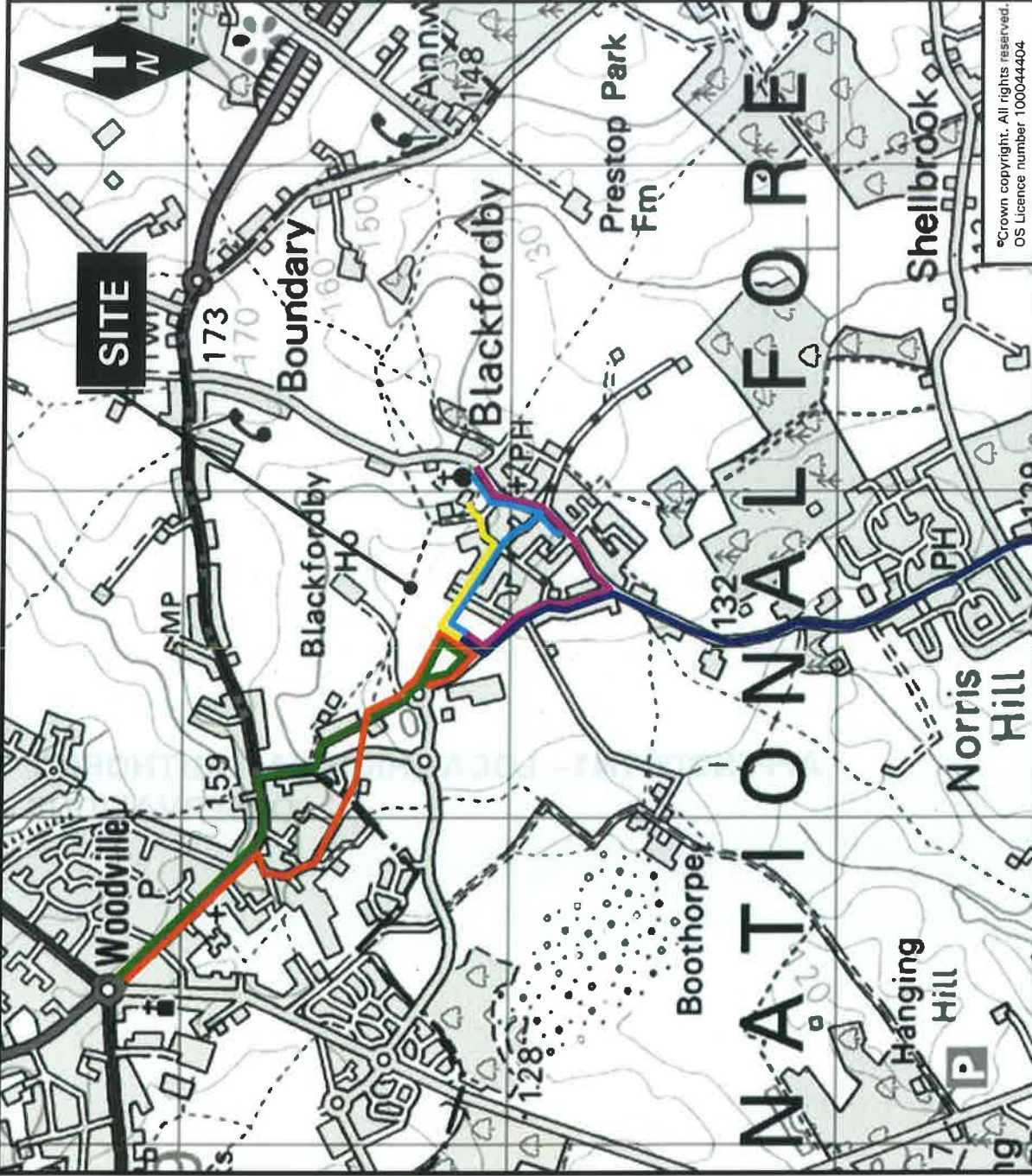
ROUTE 2 - BLACKFORBY VILLAGE CENTRE VIA PROW-P11, FENTON AVENUE, ELSTEAD LANE AND MAIN STREET.

ROUTE 3 - BLACKFORBY ST MARGARETS PRIMARY SCHOOL VIA PROW-P11, FENTON AVENUE, ELSTEAD LANE, STRAWBERRY LANE.

ROUTE 4 - NORRIS HILL VILLAGE CENTRE VIA BUTT LANE AND DRIFT SIDE.

ROUTE 5 - WOODVILLE VILLAGE CENTRE VIA BUTT LANE NORTH/PROW-P11, SOUTH STREET AND A511.

ROUTE 6 - WOODVILLE VILLAGE CENTRE VIA BUTT LANE NORTH/PROW P-11, PROW-P13 SOUTH STREET, THORN STREET, SUN STREET AND A511.



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SCALE: Do Not Scale

DATE: 23.01.15

DRAWN: PK

CLIENT:

**GUY MANSFIELD**

JOB TITLE:

**BUTT LANE, BLACKFORBY**

**bancroftconsulting**  
transport consultancy services

TITLE:

**PREFERRED PEDESTRIAN DESIRED LINES**

JOB NUMBER:

**F13152**

FIGURE:

**TN1**

## APPENDIX TN1- LOCAL HIGHWAY AUTHORITY OBSERVATIONS

Date	Mile	Mileage	Mileage	Mileage
Time	Time	Time	Time	Time
Mileage	Mileage	Mileage	Mileage	Mileage
Mileage	Mileage	Mileage	Mileage	Mileage
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**DETAILS OF APPLICATION**

<b>Planning Ref No:</b>	2014/0460/07/HCON/REVOBS1
<b>CE/EN Ref:</b>	See Related Info tab, then Consultations & Agreements tab.
<b>Application Address:</b>	LAND ADJ. TO, BLACKFORDBY HOUSE FARM, BUTT LANE, BLACKFORDBY, DE11 8BH
<b>Parish:</b>	Ashby-de-la-Zouch CP
<b>Applicant:</b>	DPDS Consulting Group
<b>Brief Description of Development:</b>	OUTLINE. Residential development (up to 100 dwellings), associated space, drainage infrastructure & community plot (outline - access included).

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**GENERAL INFORMATION**

**Member:** Mr. Sean Sheahan CC

**Road Class:** Adopted - Unclassified

**General Observations:** District Planning Officer: Hannah Exley.

Unclassified road.

Scheme: AT599. Partially constructed. New Link Road, s278 agreement.

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**Recommendation:** Approval

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**Notes To Planning Officer**

Further information has now been provided by the applicant regarding the Hepworth Road/A511 junction in their Transport Addendum dated June 2014. This information demonstrates that although the development traffic reduces capacity and increases queuing slightly, the junction remains operating at or about capacity in the 2019 design year. The other junctions modelled (Forest Road/Hepworth Road and Butt Lane/Forest Road) operate well below capacity with the additional development traffic.

The site is reasonably sustainable in transport terms with a bus stop in the village providing an hourly service within about 500m of the site access and a primary school with 900 m from the centre of the site. However in order to improve pedestrian links to the bus stops and school it is considered that PROW P11 within the site be improved to provide a 2m wide tarmacked link to the existing tarmacked section linking to Fenton Avenue (between numbers 17 and 19 Fenton Avenue). Also P11 should be upgraded within the site to provide a 3m wide tarmacked shared cycleway/footway to connect the site directly to Butt Lane and provide direct access to services in Swadlincote in general accordance with the masterplan. If this is provided there will be no need to upgrade the substandard 1.2m wide footway on Butt Lane along the site frontage.

In addition the highway authority consider that improvements to P11 where it passes through the un-metalled part of Elstead Lane, to make it up to a 2m width with a tarmac surface, should be carried out to make it an attractive route for pedestrians as this route provides a significantly shorter and more desirable route to school (600m from the centre of site to school rather than 900 m using Butt Lane), and to the bus stops (500m from the centre of the site to the incoming stop rather than 700m using Butt Lane).

Butt Lane along the site frontage is of variable width with a minimum carriageway width of about 5.1m, and while this is substandard there is no evidence is currently causes any highway safety issues, and there is no reason why it would not be acceptable for the additional traffic generated by the development.

### Travel Plan

The Residential Travel Plan dated Revision A, May 2014 by Bancroft Consulting has been reviewed. It clearly indicates (e.g. at 1.1, 1.3 and 5.2) that it is not the final travel plan so I cannot recommend it as acceptable alongside planning application 2014/0460/07 and instead I recommend that a condition be added to any consent requiring the submission and approval in writing of a final travel plan (such as that described at 5.2) prior to first occupation of the site.

Specific comments on this document are:

- Section 1 should be updated to reflect NPPF and NPPG references to the purpose and content of Travel Plans
- Section 2 should be less bullish about the accessibility of this site by non-car modes. In fact bus services are infrequent and stops at some distance from the new dwellings, local services (particularly food shops and medical) are at or beyond 'acceptable' walking distances (1km), there are virtually no facilities for cycling in the vicinity (despite the 'recommended route' status of Butt Lane) and the off-site the footpath link (P11) to the few village facilities appears to need considerable off improvement to make it attractively useable (particularly the section between Fenton Avenue and Elstead/Strawberry Lane).
- Section 4 has numerous excellent ideas for initiatives only spoiled by the use of 'will investigate their introduction' rather than making a clear commitment.
- Section 5 contains no clear SMART target for potential trip reduction or increased use of non-car modes for local trips and suggests these will only be provided after half of the development is already occupied! - this is quite unacceptable. It is our practice to set interim targets to give purpose to the initiatives introduced from day one but acknowledging that the subsequent reviews of the plan (in the light of surveys as occupancy increases) will identify whether the target or the initiatives need adjustment to best achieve the aims of the plan. However, I note and welcome the comments about monitoring via the Council's iTrace service at paras 5.4 to 5.8.

### S106 Contributions

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
- Contribution towards equipping the nearest bus stops and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £5,840.
- A Travel Plan which is required to achieve the defined outcomes in the Travel Plan to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3;
- A monitoring fee of (£6000/£11337) to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.

The Highway Authority would recommend that a requirement for details of the routing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.

### **Conditions**

1 Development shall not begin until details of design for off-site highway works being the upgrading of Public Right of Way P11 to a 2m wide tarmaced surface where it passes along the un-metalled part of Elstead Lane have been approved in writing by the local planning authority, and no dwelling in the development shall be occupied until that scheme has been constructed in accordance with the approved details.

Reason: To provide an attractive and direct pedestrian route to school and bus services

2 The site masterplan shall include an upgrade of PROW P11 to provide a 2m tarmaced surface between the new internal roads and the existing footpath between numbers 17 and 19 Fenton Avenue, and the 26th dwelling in the development shall not be occupied until these improvements have been constructed in accordance with the approved details

3 The site masterplan shall include an upgrade of PROW P11 to provide a 3m tarmaced surface between the internal estate roads and Butt Lane, and the 76th dwelling in the development shall not be occupied until these improvements have been constructed in accordance with the approved details.

Reason: To provide attractive and direct pedestrian and cycle routes from the development to school and bus services, and services in Swadlincote

4 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

Reason: To ensure a satisfactory form of development and in the interests of highway safety.

5 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

6 No development shall commence on the site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

7 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

8 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

9 No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

Reason: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

10 Before first use of the development hereby permitted, visibility splays of 2.4m metres by 46/48m metres shall be provided at the junction of the access with Butt Lane in general accordance with Bancroft Consulting plan F13152/02 revB. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

### **Notes To Applicant**

Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.

All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

<b>Date Received</b>	<b>Inspector</b>	<b>Signed Off</b>
11 June 2014	Kingsley Cook	30 July 2014

## APPENDIX TN2 – REFUSAL OF PLANNING PERMISSION

1	1	1
2	2	2



Mr Guy Mansfield  
c/o Mr Christopher Lindley  
DPDS Consulting Group  
3 Gleneagles House  
Vernongate  
Derby  
DE1 1UP

Application reference 14/00460/OUTM

Registered 19 May 2014

Planning Committee Decision  
2 December 2014

## REFUSAL OF OUTLINE PLANNING PERMISSION

### Town and Country Planning Act 1990

**Residential development (up to 81 Dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included) at Land Adjacent To Blackfordby House Farm Butt Lane Blackfordby**

In pursuance of its powers under the Town and Country Planning Act 1990 North West Leicestershire District Council refuses to grant outline planning permission for the development specified above, for the following reason(s):

- 1 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the Adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. The introduction of residential development on this undeveloped greenfield site, outside Limits to Development, remote from services would constitute un-sustainable development, contrary to the policies and intentions of the NPPF and Saved Policy S3 of the North West Leicestershire Local Plan.

#### INFORMATIVES :-

- 1 Outline planning permission has been refused for this proposal for the clear reasons set out in this decision notice. In the Local Planning Authority's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The Local Planning Authority has therefore complied with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Your attention is drawn to the enclosed notes.

Signed 

Chris Elston  
Development Control Manager  
Proper Officer of the Council

Dated: 3.12.14



Department of Planning and Economic Development  
100 Water Street  
Winnipeg, Manitoba R3P 0S9  
Tel: (204) 986-8888  
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## Appendix TN3 - Latest Site Masterplan

### Form and Content Planning Act 1990

The purpose of this document is to provide information to the public regarding the proposed development. The information is provided for your information and is not intended to be a substitute for professional advice. The information is provided for your information and is not intended to be a substitute for professional advice.

### APPENDIX TN3 - LATEST SITE MASTERPLAN

The purpose of this document is to provide information to the public regarding the proposed development. The information is provided for your information and is not intended to be a substitute for professional advice. The information is provided for your information and is not intended to be a substitute for professional advice.

#### RECOMMENDATIONS

The purpose of this document is to provide information to the public regarding the proposed development. The information is provided for your information and is not intended to be a substitute for professional advice. The information is provided for your information and is not intended to be a substitute for professional advice.

Planning Officer  
Department of Planning and Economic Development  
100 Water Street  
Winnipeg, Manitoba R3P 0S9



Not to Scale

Drawing name:

Proposed Site Plan

Revision:

H

Drawing number:

C9772 14 760

Project:

Butt Lane, Blackfordby

Date:

30.10.14





Representative 47

47/15110

Please Reply to: Derby  
Our Ref: CSL/C9772  
Your Ref:  
Date: 12 August 2016



- 
- Town Planning
- 
- Development
- 
- Environment
- 
- Architecture
- 
- Urban Design
- 
- Landscape Design
- 
- Project Management

Planning Policy  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

BY EMAIL

Dear Sirs

**Without Prejudice - North West Leicestershire Publication Local Plan Consultation**

I write further to your email dated 7 July 2016 in relation to the above consultation exercise currently being undertaken by your authority. Thank you for the email, the notification of the consultation and the invitation to respond. I have completed a response form, however this letter provides my client's representations.

I am instructed to respond to the consultation by my clients Mr and Mrs Mansfield who own an area of agricultural land at Butt Lane, Blackfordby.

Blackfordby is defined by the emerging Local Plan as a "Sustainable Village". The Village is in the western part of the District, it is close to the border with South Derbyshire and it has strong links to Woodville which is located in South Derbyshire District. My clients are committed to the comprehensive promotion of an area of their land (extending to some 7.4Ha) for residential development of up to 81 units. Please find enclosed a Location Plan and Illustrative Masterplan (as "Enclosure 1").

To date the landholding has been submitted for consideration by the Council as part of the 2014 Strategic Housing Land Availability Assessment (SHLAA). For your information, the site is considered under SHLAA reference "By3" (see "Enclosure 2"). This assessment concludes that the land could deliver housing in the "6-10 year" delivery period.

On this basis, against the context of paragraph 47 (bullet 2 and footnote 12) of the NPPF, this important piece of evidence base for the Local Plan must consider the land to be "developable".

Footnote 12 to paragraph 47 clarifies that **"To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged"** (my emphasis). My clients submit that their land is not only a developable site for housing, rather it is "deliverable" and is capable of providing housing within the next five years.

In the context of the Local Plan and this particular site, "deliverability" is also a very important concept given the development control position pertaining to this site.

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**Swindon**

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DPDS Consulting Group comprises:  
Development Planning & Design Services Group Ltd (Company Registration No 1907209); DPDS Consulting Ltd (Company Registration No 02091153); Development Planning & Design Services Ltd (Company Registration No 2091708) and DPDS Architecture Ltd (Company Registration No 2937191)  
Registered Office: Old Bank House, 5 Devizes Road, Old Town, Swindon, SN1 4BJ  
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North West Leicestershire

As officers will no doubt be aware, to establish and further examine the deliverability of the site and its ability to provide housing within the next five years, it has also been promoted through two outline planning applications in recent years. Whilst there has been some opposition from local residents, on both occasions the outline planning applications have received support from officers (under a context of the Council considering it had an adequate housing land supply) and there remains no substantive objection from technical consultees to the development of the site for housing.

The most recent outline planning application which was unfortunately refused (against the professional advice of officers) is subject to an appeal which is to be heard by a Planning Inspector in the coming months. Although these representations are submitted without prejudice to my client's position as part of that Appeal, it is in my opinion vital to note the following:

- The Council has confirmed that it does not intend to defend its position as part of the appeal;
- It has been agreed that the Council's sole reason for refusal has been resolved, this reason for refusal relates to:
  - The principle of the development of the site which is located beyond established limits to development (which in the case of Blackfordby are not proposed to be amended by the publication Local Plan); and,
  - The ability of future residents of the site to gain access to a range of services and facilities by means other than the private car (please note, this matter is also subject to confirmed common ground with the highway authority).
- The Council has also confirmed that the development of my client's landholding would represent "Sustainable Development" and confirmed that planning permission should be granted.

The starting point therefore is that in addition to the Council's own evidence base considering the site to be developable, officers, elected members and technical consultees have with benefit of the information presented to them considered the site to represent "Sustainable Development" and therefore it must be considered "deliverable" in the context of the NPPF.

In line with footnote 11 to paragraph 47 of the NPPF this means that there must be consensus on the following:

1. The site is available for development now;
2. The site offers a suitable location for development now;
3. The development is achievable with a realistic prospect that housing will be delivered within the next 5 years; and,
4. In particular the development of the site is viable.

Also, in confirming that the development represents "Sustainable Development" paragraph 14 of the NPPF is relevant by virtue of it applying the "**presumption in favour of sustainable development**" which is seen as a "**golden thread**" running through **both** plan making and decision taking.

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North West Leicestershire

It could therefore not be any clearer that the Government consider plan making and decision taking to be a single entity through which the **"presumption in favour of sustainable development"** is to be applied.

This is further emphasised through paragraph 15 of the NPPF which states that **"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay"** (my emphasis).

Therefore in light of the Council's position (which was settled prior to the approval of the publication local plan for consultation) it is surprising that there is no reference or endorsement of the development of my client's land within the policies or evidence base underpinning the publication local plan.

Given that the Council is satisfied that the development is "sustainable" its ability to provide housing should be recognised within the publication local plan. My client's submit that this should be through a land allocation within Policy H3 and a revision to the proposals maps to ensure that the site is included within the proposed limits to development for Blackfordby.

Notwithstanding this initial position which is advanced on behalf of my clients (and pending an appropriate response from the Council), I am also obliged to examine wider matters and issues relating to the publication Local Plan which relate to its overall soundness.

It is my client's contention that the Local Plan in its current form is unsound when considered against the criteria set out by paragraph 182 of the National Planning Policy Framework (NPPF). In principle this relates to three main considerations, firstly the approach of the Council to the scale of development proposed within policy S1 "future housing and economic development needs" secondly, the adequacy of Policy S2 which provides a "Settlement Hierarchy" and thirdly, the Council's response to meeting needs within policies H1-H3 the "Housing provision" policies. I deal with these in turn below:

#### **Policy S1 "Future housing and economic development needs"**

My clients disagree with both the quantum of housing proposed within the Local Plan and its spatial distribution. The approach to spatial distribution is provided in a response to later policies.

The issue of the amount of housing development proposed within the Local Plan is clearly a matter of great importance, particularly as the Government clearly signals its intention for Local Planning Authorities to **"boost significantly the supply of housing"**, and use their evidence base to meet the **"full objectively assessed needs for market and affordable housing"** (para 47 NPPF).

Paragraphs 182 and 157 of the NPPF also engender the principles of planning **"positively"** to meet these **"objectively assessed"** needs for development along with ensuring that the Local Plans which deliver a response to such needs are **"positively prepared"**, **"justified"**, **"effective"** and **"consistent with national policy"**.

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North West Leicestershire

Firstly, Chapter 5 of the Local Plan clarifies the role of Policy S2 "Future Housing and Economic Development Needs". It clarifies that for housing, the draft Local Plan makes provision for a minimum of 10,400 new homes from 2011-2031. Expressed annually, this is requirement for a minimum of 520 new dwellings each year.

My clients welcome acknowledgement by the Council that it considers its housing requirements as minimum figures, and therefore there will be no quantifiable planning harm arising from exceeding the requirement (provided development is acceptable in all other terms).

However, my clients do object to the quantum of development proposed within the publication Local Plan and the way that it has been derived, particularly as it fails to adequately comply with paragraph 47 of the NPPF which requires Local Plans to meet "**the full objectively assessed needs for market and affordable housing in the housing market area**" (my emphasis).

It is evident from the papers presented to not only the Full Council on 28 June 2016 but also meetings of the Local Plan Advisory Committee prior that serious concerns have been raised by partner authorities within the HMA as to the approach of the Council in deriving its housing land requirement.

These concerns relate to the decision of the Council to proceed with its Local Plan in advance of the publication of joint evidence across the HMA (the HEDNA) which will potentially establish the full objectively assessed needs for market and affordable housing, enable consensus to be reached between the HMA authorities and enable the duty to co-operate to be discharged.

It is of some concern to my client that paragraph 4.11 of the papers to Full Council on 28 June 2016 record the following:

**"Concerns were expressed by Charnwood Borough Council and Oadby and Wigston Borough Council regarding the level of housing requirement. In particular concern has been expressed that:**

- **The proposed housing requirement has been put forward without agreement across the Housing Market Area;**
- **The methodology used to identify the housing requirement could be used by developers to undermine those Councils' own five year supply position;**
- **Alternatively, an increased provision of housing in North West Leicestershire could impact upon the delivery of housing sites elsewhere, specifically the Loughborough Sustainable Urban Extension;**
- **Any (as yet unquantified) impact upon the OAN for the other HMA authorities as set out in the SHMA and MOU need to be understood and agreed across the HMA; and**
- **No consideration has been given as to the possible impact upon affordable housing resulting from a higher housing requirement."**

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North West Leicestershire

It is also of concern to my clients that the officers confirm that **“formal objections [to the plan] will result from some (or all) of the other HMA authorities. It is the view of the other HMA authorities that the only appropriate mechanism for identifying the basis for objectively assessed need is within a strategic housing evidence base (i.e. a SHMA or similar HMA wide study such as the HEDNA referred to previously) and that this should be done collaboratively and that a decision on the NWL Local Plan should therefore be delayed until the HEDNA is published”** (my emphasis).

It is understood that the HEDNA is due to be published around September 2016 and given the short period between now and then, my clients submit that it would be prudent not to progress the Local Plan until the findings of that document are known, its implications fully understood, the issues arising can be addressed with the other HMA authorities through for example an updated Memorandum of Understanding and further consultation can be undertaken.

In these circumstances and for the purposes of this consultation my clients also consider it appropriate to draw attention to the approach to establishing OAN which was successfully advocated by Gladman in evidence presented to the appeal at “Land South of Greenhill Road, Coalville” (ref APP/G2435/W/15/3005052).

In allowing that appeal, the Inspector consider that it would be more appropriate for the Council to adopt a housing target of 637 dwellings per annum (2011-2031). It is not considered necessary to carry out a step by step analysis of that evidence as the Council will be well aware of its content. However, in advance of the HEDNA my clients consider that this housing requirement represents the most recently tested position and should be preferred.

My clients reserve the right to comment further on this matter should the opportunity arise, including through active participation at future hearing sessions.

#### **Policy S2 – Settlement Hierarchy**

My clients consider that the suggested settlement hierarchy and its evidence base is flawed and fails to take full account of particular local circumstances.

Blackfordby is classified as a **“Sustainable Village”**. Policy S2 classifies such settlements as **“Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined limits to development”**.

My clients welcome the classification of Blackfordby as **“Sustainable”**, however they object to revisions to the policy which have now excluded acknowledgement that such settlements are suitable for **“physical extension”**. This means that the Council now fail to properly acknowledge that building beyond pre-existing boundaries is appropriate to accommodate the **“amount of growth”** that in the case of my clients site has been acknowledged to be appropriate.

It is submitted that despite the Council being previously notified of issues “Background Paper 2” which underpins the approach of Policy S2 continues to fail to adequately consider sustainability characteristics and particularly those associated with Blackfordby. As such, this

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North West Leicestershire

has in my opinion influenced the policy to the extent that no specific housing site has been identified to meet future needs within Blackfordby as it has been concluded to have, or provide access to **“a limited range of services and facilities”**.

For example, within Background Paper 2, the assessment pro-forma relating to Blackfordby continues to completely overlook the availability of services and facilities offered by settlements in adjoining authority areas. This point was raised in our previous consultation response which was submitted in November 2015 and requested that the site be allocated.

A response was provided by officers to the Council's Local Plan Advisory Committee through reports presented on 9 March 2016. Within "Table B", in direct response to our previous comments, officers responded to the effect that **“the policy needs to be amended to cover Woodville as this is a unique settlement within the district as it cross [sic] the administrative borders”**. Also with regard to the availability of services and facilities within neighbouring authorities **“it is acknowledged that these services can be nearer to residents than services within North West Leicestershire, as part of the Local Plan South Derbyshire District Council and the other neighbouring authorities have been consulted”**.

However, no such amendment was made to background paper 2, nor subsequently has a revision been made to Policy S2. It is concerning that officers indicate that South Derbyshire District Council has been encouraged to comment upon the settlement hierarchy. The "Duty to Co-Operate Statement" which forms part of the documents underpinning this consultation sets out how the Council have engaged with other authorities such as South Derbyshire District Council (SDDC). Whilst it establishes that SDDC have been engaged in relation to matters such as the River Mease SAC, The National Forest and "Housing Requirements", confirmation of "who has been involved?" in the settlement hierarchy (Policy S2), makes no reference to the involvement of SDDC, despite there being tacit acknowledgement by officers of the specific locational characteristics of Blackfordby.

It remains the case that Blackfordby which is a settlement is located in the western part of the district located within convenient walking distance from the village of Woodville, which is situated within the South Derbyshire District.

Within the adopted Local Plan Part 1 (2016) South Derbyshire District set out the Settlement Hierarchy for the district. The Settlement Hierarchy in South Derbyshire consists of five categories of which the 'Urban Areas' category has a wide range of higher order facilities and services and a large population.

Policy H1 shows that the town of Swandlincote including the village of Woodville is classified as an "Urban Area" and a focus for significant housing growth.

It is suggested that consideration must be had within the local plan for where physical extensions to Sustainable Villages such as Blackfordby can be recognised as sustainable development given the links to services and facilities immediately outside of the existing settlement boundary (such as the employment facility) and services and facilities within convenient walking and cycling distance to sustainable "Urban Areas" in neighbouring authorities.

North West Leicestershire

To further clarify the links to services and facilities within convenient distance of my clients land enclosed is "Sustainability Technical Note" prepared by Bancroft Consulting and a "Local Facility Proximity Plan" prepared by DPDS. To summarise, these documents (both of which are enclosed with these representations as "Enclosure 3" and "Enclosure 4" demonstrate that the site provides convenient access to the following:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

This matter has been considered previously through the determination of planning applications for residential development. In particular, planning officers concluded that **"a strong case has been made concerning the sustainability of the site"**. Furthermore, as part of ongoing work relating to the planning appeal by my clients, the highways consultant has in close co-operation with the Leicestershire County Council (as highway authority) been able to conclude that:

**"It has been established that the proposed development would comply with standard requirements for access to local bus services, ensuring that local destinations are accessible by a reasonable choice of modes."**

And:

**"It is agreed that the proposals represent sustainable development that could be provided in accordance with current planning policy set out within the National Planning Policy Framework document"**.

And with regard to the Sustainability Technical Note (see Enclosure 1):

**"It is agreed that the findings of the Sustainability Technical Note are robust and reflect established industry good practice and prevailing planning policy"**

This has also been recognised and agreed by officers of North West Leicestershire District Council. Please note, a copy of the SoCG can be provided upon request.

On this basis therefore, it is considered that Blackfordby and my client's land represents a sustainable location for residential development.

It is also telling in this case that the Council does not appear to have fully considered reviewing the Settlement Boundaries associated with Blackfordby in the context of its proposed housing requirement. A report titled 'Limits to Development' was put before the Local Plan Advisory Committee on 9<sup>th</sup> September 2014.

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This report acknowledged that **“although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.”** (DPDS emphasis – source: Paragraph 2.1)

It is therefore again submitted that the boundary of Blackfordby should be reconsidered in acknowledgement of the acknowledged sustainability credentials of my client’s site.

Notwithstanding this it is also important to consider past growth associated with Blackfordby and the implications of failing to ensure it grows in the future. In December 2014, NWLDC planning officers considered (through a report presented to planning committee) the scale of growth proposed by the development of my clients land **“as to understand its potential impact upon the scale and character of the village”**.

It noted the findings of **“the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.”**

Following this officers reported that:

**“there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village”** (my emphasis).

It is further submitted that the Council continue to overlook the fact that Blackfordby has not grown and has capacity to do so. This is highlighted by paragraph 5.20 of the publication Local Plan which states that **“there is already a significant level of provision made through planning permissions”**, given the Council’s own conclusions previously, my clients would suggest this position with regard to Blackfordby is inaccurate.

My clients therefore continue to assert that allocating their land for residential development would not result in a significant increase in housing development within the village and in light with the identified deficiencies in preparing policy S2, an amendment to the plan should be made to positively acknowledge that Blackfordby is suitable for additional growth by the endorsement of my clients site as a housing allocation.

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17/3/11/0\*      17/4/12/0\*  
17/5/13/0

**Policies H1-H3 "Housing provision"**

Chapter 7 of the Local Plan further considers housing and considers the response to meeting the housing requirement (set out in Chapter 5), it clarifies that policy S2 sets out that a minimum of 10,400 new dwellings / 520 per annum will be built 2011-2031.

It is vital that the Local Plan identifies sufficient housing sites to meet its requirements across the plan period to ensure that it remains up to date and a sound basis for decision making. In particular to ensure consistency with the NPPF it is vital that at the point of adoption, the draft Local Plan is able to provide a robust 5 year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF, including an appropriate buffer (of 5% or 20% to reflect past performance in housing delivery). Should the Local Plan not be able to demonstrate this, in the context of paragraph 49 of the NPPF, its housing policies will be immediately out of date.

The Council has published a housing trajectory as an Appendix to the publication Local Plan and it has also published a calculation of 5 year housing land supply within "Background Paper 4".

Both documents have been analysed for the purposes of these representations. It is important to note that no detailed justification has been provided by the Council for assumptions underpinning the inclusion of specific sites within the envisaged housing trajectory, nor has a robust methodology been provided to explain assumptions made upon the deliverability of sites and whether for instance a lapse rate should be applied to components of supply to account for the non-implementation of planning permissions.

This issue has been raised as part of previous consultation responses on behalf of my client and to date the Council has not seen fit to respond to this by providing the information. On this basis therefore my clients reserve the right to further clarify this with the Council as part of future consultation, particularly should further evidence be published by the Council.

On this basis therefore my clients reserve their position in respect of concluding whether a five year housing land supply can be demonstrated. Whilst it is accepted that a housing land supply calculation is a "snapshot" in time, it should be robustly qualified and in the context of a draft plan, particularly if that document is to be shortly submitted to the Secretary of State for examination. It remains the optimal position is for a Council to be able to demonstrate an adequate supply.

In considering the ability of the publication Local Plan to demonstrate an adequate 5 year housing land supply, the starting point should be considering the level of past housing completions against requirements. The Council has repeatedly failed to deliver sufficient housing to meet policy requirements.

In particular from 2006-2011 it failed year on year to meet the requirements of the East Midlands Regional Plan (RSS) accruing a shortfall of some 1,210 dwellings (and only achieving 53% of the dwellings required over that period). Similarly when considered against the annual targets in this publication plan (and its own assumed completions for part of 2015-16), the Council has accrued a shortfall of some 260 dwellings from 2011-2016 when judged against the "520 p.a. requirement").

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This is very concerning and suggests a significant long term problem with housing delivery in North West Leicestershire. Whilst this situation is not unusual it is no excuse for not positively planning for the housing that the District urgently needs and ensuring there is sufficient "headroom" to provide flexibility, choice and competition. In the context of paragraph 47 of the NPPF "there has been a record of persistent under delivery of housing" and a buffer of 20% added to the requirement over the next five years is justified to "ensure choice and competition in the market for land". Despite this matter being very clear it is yet to be accepted by the Council as part of a calculation presented in the 5 year housing land supply as part of Background Paper 4. It is submitted therefore that a 20% buffer is plainly justified and for the sake of consistency and certainty for those seeking to participate in the eventual examination process it should be confirmed by the Council.

Once this has been established, it is possible to undertake a calculation as to housing land supply and understand the number of years supply that may in theory exist. For ease of reference, I have re-based the calculation to March 2016, so that each monitoring year has the correct starting point (I assume that the Council will provide an accurate position on actual rather than assumed completions to March 2016 shortly). This is evidenced below through a series of simple calculations which begin with Scenario 1 (below):

Scenario 1 - Local Plan Requirement (Base date March 2016)				
<i>Calculating the Requirement</i>		<b>No of Dwellings</b>	<i>working</i>	
			<i>Local Plan</i>	
			<i>(includes assumed</i>	
			<i>completions</i>	
			<i>october 2015 -</i>	
			<i>March 2016</i>	
Annual Requirement 2011-2016		520		
Requirement 2011-2016		2,600		520 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-260		
Residual (gross requirement +/- shortfall/ surplus)next 5 years		2,860		520 x 5 + shortfall
Residual including 20% buffer		3,432		e + 20% buffer
Annual requirement over next 5 years		686		f / 5 years
<i>Calculating the Supply</i>				
<b>Supply Source</b>		<b>No of Dwellings</b>	<b>No of Years Supply</b>	<b>Shortfall / Surplus</b>
Planning Permissions inc Res to Grant		3777	5.50	345

Scenario 1 shows that if the Council's own components of supply are accepted then an adequate supply could be demonstrated with a modest oversupply of some 345 dwellings. However, this is without any detailed analysis of components of supply as it is unclear as to how the Council have arrived at supply assumptions. Given the track record of undersupply that has existed, it is very important to be able to assess the assumptions made by the Council.

As mentioned earlier in this letter, Gladman Developments have also considered what should be the appropriate housing land requirement for the District, for the purposes of their evidence, a figure of 637 dwellings per annum was used. As the Council are aware, this was accepted by the Inspector who considered the appeal as a "robust" figure. Scenario 3 presents a calculation of housing land supply based upon that requirement. This is shown overleaf:

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Scenario 2 - Gladman Requirement (Greenhill Road Appeal Approved Requirement)				
Calculating the Requirement		No of Dwellings	<i>working</i>	
			<i>Local Plan</i>	
			<i>(includes assumed completions</i>	
			<i>october 2015 -</i>	
			<i>March 2016</i>	
Annual Requirement 2011-2016		637		
Requirement 2011-2016		3,185		637 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-845		
Residual (gross requirement +- shortfall/ surplus)next 5 years		4,030		637 x 5 + shortfall
Residual including 20% buffer		4,836		e + 20% buffer
Annual requirement over next 5 years		967		f / 5 years
<i>Calculating the Supply</i>				
Supply Source		No of Dwellings	No of Years Supply	Shortfall / Surplus
Planning Permissions inc Res to Grant		3777	3.91	-1,059

This shows an inadequate housing land supply.

Unfortunately it has not been possible to further analyse the deliverability of the Council's components of supply as no information or commentary has been provided to explain the assumptions behind including or discounting certain sources. Recent experience of Local Plan examinations elsewhere have suggested that this issue is of some interest to Inspectors, particularly where there has been a continual backlog of underperformance in housing completions. Therefore in anticipation of assisting the inspector and ensuring transparency, my client respectfully requests that this information either be provided by the Council by return in response to this letter or published on its website as soon as possible so that it can be fully examined.

Irrespective of this, in light of the calculations above, it is submitted that the approach to housing supply within the draft local plan does not comply with paragraph 47 of the NPPF and therefore it is axiomatic that the policies within (for housing) fail to comply with paragraph 182 of the NPPF. My clients submit that the correct solution is to allocate additional land for housing within the plan to ensure the minimum requirements are met and provide additional headroom where candidate sites are agreed to represent sustainable development. It is submitted that my clients' land is an appropriate location for an allocation for up to 81 dwellings to meet identified needs. The rationale for this and the "planning balance" associated with it is provided in preceding paragraphs.

### Conclusions and the Planning Balance

In the preceding sections of this letter submissions are made which establish a number of issues with the following matters:

- The quantum of residential development proposed for NWLDC across the plan period;
- The ability of the draft Local Plan to accord with NPPF policy requiring a five year housing land supply to be demonstrated (with appropriate buffer); and,
- The approach to considering sustainability credentials within the settlement hierarchy.

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Arising from these matters, it is submitted that further housing land should be identified within the Local Plan, particularly to cover minimum requirements over the next five years. To understand whether the allocation of my clients land would constitute sustainable development, paragraph 151 and 152 of the NPPF provides further guidance. These paragraphs state:

**“151 . Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.**

**152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”**

On this basis therefore it is applicable to consider how a potential allocation of my clients land would meet the **“economic, social and environmental dimensions of sustainable development”**. As the prospective development of the site has been previously considered through planning applications which have been positively recommended by planning officers, this is a relatively straightforward exercise. Consideration under the three roles to achieving sustainable development is provided below:

#### *Economic Dimension*

Economic benefits arising from the allocation of the land for development would be numerous and should be given weight. To summarise, these benefits include:

- An increase in local employment within the construction industry and the professional services associated with house builders and sales in the short term across the construction phase;
- Increased consumer spending arising from new residents resulting in increased disposable income in the area; and,
- Increased patronage of nearby services and facilities, to support their existence and potential expansion.

#### *Social Dimension*

Social benefits arising from the allocation of the land for development would be also numerous and should be given weight. To summarise, these benefits include:

- Contribution towards meeting housing need at a local level which would contribute towards the wider national objective of boosting “significantly the supply of housing” (without prejudice to the Appellant’s position in relation to the Council’s housing land supply);

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- The provision of (a policy compliant) 30% / 24 no affordable homes which would provide a significant contribution towards meeting the affordable housing needs of the area and weighs heavily in the planning balance (particularly as affordable housing needs identified in Blackfordby in 2012 remain unmet); and,
- The opportunity to secure (through reserved matters) a high quality built environment to foster the development of a vibrant and healthy community.

*Environmental Dimension*

With respect to environmental considerations relating to this proposal, these should also be afforded weight.

The primary aspect of the environmental dimension relevant to the potential allocation of the site relates to its locational sustainability and the ability for future residents to gain access to a full range of services and facilities by means other than the private car which is beneficial in environmental terms.

Section 4 of the NPPF relates to "Promoting sustainable transport" and encourages developments to be **"located where the need to travel will be minimised and the use of sustainable transport modes can be maximised"**.

Prior to the publication of the NPPF, PPG13: Transport explained that **"walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km"**. Whilst this has now been replaced it is still considered a useful indicator as to what amounts to a reasonable walking distance.

The analysis provided with the planning applications (and referred to above) demonstrates how the location of my clients land provides future residents with the opportunity to access a broad range of services and facilities to cater for their day to day needs (by means other than the private car) which include:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

In respect of additional environmental issues which have been afforded consideration to date by statutory consultees, these matters are perhaps best summarised by referring to the topic area to which no technical objections exist to the development (as evidenced by previous planning committee reports). These are outlined below:

- Landscape and visual;
- Transport / highways;

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- Flood risk & drainage;
- River Mease SAC / SSSI;
- Land contamination and coal mining legacy issues;
- Archaeology / built heritage;
- Ecology / biodiversity;
- Agricultural land;
- Trees / arboriculture; and,
- Residential amenity.

As such it should be considered that the development of my clients land to provide up to 81 dwellings constitutes sustainable development represents an ideal opportunity for an allocation to be made within the Local Plan.

My clients are committed to playing an active role in the preparation of the draft Local Plan and look forward to playing an active role in future consultation, including oral participation at the eventual examination (as may be required). I trust that this letter is useful in refining the policies. If any clarification is required please do not hesitate to contact me.

Yours sincerely

*CS Lindley*

**Christopher Lindley BA (Hons) MSc MRTPI**  
**Director**  
**Development Planning & Design Services Limited**  
[REDACTED]

cc: Mr and Mrs Mansfield

Encs:

Repsonder 47  
47/2/15210 47

Please Reply to: Derby  
Our Ref: CSL/C9772  
Your Ref:  
Date: 12 August 2016



Planning Policy  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

BY EMAIL

Dear Sirs

**Without Prejudice - North West Leicestershire Publication Local Plan Consultation**

I write further to your email dated 7 July 2016 in relation to the above consultation exercise currently being undertaken by your authority. Thank you for the email, the notification of the consultation and the invitation to respond. I have completed a response form, however this letter provides my client's representations.

I am instructed to respond to the consultation by my clients Mr and Mrs Mansfield who own an area of agricultural land at Butt Lane, Blackfordby.

Blackfordby is defined by the emerging Local Plan as a "Sustainable Village". The Village is in the western part of the District, it is close to the border with South Derbyshire and it has strong links to Woodville which is located in South Derbyshire District. My clients are committed to the comprehensive promotion of an area of their land (extending to some 7.4Ha) for residential development of up to 81 units. Please find enclosed a Location Plan and Illustrative Masterplan (as "Enclosure 1").

To date the landholding has been submitted for consideration by the Council as part of the 2014 Strategic Housing Land Availability Assessment (SHLAA). For your information, the site is considered under SHLAA reference "By3" (see "Enclosure 2"). This assessment concludes that the land could deliver housing in the "6-10 year" delivery period.

On this basis, against the context of paragraph 47 (bullet 2 and footnote 12) of the NPPF, this important piece of evidence base for the Local Plan must consider the land to be "developable".

Footnote 12 to paragraph 47 clarifies that "To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged" (my emphasis). My clients submit that their land is not only a developable site for housing, rather it is "deliverable" and is capable of providing housing within the next five years.

In the context of the Local Plan and this particular site, "deliverability" is also a very important concept given the development control position pertaining to this site.

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As officers will no doubt be aware, to establish and further examine the deliverability of the site and its ability to provide housing within the next five years, it has also been promoted through two outline planning applications in recent years. Whilst there has been some opposition from local residents, on both occasions the outline planning applications have received support from officers (under a context of the Council considering it had an adequate housing land supply) and there remains no substantive objection from technical consultees to the development of the site for housing.

The most recent outline planning application which was unfortunately refused (against the professional advice of officers) is subject to an appeal which is to be heard by a Planning Inspector in the coming months. Although these representations are submitted without prejudice to my client's position as part of that Appeal, it is in my opinion vital to note the following:

- The Council has confirmed that it does not intend to defend its position as part of the appeal;
- It has been agreed that the Council's sole reason for refusal has been resolved, this reason for refusal relates to:
  - The principle of the development of the site which is located beyond established limits to development (which in the case of Blackfordby are not proposed to be amended by the publication Local Plan); and,
  - The ability of future residents of the site to gain access to a range of services and facilities by means other than the private car (please note, this matter is also subject to confirmed common ground with the highway authority).
- The Council has also confirmed that the development of my client's landholding would represent "Sustainable Development" and confirmed that planning permission should be granted.

The starting point therefore is that in addition to the Council's own evidence base considering the site to be developable, officers, elected members and technical consultees have with benefit of the information presented to them considered the site to represent "Sustainable Development" and therefore it must be considered "deliverable" in the context of the NPPF.

In line with footnote 11 to paragraph 47 of the NPPF this means that there must be consensus on the following:

1. The site is available for development now;
2. The site offers a suitable location for development now;
3. The development is achievable with a realistic prospect that housing will be delivered within the next 5 years; and,
4. In particular the development of the site is viable.

Also, in confirming that the development represents "Sustainable Development" paragraph 14 of the NPPF is relevant by virtue of it applying the "**presumption in favour of sustainable development**" which is seen as a "golden thread" running through both plan making and decision taking.

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It could therefore not be any clearer that the Government consider plan making and decision taking to be a single entity through which the **"presumption in favour of sustainable development"** is to be applied.

This is further emphasised through paragraph 15 of the NPPF which states that **"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay"** (my emphasis).

Therefore in light of the Council's position (which was settled prior to the approval of the publication local plan for consultation) it is surprising that there is no reference or endorsement of the development of my client's land within the policies or evidence base underpinning the publication local plan.

Given that the Council is satisfied that the development is "sustainable" its ability to provide housing should be recognised within the publication local plan. My client's submit that this should be through a land allocation within Policy H3 and a revision to the proposals maps to ensure that the site is included within the proposed limits to development for Blackfordby.

Notwithstanding this initial position which is advanced on behalf of my clients (and pending an appropriate response from the Council), I am also obliged to examine wider matters and issues relating to the publication Local Plan which relate to its overall soundness.

It is my client's contention that the Local Plan in its current form is unsound when considered against the criteria set out by paragraph 182 of the National Planning Policy Framework (NPPF). In principle this relates to three main considerations, firstly the approach of the Council to the scale of development proposed within policy S1 "future housing and economic development needs" secondly, the adequacy of Policy S2 which provides a "Settlement Hierarchy" and thirdly, the Council's response to meeting needs within policies H1-H3 the "Housing provision" policies. I deal with these in turn below:

#### **Policy S1 "Future housing and economic development needs"**

My clients disagree with both the quantum of housing proposed within the Local Plan and its spatial distribution. The approach to spatial distribution is provided in a response to later policies.

The issue of the amount of housing development proposed within the Local Plan is clearly a matter of great importance, particularly as the Government clearly signals its intention for Local Planning Authorities to **"boost significantly the supply of housing"**, and use their evidence base to meet the **"full objectively assessed needs for market and affordable housing"** (para 47 NPPF).

Paragraphs 182 and 157 of the NPPF also engender the principles of planning **"positively"** to meet these **"objectively assessed"** needs for development along with ensuring that the Local Plans which deliver a response to such needs are **"positively prepared"**, **"justified"**, **"effective"** and **"consistent with national policy"**.

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Firstly, Chapter 5 of the Local Plan clarifies the role of Policy S2 "Future Housing and Economic Development Needs". It clarifies that for housing, the draft Local Plan makes provision for a minimum of 10,400 new homes from 2011-2031. Expressed annually, this is requirement for a minimum of 520 new dwellings each year.

My clients welcome acknowledgement by the Council that it considers its housing requirements as minimum figures, and therefore there will be no quantifiable planning harm arising from exceeding the requirement (provided development is acceptable in all other terms).

However, my clients do object to the quantum of development proposed within the publication Local Plan and the way that it has been derived, particularly as it fails to adequately comply with paragraph 47 of the NPPF which requires Local Plans to meet "**the full objectively assessed needs for market and affordable housing in the housing market area**" (my emphasis).

It is evident from the papers presented to not only the Full Council on 28 June 2016 but also meetings of the Local Plan Advisory Committee prior that serious concerns have been raised by partner authorities within the HMA as to the approach of the Council in deriving its housing land requirement.

These concerns relate to the decision of the Council to proceed with its Local Plan in advance of the publication of joint evidence across the HMA (the HEDNA) which will potentially establish the full objectively assessed needs for market and affordable housing, enable consensus to be reached between the HMA authorities and enable the duty to co-operate to be discharged.

It is of some concern to my client that paragraph 4.11 of the papers to Full Council on 28 June 2016 record the following:

**"Concerns were expressed by Charnwood Borough Council and Oadby and Wigston Borough Council regarding the level of housing requirement. In particular concern has been expressed that:**

- **The proposed housing requirement has been put forward without agreement across the Housing Market Area;**
- **The methodology used to identify the housing requirement could be used by developers to undermine those Councils' own five year supply position;**
- **Alternatively, an increased provision of housing in North West Leicestershire could impact upon the delivery of housing sites elsewhere, specifically the Loughborough Sustainable Urban Extension;**
- **Any (as yet unquantified) impact upon the OAN for the other HMA authorities as set out in the SHMA and MOU need to be understood and agreed across the HMA; and**
- **No consideration has been given as to the possible impact upon affordable housing resulting from a higher housing requirement."**

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It is also of concern to my clients that the officers confirm that **“formal objections [to the plan] will result from some (or all) of the other HMA authorities. It is the view of the other HMA authorities that the only appropriate mechanism for identifying the basis for objectively assessed need is within a strategic housing evidence base (i.e. a SHMA or similar HMA wide study such as the HEDNA referred to previously) and that this should be done collaboratively and that a decision on the NWL Local Plan should therefore be delayed until the HEDNA is published”** (my emphasis).

It is understood that the HEDNA is due to be published around September 2016 and given the short period between now and then, my clients submit that it would be prudent not to progress the Local Plan until the findings of that document are known, its implications fully understood, the issues arising can be addressed with the other HMA authorities through for example an updated Memorandum of Understanding and further consultation can be undertaken.

In these circumstances and for the purposes of this consultation my clients also consider it appropriate to draw attention to the approach to establishing OAN which was successfully advocated by Gladman in evidence presented to the appeal at “Land South of Greenhill Road, Coalville” (ref APP/G2435/W/15/3005052).

In allowing that appeal, the Inspector consider that it would be more appropriate for the Council to adopt a housing target of 637 dwellings per annum (2011-2031). It is not considered necessary to carry out a step by step analysis of that evidence as the Council will be well aware of its content. However, in advance of the HEDNA my clients consider that this housing requirement represents the most recently tested position and should be preferred.

My clients reserve the right to comment further on this matter should the opportunity arise, including through active participation at future hearing sessions.

#### **Policy S2 – Settlement Hierarchy**

My clients consider that the suggested settlement hierarchy and its evidence base is flawed and fails to take full account of particular local circumstances.

Blackfordby is classified as a **“Sustainable Village”**. Policy S2 classifies such settlements as **“Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined limits to development”**.

My clients welcome the classification of Blackfordby as **“Sustainable”**, however they object to revisions to the policy which have now excluded acknowledgement that such settlements are suitable for **“physical extension”**. This means that the Council now fail to properly acknowledge that building beyond pre-existing boundaries is appropriate to accommodate the **“amount of growth”** that in the case of my clients site has been acknowledged to be appropriate.

It is submitted that despite the Council being previously notified of issues “Background Paper 2” which underpins the approach of Policy S2 continues to fail to adequately consider sustainability characteristics and particularly those associated with Blackfordby. As such, this

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has in my opinion influenced the policy to the extent that no specific housing site has been identified to meet future needs within Blackfordby as it has been concluded to have, or provide access to **“a limited range of services and facilities”**.

For example, within Background Paper 2, the assessment pro-forma relating to Blackfordby continues to completely overlook the availability of services and facilities offered by settlements in adjoining authority areas. This point was raised in our previous consultation response which was submitted in November 2015 and requested that the site be allocated.

A response was provided by officers to the Council's Local Plan Advisory Committee through reports presented on 9 March 2016. Within "Table B", in direct response to our previous comments, officers responded to the effect that **“the policy needs to be amended to cover Woodville as this is a unique settlement within the district as it cross [sic] the administrative borders”**. Also with regard to the availability of services and facilities within neighbouring authorities **“it is acknowledged that these services can be nearer to residents than services within North West Leicestershire, as part of the Local Plan South Derbyshire District Council and the other neighbouring authorities have been consulted”**.

However, no such amendment was made to background paper 2, nor subsequently has a revision been made to Policy S2. It is concerning that officers indicate that South Derbyshire District Council has been encouraged to comment upon the settlement hierarchy. The "Duty to Co-Operate Statement" which forms part of the documents underpinning this consultation sets out how the Council have engaged with other authorities such as South Derbyshire District Council (SDDC). Whilst it establishes that SDDC have been engaged in relation to matters such as the River Mease SAC, The National Forest and "Housing Requirements", confirmation of "who has been involved?" in the settlement hierarchy (Policy S2), makes no reference to the involvement of SDDC, despite there being tacit acknowledgement by officers of the specific locational characteristics of Blackfordby.

It remains the case that Blackfordby which is a settlement is located in the western part of the district located within convenient walking distance from the village of Woodville, which is situated within the South Derbyshire District.

Within the adopted Local Plan Part 1 (2016) South Derbyshire District set out the Settlement Hierarchy for the district. The Settlement Hierarchy in South Derbyshire consists of five categories of which the 'Urban Areas' category has a wide range of higher order facilities and services and a large population.

Policy H1 shows that the town of Swandlincote including the village of Woodville is classified as an "Urban Area" and a focus for significant housing growth.

It is suggested that consideration must be had within the local plan for where physical extensions to Sustainable Villages such as Blackfordby can be recognised as sustainable development given the links to services and facilities immediately outside of the existing settlement boundary (such as the employment facility) and services and facilities within convenient walking and cycling distance to sustainable "Urban Areas" in neighbouring authorities.

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To further clarify the links to services and facilities within convenient distance of my clients land enclosed is "Sustainability Technical Note" prepared by Bancroft Consulting and a "Local Facility Proximity Plan" prepared by DPDS. To summarise, these documents (both of which are enclosed with these representations as "Enclosure 3" and "Enclosure 4" demonstrate that the site provides convenient access to the following:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

This matter has been considered previously through the determination of planning applications for residential development. In particular, planning officers concluded that **"a strong case has been made concerning the sustainability of the site"**. Furthermore, as part of ongoing work relating to the planning appeal by my clients, the highways consultant has in close co-operation with the Leicestershire County Council (as highway authority) been able to conclude that:

**"it has been established that the proposed development would comply with standard requirements for access to local bus services, ensuring that local destinations are accessible by a reasonable choice of modes."**

And:

**"It is agreed that the proposals represent sustainable development that could be provided in accordance with current planning policy set out within the National Planning Policy Framework document"**.

And with regard to the Sustainability Technical Note (see Enclosure 1):

**"It is agreed that the findings of the Sustainability Technical Note are robust and reflect established industry good practice and prevailing planning policy"**

This has also been recognised and agreed by officers of North West Leicestershire District Council. Please note, a copy of the SoCG can be provided upon request.

On this basis therefore, it is considered that Blackfordby and my client's land represents a sustainable location for residential development.

It is also telling in this case that the Council does not appear to have fully considered reviewing the Settlement Boundaries associated with Blackfordby in the context of its proposed housing requirement. A report titled 'Limits to Development' was put before the Local Plan Advisory Committee on 9<sup>th</sup> September 2014.

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This report acknowledged that **“although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.”** (DPDS emphasis – source: Paragraph 2.1)

It is therefore again submitted that the boundary of Blackfordby should be reconsidered in acknowledgement of the acknowledged sustainability credentials of my client’s site.

Notwithstanding this it is also important to consider past growth associated with Blackfordby and the implications of failing to ensure it grows in the future. In December 2014, NWLDC planning officers considered (through a report presented to planning committee) the scale of growth proposed by the development of my clients land **“as to understand its potential impact upon the scale and character of the village”**.

It noted the findings of **“the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.”**

Following this officers reported that:

**“there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village”** (my emphasis).

It is further submitted that the Council continue to overlook the fact that Blackfordby has not grown and has capacity to do so. This is highlighted by paragraph 5.20 of the publication Local Plan which states that **“there is already a significant level of provision made through planning permissions”**, given the Council’s own conclusions previously, my clients would suggest this position with regard to Blackfordby is inaccurate.

My clients therefore continue to assert that allocating their land for residential development would not result in a significant increase in housing development within the village and in light with the identified deficiencies in preparing policy S2, an amendment to the plan should be made to positively acknowledge that Blackfordby is suitable for additional growth by the endorsement of my clients site as a housing allocation.

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47/5/13/15  
47/5/13/15

**Policies H1-H3 "Housing provision"**

Chapter 7 of the Local Plan further considers housing and considers the response to meeting the housing requirement (set out in Chapter 5), it clarifies that policy S2 sets out that a minimum of 10,400 new dwellings / 520 per annum will be built 2011-2031.

It is vital that the Local Plan identifies sufficient housing sites to meet its requirements across the plan period to ensure that it remains up to date and a sound basis for decision making. In particular to ensure consistency with the NPPF it is vital that at the point of adoption, the draft Local Plan is able to provide a robust 5 year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF, including an appropriate buffer (of 5% or 20% to reflect past performance in housing delivery). Should the Local Plan not be able to demonstrate this, in the context of paragraph 49 of the NPPF, its housing policies will be immediately out of date.

The Council has published a housing trajectory as an Appendix to the publication Local Plan and it has also published a calculation of 5 year housing land supply within "Background Paper 4".

Both documents have been analysed for the purposes of these representations. It is important to note that no detailed justification has been provided by the Council for assumptions underpinning the inclusion of specific sites within the envisaged housing trajectory, nor has a robust methodology been provided to explain assumptions made upon the deliverability of sites and whether for instance a lapse rate should be applied to components of supply to account for the non-implementation of planning permissions.

This issue has been raised as part of previous consultation responses on behalf of my client and to date the Council has not seen fit to respond to this by providing the information. On this basis therefore my clients reserve the right to further clarify this with the Council as part of future consultation, particularly should further evidence be published by the Council.

On this basis therefore my clients reserve their position in respect of concluding whether a five year housing land supply can be demonstrated. Whilst it is accepted that a housing land supply calculation is a "snapshot" in time, it should be robustly qualified and in the context of a draft plan, particularly if that document is to be shortly submitted to the Secretary of State for examination. It remains the optimal position is for a Council to be able to demonstrate an adequate supply.

In considering the ability of the publication Local Plan to demonstrate an adequate 5 year housing land supply, the starting point should be considering the level of past housing completions against requirements. The Council has repeatedly failed to deliver sufficient housing to meet policy requirements.

In particular from 2006-2011 it failed year on year to meet the requirements of the East Midlands Regional Plan (RSS) accruing a shortfall of some 1,210 dwellings (and only achieving 53% of the dwellings required over that period). Similarly when considered against the annual targets in this publication plan (and its own assumed completions for part of 2015-16), the Council has accrued a shortfall of some 260 dwellings from 2011-2016 when judged against the "520 p.a. requirement").

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This is very concerning and suggests a significant long term problem with housing delivery in North West Leicestershire. Whilst this situation is not unusual it is no excuse for not positively planning for the housing that the District urgently needs and ensuring there is sufficient "headroom" to provide flexibility, choice and competition. In the context of paragraph 47 of the NPPF "there has been a record of persistent under delivery of housing" and a buffer of 20% added to the requirement over the next five years is justified to "ensure choice and competition in the market for land". Despite this matter being very clear it is yet to be accepted by the Council as part of a calculation presented in the 5 year housing land supply as part of Background Paper 4. It is submitted therefore that a 20% buffer is plainly justified and for the sake of consistency and certainty for those seeking to participate in the eventual examination process it should be confirmed by the Council.

Once this has been established, it is possible to undertake a calculation as to housing land supply and understand the number of years supply that may in theory exist. For ease of reference, I have re-based the calculation to March 2016, so that each monitoring year has the correct starting point (I assume that the Council will provide an accurate position on actual rather than assumed completions to March 2016 shortly). This is evidenced below through a series of simple calculations which begin with Scenario 1 (below):

Scenario 1 - Local Plan Requirement (Base date March 2016)				
<i>Calculating the Requirement</i>		<b>No of Dwellings</b>	<i>working Local Plan (includes assumed completions october 2015 - March 2016)</i>	
Annual Requirement 2011-2016		520		
Requirement 2011-2016		2,600		520 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-260		
Residual (gross requirement +- shortfall/ surplus)next 5 years		2,860		520 x 5 + shortfall
Residual including 20% buffer		3,432		e + 20% buffer
Annual requirement over next 5 years		686		f / 5 years
<i>Calculating the Supply</i>				
<b>Supply Source</b>		<b>No of Dwellings</b>	<b>No of Years Supply</b>	<b>Shortfall / Surplus</b>
Planning Permissions inc Res to Grant		3777	5.50	345

Scenario 1 shows that if the Council's own components of supply are accepted then an adequate supply could be demonstrated with a modest oversupply of some 345 dwellings. However, this is without any detailed analysis of components of supply as it is unclear as to how the Council have arrived at supply assumptions. Given the track record of undersupply that has existed, it is very important to be able to assess the assumptions made by the Council.

As mentioned earlier in this letter, Gladman Developments have also considered what should be the appropriate housing land requirement for the District, for the purposes of their evidence, a figure of 637 dwellings per annum was used. As the Council are aware, this was accepted by the Inspector who considered the appeal as a "robust" figure. Scenario 3 presents a calculation of housing land supply based upon that requirement. This is shown overleaf:

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Scenario 2 - Gladman Requirement (Greenhill Road Appeal Approved Requirement)				
<i>Calculating the Requirement</i>		<b>No of Dwellings</b>	<i>working Local Plan (includes assumed completions october 2015 - March 2016)</i>	
Annual Requirement 2011-2016		637		
Requirement 2011-2016		3,185		637 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-845		
Residual (gross requirement +- shortfall/ surplus)next 5 years		4,030		637 x 5 + shortfall
Residual including 20% buffer		4,836		e + 20% buffer
Annual requirement over next 5 years		967		f / 5 years
<i>Calculating the Supply</i>				
<b>Supply Source</b>		<b>No of Dwellings</b>	<b>No of Years Supply</b>	<b>Shortfall / Surplus</b>
Planning Permissions inc Res to Grant		3777	3.91	-1,059

This shows an inadequate housing land supply.

Unfortunately it has not been possible to further analyse the deliverability of the Council's components of supply as no information or commentary has been provided to explain the assumptions behind including or discounting certain sources. Recent experience of Local Plan examinations elsewhere have suggested that this issue is of some interest to Inspectors, particularly where there has been a continual backlog of underperformance in housing completions. Therefore in anticipation of assisting the inspector and ensuring transparency, my client respectfully requests that this information either be provided by the Council by return in response to this letter or published on its website as soon as possible so that it can be fully examined.

Irrespective of this, in light of the calculations above, it is submitted that the approach to housing supply within the draft local plan does not comply with paragraph 47 of the NPPF and therefore it is axiomatic that the policies within (for housing) fail to comply with paragraph 182 of the NPPF. My clients submit that the correct solution is to allocate additional land for housing within the plan to ensure the minimum requirements are met and provide additional headroom where candidate sites are agreed to represent sustainable development. It is submitted that my clients' land is an appropriate location for an allocation for up to 81 dwellings to meet identified needs. The rationale for this and the "planning balance" associated with it is provided in proceeding paragraphs.

### Conclusions and the Planning Balance

In the preceding sections of this letter submissions are made which establish a number of issues with the following matters:

- The quantum of residential development proposed for NWLDC across the plan period;
- The ability of the draft Local Plan to accord with NPPF policy requiring a five year housing land supply to be demonstrated (with appropriate buffer); and,
- The approach to considering sustainability credentials within the settlement hierarchy.

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North West Leicestershire

Arising from these matters, it is submitted that further housing land should be identified within the Local Plan, particularly to cover minimum requirements over the next five years. To understand whether the allocation of my clients land would constitute sustainable development, paragraph 151 and 152 of the NPPF provides further guidance. These paragraphs state:

**“151 . Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.**

**152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”**

On this basis therefore it is applicable to consider how a potential allocation of my clients land would meet the **“economic, social and environmental dimensions of sustainable development”**. As the prospective development of the site has been previously considered through planning applications which have been positively recommended by planning officers, this is a relatively straightforward exercise. Consideration under the three roles to achieving sustainable development is provided below:

#### *Economic Dimension*

Economic benefits arising from the allocation of the land for development would be numerous and should be given weight. To summarise, these benefits include:

- An increase in local employment within the construction industry and the professional services associated with house builders and sales in the short term across the construction phase;
- Increased consumer spending arising from new residents resulting in increased disposable income in the area; and,
- Increased patronage of nearby services and facilities, to support their existence and potential expansion.

#### *Social Dimension*

Social benefits arising from the allocation of the land for development would be also numerous and should be given weight. To summarise, these benefits include:

- Contribution towards meeting housing need at a local level which would contribute towards the wider national objective of boosting “significantly the supply of housing” (without prejudice to the Appellant’s position in relation to the Council’s housing land supply);

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- The provision of (a policy compliant) 30% / 24 no affordable homes which would provide a significant contribution towards meeting the affordable housing needs of the area and weighs heavily in the planning balance (particularly as affordable housing needs identified in Blackfordby in 2012 remain unmet); and,
- The opportunity to secure (through reserved matters) a high quality built environment to foster the development of a vibrant and healthy community.

#### *Environmental Dimension*

With respect to environmental considerations relating to this proposal, these should also be afforded weight.

The primary aspect of the environmental dimension relevant to the potential allocation of the site relates to its locational sustainability and the ability for future residents to gain access to a full range of services and facilities by means other than the private car which is beneficial in environmental terms.

Section 4 of the NPPF relates to "Promoting sustainable transport" and encourages developments to be "**located where the need to travel will be minimised and the use of sustainable transport modes can be maximised**".

Prior to the publication of the NPPF, PPG13: Transport explained that "**walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km**". Whilst this has now been replaced it is still considered a useful indicator as to what amounts to a reasonable walking distance.

The analysis provided with the planning applications (and referred to above) demonstrates how the location of my clients land provides future residents with the opportunity to access a broad range of services and facilities to cater for their day to day needs (by means other than the private car) which include:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

In respect of additional environmental issues which have been afforded consideration to date by statutory consultees, these matters are perhaps best summarised by referring to the topic area to which no technical objections exist to the development (as evidenced by previous planning committee reports). These are outlined below:

- Landscape and visual;
- Transport / highways;

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- Flood risk & drainage;
- River Mease SAC / SSSI;
- Land contamination and coal-mining legacy issues;
- Archaeology / built heritage;
- Ecology / biodiversity;
- Agricultural land;
- Trees / arboriculture; and,
- Residential amenity.

As such it should be considered that the development of my clients land to provide up to 81 dwellings constitutes sustainable development represents an ideal opportunity for an allocation to be made within the Local Plan.

My clients are committed to playing an active role in the preparation of the draft Local Plan and look forward to playing an active role in future consultation, including oral participation at the eventual examination (as may be required). I trust that this letter is useful in refining the policies. If any clarification is required please do not hesitate to contact me.

Yours sincerely

*CS Lindley*

**Christopher Lindley BA (Hons) MSc MRTPI**  
**Director**  
**Development Planning & Design Services Limited**

cc: Mr and Mrs Mansfield

Encs:



Please Reply to: Derby  
Our Ref: CSL/C9772  
Your Ref:  
Date: 12 August 2016



Planning Policy  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

BY EMAIL

Dear Sirs

**Without Prejudice - North West Leicestershire Publication Local Plan Consultation**

I write further to your email dated 7 July 2016 in relation to the above consultation exercise currently being undertaken by your authority. Thank you for the email, the notification of the consultation and the invitation to respond. I have completed a response form, however this letter provides my client's representations.

I am instructed to respond to the consultation by my clients Mr and Mrs Mansfield who own an area of agricultural land at Butt Lane, Blackfordby.

Blackfordby is defined by the emerging Local Plan as a "Sustainable Village". The Village is in the western part of the District, it is close to the border with South Derbyshire and it has strong links to Woodville which is located in South Derbyshire District. My clients are committed to the comprehensive promotion of an area of their land (extending to some 7.4Ha) for residential development of up to 81 units. Please find enclosed a Location Plan and Illustrative Masterplan (as "Enclosure 1").

To date the landholding has been submitted for consideration by the Council as part of the 2014 Strategic Housing Land Availability Assessment (SHLAA). For your information, the site is considered under SHLAA reference "By3" (see "Enclosure 2"). This assessment concludes that the land could deliver housing in the "6-10 year" delivery period.

On this basis, against the context of paragraph 47 (bullet 2 and footnote 12) of the NPPF, this important piece of evidence base for the Local Plan must consider the land to be "developable".

Footnote 12 to paragraph 47 clarifies that "**To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged**" (my emphasis). My clients submit that their land is not only a developable site for housing, rather it is "deliverable" and is capable of providing housing within the next five years.

In the context of the Local Plan and this particular site, "deliverability" is also a very important concept given the development control position pertaining to this site.

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As officers will no doubt be aware, to establish and further examine the deliverability of the site and its ability to provide housing within the next five years, it has also been promoted through two outline planning applications in recent years. Whilst there has been some opposition from local residents, on both occasions the outline planning applications have received support from officers (under a context of the Council considering it had an adequate housing land supply) and there remains no substantive objection from technical consultees to the development of the site for housing.

The most recent outline planning application which was unfortunately refused (against the professional advice of officers) is subject to an appeal which is to be heard by a Planning Inspector in the coming months. Although these representations are submitted without prejudice to my client's position as part of that Appeal, it is in my opinion vital to note the following:

- The Council has confirmed that it does not intend to defend its position as part of the appeal;
- It has been agreed that the Council's sole reason for refusal has been resolved, this reason for refusal relates to:
  - The principle of the development of the site which is located beyond established limits to development (which in the case of Blackfordby are not proposed to be amended by the publication Local Plan); and,
  - The ability of future residents of the site to gain access to a range of services and facilities by means other than the private car (please note, this matter is also subject to confirmed common ground with the highway authority).
- The Council has also confirmed that the development of my client's landholding would represent "Sustainable Development" and confirmed that planning permission should be granted.

The starting point therefore is that in addition to the Council's own evidence base considering the site to be developable, officers, elected members and technical consultees have with benefit of the information presented to them considered the site to represent "Sustainable Development" and therefore it must be considered "deliverable" in the context of the NPPF.

In line with footnote 11 to paragraph 47 of the NPPF this means that there must be consensus on the following:

1. The site is available for development now;
2. The site offers a suitable location for development now;
3. The development is achievable with a realistic prospect that housing will be delivered within the next 5 years; and,
4. In particular the development of the site is viable.

Also, in confirming that the development represents "Sustainable Development" paragraph 14 of the NPPF is relevant by virtue of it applying the "**presumption in favour of sustainable development**" which is seen as a "**golden thread**" running through **both** plan making and decision taking.

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It could therefore not be any clearer that the Government consider plan making and decision taking to be a single entity through which the **"presumption in favour of sustainable development"** is to be applied.

This is further emphasised through paragraph 15 of the NPPF which states that **"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay"** (my emphasis).

Therefore in light of the Council's position (which was settled prior to the approval of the publication local plan for consultation) it is surprising that there is no reference or endorsement of the development of my client's land within the policies or evidence base underpinning the publication local plan.

Given that the Council is satisfied that the development is "sustainable" its ability to provide housing should be recognised within the publication local plan. My client's submit that this should be through a land allocation within Policy H3 and a revision to the proposals maps to ensure that the site is included within the proposed limits to development for Blackfordby.

Notwithstanding this initial position which is advanced on behalf of my clients (and pending an appropriate response from the Council), I am also obliged to examine wider matters and issues relating to the publication Local Plan which relate to its overall soundness.

It is my client's contention that the Local Plan in its current form is unsound when considered against the criteria set out by paragraph 182 of the National Planning Policy Framework (NPPF). In principle this relates to three main considerations, firstly the approach of the Council to the scale of development proposed within policy S1 "future housing and economic development needs" secondly, the adequacy of Policy S2 which provides a "Settlement Hierarchy" and thirdly, the Council's response to meeting needs within policies H1-H3 the "Housing provision" policies. I deal with these in turn below:

#### **Policy S1 "Future housing and economic development needs"**

My clients disagree with both the quantum of housing proposed within the Local Plan and its spatial distribution. The approach to spatial distribution is provided in a response to later policies.

The issue of the amount of housing development proposed within the Local Plan is clearly a matter of great importance, particularly as the Government clearly signals its intention for Local Planning Authorities to **"boost significantly the supply of housing"**, and use their evidence base to meet the **"full objectively assessed needs for market and affordable housing"** (para 47 NPPF).

Paragraphs 182 and 157 of the NPPF also engender the principles of planning **"positively"** to meet these **"objectively assessed"** needs for development along with ensuring that the Local Plans which deliver a response to such needs are **"positively prepared"**, **"justified"**, **"effective"** and **"consistent with national policy"**.

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Firstly, Chapter 5 of the Local Plan clarifies the role of Policy S2 "Future Housing and Economic Development Needs". It clarifies that for housing, the draft Local Plan makes provision for a minimum of 10,400 new homes from 2011-2031. Expressed annually, this is requirement for a minimum of 520 new dwellings each year.

My clients welcome acknowledgement by the Council that it considers its housing requirements as minimum figures, and therefore there will be no quantifiable planning harm arising from exceeding the requirement (provided development is acceptable in all other terms).

However, my clients do object to the quantum of development proposed within the publication Local Plan and the way that it has been derived, particularly as it fails to adequately comply with paragraph 47 of the NPPF which requires Local Plans to meet "**the full objectively assessed needs for market and affordable housing in the housing market area**" (my emphasis).

It is evident from the papers presented to not only the Full Council on 28 June 2016 but also meetings of the Local Plan Advisory Committee prior that serious concerns have been raised by partner authorities within the HMA as to the approach of the Council in deriving its housing land requirement.

These concerns relate to the decision of the Council to proceed with its Local Plan in advance of the publication of joint evidence across the HMA (the HEDNA) which will potentially establish the full objectively assessed needs for market and affordable housing, enable consensus to be reached between the HMA authorities and enable the duty to co-operate to be discharged.

It is of some concern to my client that paragraph 4.11 of the papers to Full Council on 28 June 2016 record the following:

**"Concerns were expressed by Charnwood Borough Council and Oadby and Wigston Borough Council regarding the level of housing requirement. In particular concern has been expressed that:**

- **The proposed housing requirement has been put forward without agreement across the Housing Market Area;**
- **The methodology used to identify the housing requirement could be used by developers to undermine those Councils' own five year supply position;**
- **Alternatively, an increased provision of housing in North West Leicestershire could impact upon the delivery of housing sites elsewhere, specifically the Loughborough Sustainable Urban Extension;**
- **Any (as yet unquantified) impact upon the OAN for the other HMA authorities as set out in the SHMA and MOU need to be understood and agreed across the HMA; and**
- **No consideration has been given as to the possible impact upon affordable housing resulting from a higher housing requirement."**

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It is also of concern to my clients that the officers confirm that **“formal objections [to the plan] will result from some (or all) of the other HMA authorities. It is the view of the other HMA authorities that the only appropriate mechanism for identifying the basis for objectively assessed need is within a strategic housing evidence base (i.e. a SHMA or similar HMA wide study such as the HEDNA referred to previously) and that this should be done collaboratively and that a decision on the NWL Local Plan should therefore be delayed until the HEDNA is published”** (my emphasis).

It is understood that the HEDNA is due to be published around September 2016 and given the short period between now and then, my clients submit that it would be prudent not to progress the Local Plan until the findings of that document are known, its implications fully understood, the issues arising can be addressed with the other HMA authorities through for example an updated Memorandum of Understanding and further consultation can be undertaken.

In these circumstances and for the purposes of this consultation my clients also consider it appropriate to draw attention to the approach to establishing OAN which was successfully advocated by Gladman in evidence presented to the appeal at “Land South of Greenhill Road, Coalville” (ref APP/G2435/W/15/3005052).

In allowing that appeal, the Inspector consider that it would be more appropriate for the Council to adopt a housing target of 637 dwellings per annum (2011-2031). It is not considered necessary to carry out a step by step analysis of that evidence as the Council will be well aware of its content. However, in advance of the HEDNA my clients consider that this housing requirement represents the most recently tested position and should be preferred.

My clients reserve the right to comment further on this matter should the opportunity arise, including through active participation at future hearing sessions.

#### **Policy S2 – Settlement Hierarchy**

My clients consider that the suggested settlement hierarchy and its evidence base is flawed and fails to take full account of particular local circumstances.

Blackfordby is classified as a **“Sustainable Village”**. Policy S2 classifies such settlements as **“Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined limits to development”**.

My clients welcome the classification of Blackfordby as **“Sustainable”**, however they object to revisions to the policy which have now excluded acknowledgement that such settlements are suitable for **“physical extension”**. This means that the Council now fail to properly acknowledge that building beyond pre-existing boundaries is appropriate to accommodate the **“amount of growth”** that in the case of my clients site has been acknowledged to be appropriate.

It is submitted that despite the Council being previously notified of issues “Background Paper 2” which underpins the approach of Policy S2 continues to fail to adequately consider sustainability characteristics and particularly those associated with Blackfordby. As such, this

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has in my opinion influenced the policy to the extent that no specific housing site has been identified to meet future needs within Blackfordby as it has been concluded to have, or provide access to **“a limited range of services and facilities”**.

For example, within Background Paper 2, the assessment pro-forma relating to Blackfordby continues to completely overlook the availability of services and facilities offered by settlements in adjoining authority areas. This point was raised in our previous consultation response which was submitted in November 2015 and requested that the site be allocated.

A response was provided by officers to the Council's Local Plan Advisory Committee through reports presented on 9 March 2016. Within "Table B", in direct response to our previous comments, officers responded to the effect that **“the policy needs to be amended to cover Woodville as this is a unique settlement within the district as it cross [sic] the administrative borders”**. Also with regard to the availability of services and facilities within neighbouring authorities **“it is acknowledged that these services can be nearer to residents than services within North West Leicestershire, as part of the Local Plan South Derbyshire District Council and the other neighbouring authorities have been consulted”**.

However, no such amendment was made to background paper 2, nor subsequently has a revision been made to Policy S2. It is concerning that officers indicate that South Derbyshire District Council has been encouraged to comment upon the settlement hierarchy. The "Duty to Co-Operate Statement" which forms part of the documents underpinning this consultation sets out how the Council have engaged with other authorities such as South Derbyshire District Council (SDDC). Whilst it establishes that SDDC have been engaged in relation to matters such as the River Mease SAC, The National Forest and "Housing Requirements", confirmation of "who has been involved?" in the settlement hierarchy (Policy S2), makes no reference to the involvement of SDDC, despite there being tacit acknowledgement by officers of the specific locational characteristics of Blackfordby.

It remains the case that Blackfordby which is a settlement is located in the western part of the district located within convenient walking distance from the village of Woodville, which is situated within the South Derbyshire District.

Within the adopted Local Plan Part 1 (2016) South Derbyshire District set out the Settlement Hierarchy for the district. The Settlement Hierarchy in South Derbyshire consists of five categories of which the 'Urban Areas' category has a wide range of higher order facilities and services and a large population.

Policy H1 shows that the town of Swandlincote including the village of Woodville is classified as an "Urban Area" and a focus for significant housing growth.

It is suggested that consideration must be had within the local plan for where physical extensions to Sustainable Villages such as Blackfordby can be recognised as sustainable development given the links to services and facilities immediately outside of the existing settlement boundary (such as the employment facility) and services and facilities within convenient walking and cycling distance to sustainable "Urban Areas" in neighbouring authorities.

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To further clarify the links to services and facilities within convenient distance of my clients land enclosed is "Sustainability Technical Note" prepared by Bancroft Consulting and a "Local Facility Proximity Plan" prepared by DPDS. To summarise, these documents (both of which are enclosed with these representations as "Enclosure 3" and "Enclosure 4" demonstrate that the site provides convenient access to the following:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

This matter has been considered previously through the determination of planning applications for residential development. In particular, planning officers concluded that **"a strong case has been made concerning the sustainability of the site"**. Furthermore, as part of ongoing work relating to the planning appeal by my clients, the highways consultant has in close co-operation with the Leicestershire County Council (as highway authority) been able to conclude that:

**"it has been established that the proposed development would comply with standard requirements for access to local bus services, ensuring that local destinations are accessible by a reasonable choice of modes."**

And:

**"It is agreed that the proposals represent sustainable development that could be provided in accordance with current planning policy set out within the National Planning Policy Framework document"**.

And with regard to the Sustainability Technical Note (see Enclosure 1):

**"It is agreed that the findings of the Sustainability Technical Note are robust and reflect established industry good practice and prevailing planning policy"**

This has also been recognised and agreed by officers of North West Leicestershire District Council. Please note, a copy of the SoCG can be provided upon request.

On this basis therefore, it is considered that Blackfordby and my client's land represents a sustainable location for residential development.

It is also telling in this case that the Council does not appear to have fully considered reviewing the Settlement Boundaries associated with Blackfordby in the context of its proposed housing requirement. A report titled 'Limits to Development' was put before the Local Plan Advisory Committee on 9<sup>th</sup> September 2014.

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This report acknowledged that **“although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.”** (DPDS emphasis – source: Paragraph 2.1)

It is therefore again submitted that the boundary of Blackfordby should be reconsidered in acknowledgement of the acknowledged sustainability credentials of my client’s site.

Notwithstanding this it is also important to consider past growth associated with Blackfordby and the implications of failing to ensure it grows in the future. In December 2014, NWLDC planning officers considered (through a report presented to planning committee) the scale of growth proposed by the development of my clients land **“as to understand its potential impact upon the scale and character of the village”**.

It noted the findings of **“the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.”**

Following this officers reported that:

**“there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village”** (my emphasis).

It is further submitted that the Council continue to overlook the fact that Blackfordby has not grown and has capacity to do so. This is highlighted by paragraph 5.20 of the publication Local Plan which states that **“there is already a significant level of provision made through planning permissions”**, given the Council’s own conclusions previously, my clients would suggest this position with regard to Blackfordby is inaccurate.

My clients therefore continue to assert that allocating their land for residential development would not result in a significant increase in housing development within the village and in light with the identified deficiencies in preparing policy S2, an amendment to the plan should be made to positively acknowledge that Blackfordby is suitable for additional growth by the endorsement of my clients site as a housing allocation.

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**Policies H1-H3 "Housing provision"**

Chapter 7 of the Local Plan further considers housing and considers the response to meeting the housing requirement (set out in Chapter 5), it clarifies that policy S2 sets out that a minimum of 10,400 new dwellings / 520 per annum will be built 2011-2031.

It is vital that the Local Plan identifies sufficient housing sites to meet its requirements across the plan period to ensure that it remains up to date and a sound basis for decision making. In particular to ensure consistency with the NPPF it is vital that at the point of adoption, the draft Local Plan is able to provide a robust 5 year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF, including an appropriate buffer (of 5% or 20% to reflect past performance in housing delivery). Should the Local Plan not be able to demonstrate this, in the context of paragraph 49 of the NPPF, its housing policies will be immediately out of date.

The Council has published a housing trajectory as an Appendix to the publication Local Plan and it has also published a calculation of 5 year housing land supply within "Background Paper 4".

Both documents have been analysed for the purposes of these representations. It is important to note that no detailed justification has been provided by the Council for assumptions underpinning the inclusion of specific sites within the envisaged housing trajectory, nor has a robust methodology been provided to explain assumptions made upon the deliverability of sites and whether for instance a lapse rate should be applied to components of supply to account for the non-implementation of planning permissions.

This issue has been raised as part of previous consultation responses on behalf of my client and to date the Council has not seen fit to respond to this by providing the information. On this basis therefore my clients reserve the right to further clarify this with the Council as part of future consultation, particularly should further evidence be published by the Council.

On this basis therefore my clients reserve their position in respect of concluding whether a five year housing land supply can be demonstrated. Whilst it is accepted that a housing land supply calculation is a "snapshot" in time, it should be robustly qualified and in the context of a draft plan, particularly if that document is to be shortly submitted to the Secretary of State for examination. It remains the optimal position is for a Council to be able to demonstrate an adequate supply.

In considering the ability of the publication Local Plan to demonstrate an adequate 5 year housing land supply, the starting point should be considering the level of past housing completions against requirements. The Council has repeatedly failed to deliver sufficient housing to meet policy requirements.

In particular from 2006-2011 it failed year on year to meet the requirements of the East Midlands Regional Plan (RSS) accruing a shortfall of some 1,210 dwellings (and only achieving 53% of the dwellings required over that period). Similarly when considered against the annual targets in this publication plan (and its own assumed completions for part of 2015-16), the Council has accrued a shortfall of some 260 dwellings from 2011-2016 when judged against the "520 p.a. requirement").

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This is very concerning and suggests a significant long term problem with housing delivery in North West Leicestershire. Whilst this situation is not unusual it is no excuse for not positively planning for the housing that the District urgently needs and ensuring there is sufficient "headroom" to provide flexibility, choice and competition. In the context of paragraph 47 of the NPPF "there has been a record of persistent under delivery of housing" and a buffer of 20% added to the requirement over the next five years is justified to "ensure choice and competition in the market for land". Despite this matter being very clear it is yet to be accepted by the Council as part of a calculation presented in the 5 year housing land supply as part of Background Paper 4. It is submitted therefore that a 20% buffer is plainly justified and for the sake of consistency and certainty for those seeking to participate in the eventual examination process it should be confirmed by the Council.

Once this has been established, it is possible to undertake a calculation as to housing land supply and understand the number of years supply that may in theory exist. For ease of reference, I have re-based the calculation to March 2016, so that each monitoring year has the correct starting point (I assume that the Council will provide an accurate position on actual rather than assumed completions to March 2016 shortly). This is evidenced below through a series of simple calculations which begin with Scenario 1 (below):

Scenario 1 - Local Plan Requirement (Base date March 2016)				
<i>Calculating the Requirement</i>		No of Dwellings	<i>working</i>	
			<i>Local Plan</i>	
			<i>(includes assumed</i>	
			<i>completions</i>	
			<i>october 2015 -</i>	
			<i>March 2016</i>	
Annual Requirement 2011-2016		520		
Requirement 2011-2016		2,600		520 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-260		
Residual (gross requirement +/- shortfall/ surplus)next 5 years		2,860		520 x 5 + shortfall
Residual including 20% buffer		3,432		e + 20% buffer
Annual requirement over next 5 years		686		f / 5 years
<i>Calculating the Supply</i>				
Supply Source		No of Dwellings	No of Years Supply	Shortfall / Surplus
Planning Permissions inc Res to Grant		3777	5.50	345

Scenario 1 shows that if the Council's own components of supply are accepted then an adequate supply could be demonstrated with a modest oversupply of some 345 dwellings. However, this is without any detailed analysis of components of supply as it is unclear as to how the Council have arrived at supply assumptions. Given the track record of undersupply that has existed, it is very important to be able to assess the assumptions made by the Council.

As mentioned earlier in this letter, Gladman Developments have also considered what should be the appropriate housing land requirement for the District, for the purposes of their evidence, a figure of 637 dwellings per annum was used. As the Council are aware, this was accepted by the Inspector who considered the appeal as a "robust" figure. Scenario 3 presents a calculation of housing land supply based upon that requirement. This is shown overleaf:

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Scenario 2 - Gladman Requirement (Greenhill Road Appeal Approved Requirement)				
<i>Calculating the Requirement</i>		<b>No of Dwellings</b>	<i>working</i>	
			<i>Local Plan</i>	
			<i>(includes assumed</i>	
			<i>completions</i>	
			<i>october 2015 -</i>	
			<i>March 2016</i>	
Annual Requirement 2011-2016		637		
Requirement 2011-2016		3,185		<i>637 x 4</i>
Completions 2011-2016		2,340		
Shortfall / Surplus		-845		
Residual (gross requirement +/- shortfall/ surplus)next 5 years		4,030		<i>637 x 5 + shortfall</i>
Residual including 20% buffer		4,836		<i>e + 20% buffer</i>
Annual requirement over next 5 years		967		<i>f / 5 years</i>
<i>Calculating the Supply</i>				
<b>Supply Source</b>		<b>No of Dwellings</b>	<b>No of Years Supply</b>	<b>Shortfall / Surplus</b>
Planning Permissions inc Res to Grant		3777	3.91	-1,059

This shows an inadequate housing land supply.

Unfortunately it has not been possible to further analyse the deliverability of the Council's components of supply as no information or commentary has been provided to explain the assumptions behind including or discounting certain sources. Recent experience of Local Plan examinations elsewhere have suggested that this issue is of some interest to Inspectors, particularly where there has been a continual backlog of underperformance in housing completions. Therefore in anticipation of assisting the inspector and ensuring transparency, my client respectfully requests that this information either be provided by the Council by return in response to this letter or published on its website as soon as possible so that it can be fully examined.

Irrespective of this, in light of the calculations above, it is submitted that the approach to housing supply within the draft local plan does not comply with paragraph 47 of the NPPF and therefore it is axiomatic that the policies within (for housing) fail to comply with paragraph 182 of the NPPF. My clients submit that the correct solution is to allocate additional land for housing within the plan to ensure the minimum requirements are met and provide additional headroom where candidate sites are agreed to represent sustainable development. It is submitted that my clients' land is an appropriate location for an allocation for up to 81 dwellings to meet identified needs. The rationale for this and the "planning balance" associated with it is provided in proceeding paragraphs.

### Conclusions and the Planning Balance

In the preceding sections of this letter submissions are made which establish a number of issues with the following matters:

- The quantum of residential development proposed for NWLDC across the plan period;
- The ability of the draft Local Plan to accord with NPPF policy requiring a five year housing land supply to be demonstrated (with appropriate buffer); and,
- The approach to considering sustainability credentials within the settlement hierarchy.

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Arising from these matters, it is submitted that further housing land should be identified within the Local Plan, particularly to cover minimum requirements over the next five years. To understand whether the allocation of my clients land would constitute sustainable development, paragraph 151 and 152 of the NPPF provides further guidance. These paragraphs state:

**“151 . Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.**

**152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”**

On this basis therefore it is applicable to consider how a potential allocation of my clients land would meet the **“economic, social and environmental dimensions of sustainable development”**. As the prospective development of the site has been previously considered through planning applications which have been positively recommended by planning officers, this is a relatively straightforward exercise. Consideration under the three roles to achieving sustainable development is provided below:

#### *Economic Dimension*

Economic benefits arising from the allocation of the land for development would be numerous and should be given weight. To summarise, these benefits include:

- An increase in local employment within the construction industry and the professional services associated with house builders and sales in the short term across the construction phase;
- Increased consumer spending arising from new residents resulting in increased disposable income in the area; and,
- Increased patronage of nearby services and facilities, to support their existence and potential expansion.

#### *Social Dimension*

Social benefits arising from the allocation of the land for development would be also numerous and should be given weight. To summarise, these benefits include:

- Contribution towards meeting housing need at a local level which would contribute towards the wider national objective of boosting “significantly the supply of housing” (without prejudice to the Appellant’s position in relation to the Council’s housing land supply);

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- The provision of (a policy compliant) 30% / 24 no affordable homes which would provide a significant contribution towards meeting the affordable housing needs of the area and weighs heavily in the planning balance (particularly as affordable housing needs identified in Blackfordby in 2012 remain unmet); and,
- The opportunity to secure (through reserved matters) a high quality built environment to foster the development of a vibrant and healthy community.

#### *Environmental Dimension*

With respect to environmental considerations relating to this proposal, these should also be afforded weight.

The primary aspect of the environmental dimension relevant to the potential allocation of the site relates to its locational sustainability and the ability for future residents to gain access to a full range of services and facilities by means other than the private car which is beneficial in environmental terms.

Section 4 of the NPPF relates to "Promoting sustainable transport" and encourages developments to be "**located where the need to travel will be minimised and the use of sustainable transport modes can be maximised**".

Prior to the publication of the NPPF, PPG13: Transport explained that "**walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km**". Whilst this has now been replaced it is still considered a useful indicator as to what amounts to a reasonable walking distance.

The analysis provided with the planning applications (and referred to above) demonstrates how the location of my clients land provides future residents with the opportunity to access a broad range of services and facilities to cater for their day to day needs (by means other than the private car) which include:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

In respect of additional environmental issues which have been afforded consideration to date by statutory consultees, these matters are perhaps best summarised by referring to the topic area to which no technical objections exist to the development (as evidenced by previous planning committee reports). These are outlined below:

- Landscape and visual;
- Transport / highways;

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- Flood risk & drainage;
- River Mease SAC / SSSI;
- Land contamination and coal mining legacy issues;
- Archaeology / built heritage;
- Ecology / biodiversity;
- Agricultural land;
- Trees / arboriculture; and,
- Residential amenity.

As such it should be considered that the development of my clients land to provide up to 81 dwellings constitutes sustainable development represents an ideal opportunity for an allocation to be made within the Local Plan.

My clients are committed to playing an active role in the preparation of the draft Local Plan and look forward to playing an active role in future consultation, including oral participation at the eventual examination (as may be required). I trust that this letter is useful in refining the policies. If any clarification is required please do not hesitate to contact me.

Yours sincerely

*CS Lindley*

**Christopher Lindley BA (Hons) MSc MRTPI**  
**Director**  
**Development Planning & Design Services Limited**

cc: Mr and Mrs Mansfield

Encs:

Representer 47  
47/4/142/10

Please Reply to: Derby  
Our Ref: CSL/C9772  
Your Ref:  
Date: 12 August 2016



Planning Policy  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

BY EMAIL

Dear Sirs

**Without Prejudice - North West Leicestershire Publication Local Plan Consultation**

I write further to your email dated 7 July 2016 in relation to the above consultation exercise currently being undertaken by your authority. Thank you for the email, the notification of the consultation and the invitation to respond. I have completed a response form, however this letter provides my client's representations.

I am instructed to respond to the consultation by my clients Mr and Mrs Mansfield who own an area of agricultural land at Butt Lane, Blackfordby.

Blackfordby is defined by the emerging Local Plan as a "Sustainable Village". The Village is in the western part of the District, it is close to the border with South Derbyshire and it has strong links to Woodville which is located in South Derbyshire District. My clients are committed to the comprehensive promotion of an area of their land (extending to some 7.4Ha) for residential development of up to 81 units. Please find enclosed a Location Plan and Illustrative Masterplan (as "Enclosure 1").

To date the landholding has been submitted for consideration by the Council as part of the 2014 Strategic Housing Land Availability Assessment (SHLAA). For your information, the site is considered under SHLAA reference "By3" (see "Enclosure 2"). This assessment concludes that the land could deliver housing in the "6-10 year" delivery period.

On this basis, against the context of paragraph 47 (bullet 2 and footnote 12) of the NPPF, this important piece of evidence base for the Local Plan must consider the land to be "developable".

Footnote 12 to paragraph 47 clarifies that "**To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged**" (my emphasis). My clients submit that their land is not only a developable site for housing, rather it is "deliverable" and is capable of providing housing within the next five years.

In the context of the Local Plan and this particular site, "deliverability" is also a very important concept given the development control position pertaining to this site.

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As officers will no doubt be aware, to establish and further examine the deliverability of the site and its ability to provide housing within the next five years, it has also been promoted through two outline planning applications in recent years. Whilst there has been some opposition from local residents, on both occasions the outline planning applications have received support from officers (under a context of the Council considering it had an adequate housing land supply) and there remains no substantive objection from technical consultees to the development of the site for housing.

The most recent outline planning application which was unfortunately refused (against the professional advice of officers) is subject to an appeal which is to be heard by a Planning Inspector in the coming months. Although these representations are submitted without prejudice to my client's position as part of that Appeal, it is in my opinion vital to note the following:

- The Council has confirmed that it does not intend to defend its position as part of the appeal;
- It has been agreed that the Council's sole reason for refusal has been resolved, this reason for refusal relates to:
  - The principle of the development of the site which is located beyond established limits to development (which in the case of Blackfordby are not proposed to be amended by the publication Local Plan); and,
  - The ability of future residents of the site to gain access to a range of services and facilities by means other than the private car (please note, this matter is also subject to confirmed common ground with the highway authority).
- The Council has also confirmed that the development of my client's landholding would represent "Sustainable Development" and confirmed that planning permission should be granted.

The starting point therefore is that in addition to the Council's own evidence base considering the site to be developable, officers, elected members and technical consultees have with benefit of the information presented to them considered the site to represent "Sustainable Development" and therefore it must be considered "deliverable" in the context of the NPPF.

In line with footnote 11 to paragraph 47 of the NPPF this means that there must be consensus on the following:

1. The site is available for development now;
2. The site offers a suitable location for development now;
3. The development is achievable with a realistic prospect that housing will be delivered within the next 5 years; and,
4. In particular the development of the site is viable.

Also, in confirming that the development represents "Sustainable Development" paragraph 14 of the NPPF is relevant by virtue of it applying the "presumption in favour of sustainable development" which is seen as a "golden thread" running through both plan making and decision taking.



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It could therefore not be any clearer that the Government consider plan making and decision taking to be a single entity through which the **"presumption in favour of sustainable development"** is to be applied.

This is further emphasised through paragraph 15 of the NPPF which states that **"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay"** (my emphasis).

Therefore in light of the Council's position (which was settled prior to the approval of the publication local plan for consultation) it is surprising that there is no reference or endorsement of the development of my client's land within the policies or evidence base underpinning the publication local plan.

Given that the Council is satisfied that the development is "sustainable" its ability to provide housing should be recognised within the publication local plan. My client's submit that this should be through a land allocation within Policy H3 and a revision to the proposals maps to ensure that the site is included within the proposed limits to development for Blackfordby.

Notwithstanding this initial position which is advanced on behalf of my clients (and pending an appropriate response from the Council), I am also obliged to examine wider matters and issues relating to the publication Local Plan which relate to its overall soundness.

It is my client's contention that the Local Plan in its current form is unsound when considered against the criteria set out by paragraph 182 of the National Planning Policy Framework (NPPF). In principle this relates to three main considerations, firstly the approach of the Council to the scale of development proposed within policy S1 "future housing and economic development needs" secondly, the adequacy of Policy S2 which provides a "Settlement Hierarchy" and thirdly, the Council's response to meeting needs within policies H1-H3 the "Housing provision" policies. I deal with these in turn below:

#### **Policy S1 "Future housing and economic development needs"**

My clients disagree with both the quantum of housing proposed within the Local Plan and its spatial distribution. The approach to spatial distribution is provided in a response to later policies.

The issue of the amount of housing development proposed within the Local Plan is clearly a matter of great importance, particularly as the Government clearly signals its intention for Local Planning Authorities to **"boost significantly the supply of housing"**, and use their evidence base to meet the **"full objectively assessed needs for market and affordable housing"** (para 47 NPPF).

Paragraphs 182 and 157 of the NPPF also engender the principles of planning **"positively"** to meet these **"objectively assessed"** needs for development along with ensuring that the Local Plans which deliver a response to such needs are **"positively prepared"**, **"justified"**, **"effective"** and **"consistent with national policy"**.

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Firstly, Chapter 5 of the Local Plan clarifies the role of Policy S2 "Future Housing and Economic Development Needs". It clarifies that for housing, the draft Local Plan makes provision for a minimum of 10,400 new homes from 2011-2031. Expressed annually, this is requirement for a minimum of 520 new dwellings each year.

My clients welcome acknowledgement by the Council that it considers its housing requirements as minimum figures, and therefore there will be no quantifiable planning harm arising from exceeding the requirement (provided development is acceptable in all other terms).

However, my clients do object to the quantum of development proposed within the publication Local Plan and the way that it has been derived, particularly as it fails to adequately comply with paragraph 47 of the NPPF which requires Local Plans to meet "**the full objectively assessed needs for market and affordable housing in the housing market area**" (my emphasis).

It is evident from the papers presented to not only the Full Council on 28 June 2016 but also meetings of the Local Plan Advisory Committee prior that serious concerns have been raised by partner authorities within the HMA as to the approach of the Council in deriving its housing land requirement.

These concerns relate to the decision of the Council to proceed with its Local Plan in advance of the publication of joint evidence across the HMA (the HEDNA) which will potentially establish the full objectively assessed needs for market and affordable housing, enable consensus to be reached between the HMA authorities and enable the duty to co-operate to be discharged.

It is of some concern to my client that paragraph 4.11 of the papers to Full Council on 28 June 2016 record the following:

**"Concerns were expressed by Charnwood Borough Council and Oadby and Wigston Borough Council regarding the level of housing requirement. In particular concern has been expressed that:**

- **The proposed housing requirement has been put forward without agreement across the Housing Market Area;**
- **The methodology used to identify the housing requirement could be used by developers to undermine those Councils' own five year supply position;**
- **Alternatively, an increased provision of housing in North West Leicestershire could impact upon the delivery of housing sites elsewhere, specifically the Loughborough Sustainable Urban Extension;**
- **Any (as yet unquantified) impact upon the OAN for the other HMA authorities as set out in the SHMA and MOU need to be understood and agreed across the HMA; and**
- **No consideration has been given as to the possible impact upon affordable housing resulting from a higher housing requirement."**

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It is also of concern to my clients that the officers confirm that **“formal objections [to the plan] will result from some (or all) of the other HMA authorities. It is the view of the other HMA authorities that the only appropriate mechanism for identifying the basis for objectively assessed need is within a strategic housing evidence base (i.e. a SHMA or similar HMA wide study such as the HEDNA referred to previously) and that this should be done collaboratively and that a decision on the NWL Local Plan should therefore be delayed until the HEDNA is published”** (my emphasis).

It is understood that the HEDNA is due to be published around September 2016 and given the short period between now and then, my clients submit that it would be prudent not to progress the Local Plan until the findings of that document are known, its implications fully understood, the issues arising can be addressed with the other HMA authorities through for example an updated Memorandum of Understanding and further consultation can be undertaken.

In these circumstances and for the purposes of this consultation my clients also consider it appropriate to draw attention to the approach to establishing OAN which was successfully advocated by Gladman in evidence presented to the appeal at “Land South of Greenhill Road, Coalville” (ref APP/G2435/W/15/3005052).

In allowing that appeal, the Inspector consider that it would be more appropriate for the Council to adopt a housing target of 637 dwellings per annum (2011-2031). It is not considered necessary to carry out a step by step analysis of that evidence as the Council will be well aware of its content. However, in advance of the HEDNA my clients consider that this housing requirement represents the most recently tested position and should be preferred.

My clients reserve the right to comment further on this matter should the opportunity arise, including through active participation at future hearing sessions.

#### **Policy S2 – Settlement Hierarchy**

My clients consider that the suggested settlement hierarchy and its evidence base is flawed and fails to take full account of particular local circumstances.

Blackfordby is classified as a **“Sustainable Village”**. Policy S2 classifies such settlements as **“Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined limits to development”**.

My clients welcome the classification of Blackfordby as **“Sustainable”**, however they object to revisions to the policy which have now excluded acknowledgement that such settlements are suitable for **“physical extension”**. This means that the Council now fail to properly acknowledge that building beyond pre-existing boundaries is appropriate to accommodate the **“amount of growth”** that in the case of my clients site has been acknowledged to be appropriate.

It is submitted that despite the Council being previously notified of issues “Background Paper 2” which underpins the approach of Policy S2 continues to fail to adequately consider sustainability characteristics and particularly those associated with Blackfordby. As such, this

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has in my opinion influenced the policy to the extent that no specific housing site has been identified to meet future needs within Blackfordby as it has been concluded to have, or provide access to **“a limited range of services and facilities”**.

For example, within Background Paper 2, the assessment pro-forma relating to Blackfordby continues to completely overlook the availability of services and facilities offered by settlements in adjoining authority areas. This point was raised in our previous consultation response which was submitted in November 2015 and requested that the site be allocated.

A response was provided by officers to the Council's Local Plan Advisory Committee through reports presented on 9 March 2016. Within "Table B", in direct response to our previous comments, officers responded to the effect that **“the policy needs to be amended to cover Woodville as this is a unique settlement within the district as it cross [sic] the administrative borders”**. Also with regard to the availability of services and facilities within neighbouring authorities **“it is acknowledged that these services can be nearer to residents than services within North West Leicestershire, as part of the Local Plan South Derbyshire District Council and the other neighbouring authorities have been consulted”**.

However, no such amendment was made to background paper 2, nor subsequently has a revision been made to Policy S2. It is concerning that officers indicate that South Derbyshire District Council has been encouraged to comment upon the settlement hierarchy. The "Duty to Co-Operate Statement" which forms part of the documents underpinning this consultation sets out how the Council have engaged with other authorities such as South Derbyshire District Council (SDDC). Whilst it establishes that SDDC have been engaged in relation to matters such as the River Mease SAC, The National Forest and "Housing Requirements", confirmation of "who has been involved?" in the settlement hierarchy (Policy S2), makes no reference to the involvement of SDDC, despite there being tacit acknowledgement by officers of the specific locational characteristics of Blackfordby.

It remains the case that Blackfordby which is a settlement is located in the western part of the district located within convenient walking distance from the village of Woodville, which is situated within the South Derbyshire District.

Within the adopted Local Plan Part 1 (2016) South Derbyshire District set out the Settlement Hierarchy for the district. The Settlement Hierarchy in South Derbyshire consists of five categories of which the 'Urban Areas' category has a wide range of higher order facilities and services and a large population.

Policy H1 shows that the town of Swandlincote including the village of Woodville is classified as an "Urban Area" and a focus for significant housing growth.

It is suggested that consideration must be had within the local plan for where physical extensions to Sustainable Villages such as Blackfordby can be recognised as sustainable development given the links to services and facilities immediately outside of the existing settlement boundary (such as the employment facility) and services and facilities within convenient walking and cycling distance to sustainable "Urban Areas" in neighbouring authorities.

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To further clarify the links to services and facilities within convenient distance of my clients land enclosed is "Sustainability Technical Note" prepared by Bancroft Consulting and a "Local Facility Proximity Plan" prepared by DPDS. To summarise, these documents (both of which are enclosed with these representations as "Enclosure 3" and "Enclosure 4" demonstrate that the site provides convenient access to the following:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

This matter has been considered previously through the determination of planning applications for residential development. In particular, planning officers concluded that **"a strong case has been made concerning the sustainability of the site"**. Furthermore, as part of ongoing work relating to the planning appeal by my clients, the highways consultant has in close co-operation with the Leicestershire County Council (as highway authority) been able to conclude that:

**"it has been established that the proposed development would comply with standard requirements for access to local bus services, ensuring that local destinations are accessible by a reasonable choice of modes."**

And:

**"It is agreed that the proposals represent sustainable development that could be provided in accordance with current planning policy set out within the National Planning Policy Framework document"**.

And with regard to the Sustainability Technical Note (see Enclosure 1):

**"It is agreed that the findings of the Sustainability Technical Note are robust and reflect established industry good practice and prevailing planning policy"**

This has also been recognised and agreed by officers of North West Leicestershire District Council. Please note, a copy of the SoCG can be provided upon request.

On this basis therefore, it is considered that Blackfordby and my client's land represents a sustainable location for residential development.

It is also telling in this case that the Council does not appear to have fully considered reviewing the Settlement Boundaries associated with Blackfordby in the context of its proposed housing requirement. A report titled 'Limits to Development' was put before the Local Plan Advisory Committee on 9<sup>th</sup> September 2014.

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This report acknowledged that **“although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.”** (DPDS emphasis – source: Paragraph 2.1)

It is therefore again submitted that the boundary of Blackfordby should be reconsidered in acknowledgement of the acknowledged sustainability credentials of my client’s site.

Notwithstanding this it is also important to consider past growth associated with Blackfordby and the implications of failing to ensure it grows in the future. In December 2014, NWLDC planning officers considered (through a report presented to planning committee) the scale of growth proposed by the development of my clients land **“as to understand its potential impact upon the scale and character of the village”**.

It noted the findings of **“the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.”**

Following this officers reported that:

**“there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village”** (my emphasis).

It is further submitted that the Council continue to overlook the fact that Blackfordby has not grown and has capacity to do so. This is highlighted by paragraph 5.20 of the publication Local Plan which states that **“there is already a significant level of provision made through planning permissions”**, given the Council’s own conclusions previously, my clients would suggest this position with regard to Blackfordby is inaccurate.

My clients therefore continue to assert that allocating their land for residential development would not result in a significant increase in housing development within the village and in light with the identified deficiencies in preparing policy S2, an amendment to the plan should be made to positively acknowledge that Blackfordby is suitable for additional growth by the endorsement of my clients site as a housing allocation.

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### **Policies H1-H3 "Housing provision"**

Chapter 7 of the Local Plan further considers housing and considers the response to meeting the housing requirement (set out in Chapter 5), it clarifies that policy S2 sets out that a minimum of 10,400 new dwellings / 520 per annum will be built 2011-2031.

It is vital that the Local Plan identifies sufficient housing sites to meet its requirements across the plan period to ensure that it remains up to date and a sound basis for decision making. In particular to ensure consistency with the NPPF it is vital that at the point of adoption, the draft Local Plan is able to provide a robust 5 year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF, including an appropriate buffer (of 5% or 20% to reflect past performance in housing delivery). Should the Local Plan not be able to demonstrate this, in the context of paragraph 49 of the NPPF, its housing policies will be immediately out of date.

The Council has published a housing trajectory as an Appendix to the publication Local Plan and it has also published a calculation of 5 year housing land supply within "Background Paper 4".

Both documents have been analysed for the purposes of these representations. It is important to note that no detailed justification has been provided by the Council for assumptions underpinning the inclusion of specific sites within the envisaged housing trajectory, nor has a robust methodology been provided to explain assumptions made upon the deliverability of sites and whether for instance a lapse rate should be applied to components of supply to account for the non-implementation of planning permissions.

This issue has been raised as part of previous consultation responses on behalf of my client and to date the Council has not seen fit to respond to this by providing the information. On this basis therefore my clients reserve the right to further clarify this with the Council as part of future consultation, particularly should further evidence be published by the Council.

On this basis therefore my clients reserve their position in respect of concluding whether a five year housing land supply can be demonstrated. Whilst it is accepted that a housing land supply calculation is a "snapshot" in time, it should be robustly qualified and in the context of a draft plan, particularly if that document is to be shortly submitted to the Secretary of State for examination. It remains the optimal position is for a Council to be able to demonstrate an adequate supply.

In considering the ability of the publication Local Plan to demonstrate an adequate 5 year housing land supply, the starting point should be considering the level of past housing completions against requirements. The Council has repeatedly failed to deliver sufficient housing to meet policy requirements.

In particular from 2006-2011 it failed year on year to meet the requirements of the East Midlands Regional Plan (RSS) accruing a shortfall of some 1,210 dwellings (and only achieving 53% of the dwellings required over that period). Similarly when considered against the annual targets in this publication plan (and its own assumed completions for part of 2015-16), the Council has accrued a shortfall of some 260 dwellings from 2011-2016 when judged against the "520 p.a. requirement").

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This is very concerning and suggests a significant long term problem with housing delivery in North West Leicestershire. Whilst this situation is not unusual it is no excuse for not positively planning for the housing that the District urgently needs and ensuring there is sufficient "headroom" to provide flexibility, choice and competition. In the context of paragraph 47 of the NPPF "there has been a record of persistent under delivery of housing" and a buffer of 20% added to the requirement over the next five years is justified to "ensure choice and competition in the market for land". Despite this matter being very clear it is yet to be accepted by the Council as part of a calculation presented in the 5 year housing land supply as part of Background Paper 4. It is submitted therefore that a 20% buffer is plainly justified and for the sake of consistency and certainty for those seeking to participate in the eventual examination process it should be confirmed by the Council.

Once this has been established, it is possible to undertake a calculation as to housing land supply and understand the number of years supply that may in theory exist. For ease of reference, I have re-based the calculation to March 2016, so that each monitoring year has the correct starting point (I assume that the Council will provide an accurate position on actual rather than assumed completions to March 2016 shortly). This is evidenced below through a series of simple calculations which begin with Scenario 1 (below):

Scenario 1 - Local Plan Requirement (Base date March 2016)				
Calculating the Requirement		No of Dwellings	<i>working</i> Local Plan (includes assumed completions october 2015 - March 2016)	
Annual Requirement 2011-2016		520		
Requirement 2011-2016		2,600	520 x 4	
Completions 2011-2016		2,340		
Shortfall / Surplus		-260		
Residual (gross requirement +- shortfall/ surplus)next 5 years		2,860	520 x 5 + shortfall	
Residual including 20% buffer		3,432	e + 20% buffer	
Annual requirement over next 5 years		686	f / 5 years	
Calculating the Supply				
Supply Source		No of Dwellings	No of Years Supply	Shortfall / Surplus
Planning Permissions inc Res to Grant		3777	5.50	345

Scenario 1 shows that if the Council's own components of supply are accepted then an adequate supply could be demonstrated with a modest oversupply of some 345 dwellings. However, this is without any detailed analysis of components of supply as it is unclear as to how the Council have arrived at supply assumptions. Given the track record of undersupply that has existed, it is very important to be able to assess the assumptions made by the Council.

As mentioned earlier in this letter, Gladman Developments have also considered what should be the appropriate housing land requirement for the District, for the purposes of their evidence, a figure of 637 dwellings per annum was used. As the Council are aware, this was accepted by the Inspector who considered the appeal as a "robust" figure. Scenario 3 presents a calculation of housing land supply based upon that requirement. This is shown overleaf:

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Scenario 2 - Gladman Requirement (Greenhill Road Appeal Approved Requirement)				
Calculating the Requirement		No of Dwellings	<i>working Local Plan (includes assumed completions October 2015 - March 2016)</i>	
Annual Requirement 2011-2016		637		
Requirement 2011-2016		3,185		637 x 4
Completions 2011-2016		2,340		
Shortfall / Surplus		-845		
Residual (gross requirement + shortfall / surplus) next 5 years		4,030		637 x 5 + shortfall
Residual including 20% buffer		4,836		e + 20% buffer
Annual requirement over next 5 years		967		f / 5 years
<i>Calculating the Supply</i>				
Supply Source		No of Dwellings	No of Years Supply	Shortfall / Surplus
Planning Permissions inc Res to Grant		3777	3.91	-1,059

This shows an inadequate housing land supply.

Unfortunately it has not been possible to further analyse the deliverability of the Council's components of supply as no information or commentary has been provided to explain the assumptions behind including or discounting certain sources. Recent experience of Local Plan examinations elsewhere have suggested that this issue is of some interest to Inspectors, particularly where there has been a continual backlog of underperformance in housing completions. Therefore in anticipation of assisting the inspector and ensuring transparency, my client respectfully requests that this information either be provided by the Council by return in response to this letter or published on its website as soon as possible so that it can be fully examined.

Irrespective of this, in light of the calculations above, it is submitted that the approach to housing supply within the draft local plan does not comply with paragraph 47 of the NPPF and therefore it is axiomatic that the policies within (for housing) fail to comply with paragraph 182 of the NPPF. My clients submit that the correct solution is to allocate additional land for housing within the plan to ensure the minimum requirements are met and provide additional headroom where candidate sites are agreed to represent sustainable development. It is submitted that my clients' land is an appropriate location for an allocation for up to 81 dwellings to meet identified needs. The rationale for this and the "planning balance" associated with it is provided in preceding paragraphs.

### Conclusions and the Planning Balance

In the preceding sections of this letter submissions are made which establish a number of issues with the following matters:

- The quantum of residential development proposed for NWLDC across the plan period;
- The ability of the draft Local Plan to accord with NPPF policy requiring a five year housing land supply to be demonstrated (with appropriate buffer); and,
- The approach to considering sustainability credentials within the settlement hierarchy.

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Arising from these matters, it is submitted that further housing land should be identified within the Local Plan, particularly to cover minimum requirements over the next five years. To understand whether the allocation of my clients land would constitute sustainable development, paragraph 151 and 152 of the NPPF provides further guidance. These paragraphs state:

**“151 . Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.**

**152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”**

On this basis therefore it is applicable to consider how a potential allocation of my clients land would meet the **“economic, social and environmental dimensions of sustainable development”**. As the prospective development of the site has been previously considered through planning applications which have been positively recommended by planning officers, this is a relatively straightforward exercise. Consideration under the three roles to achieving sustainable development is provided below:

#### *Economic Dimension*

Economic benefits arising from the allocation of the land for development would be numerous and should be given weight. To summarise, these benefits include:

- An increase in local employment within the construction industry and the professional services associated with house builders and sales in the short term across the construction phase;
- Increased consumer spending arising from new residents resulting in increased disposable income in the area; and,
- Increased patronage of nearby services and facilities, to support their existence and potential expansion.

#### *Social Dimension*

Social benefits arising from the allocation of the land for development would be also numerous and should be given weight. To summarise, these benefits include:

- Contribution towards meeting housing need at a local level which would contribute towards the wider national objective of boosting “significantly the supply of housing” (without prejudice to the Appellant’s position in relation to the Council’s housing land supply);

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- The provision of (a policy compliant) 30% / 24 no affordable homes which would provide a significant contribution towards meeting the affordable housing needs of the area and weighs heavily in the planning balance (particularly as affordable housing needs identified in Blackfordby in 2012 remain unmet); and,
- The opportunity to secure (through reserved matters) a high quality built environment to foster the development of a vibrant and healthy community.

*Environmental Dimension*

With respect to environmental considerations relating to this proposal, these should also be afforded weight.

The primary aspect of the environmental dimension relevant to the potential allocation of the site relates to its locational sustainability and the ability for future residents to gain access to a full range of services and facilities by means other than the private car which is beneficial in environmental terms.

Section 4 of the NPPF relates to "Promoting sustainable transport" and encourages developments to be "located where the need to travel will be minimised and the use of sustainable transport modes can be maximised".

Prior to the publication of the NPPF, PPG13: Transport explained that "walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km". Whilst this has now been replaced it is still considered a useful indicator as to what amounts to a reasonable walking distance.

The analysis provided with the planning applications (and referred to above) demonstrates how the location of my clients land provides future residents with the opportunity to access a broad range of services and facilities to cater for their day to day needs (by means other than the private car) which include:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

In respect of additional environmental issues which have been afforded consideration to date by statutory consultees, these matters are perhaps best summarised by referring to the topic area to which no technical objections exist to the development (as evidenced by previous planning committee reports). These are outlined below:

- Landscape and visual;
- Transport / highways;

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- Flood risk & drainage;
- River Mease SAC / SSSI;
- Land contamination and coal mining legacy issues;
- Archaeology / built heritage;
- Ecology / biodiversity;
- Agricultural land;
- Trees / arboriculture; and,
- Residential amenity.

As such it should be considered that the development of my clients land to provide up to 81 dwellings constitutes sustainable development represents an ideal opportunity for an allocation to be made within the Local Plan.

My clients are committed to playing an active role in the preparation of the draft Local Plan and look forward to playing an active role in future consultation, including oral participation at the eventual examination (as may be required). I trust that this letter is useful in refining the policies. If any clarification is required please do not hesitate to contact me.

Yours sincerely

*CS Lindley*

**Christopher Lindley BA (Hons) MSc MRTPI**  
**Director**  
**Development Planning & Design Services Limited**

cc: Mr and Mrs Mansfield

Encs:

Representor - 47  
47/5/143/0

Please Reply to: Derby  
Our Ref: CSL/C9772  
Your Ref:  
Date: 12 August 2016



Planning Policy  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire  
LE67 3FJ

BY EMAIL

Dear Sirs

**Without Prejudice - North West Leicestershire Publication Local Plan Consultation**

I write further to your email dated 7 July 2016 in relation to the above consultation exercise currently being undertaken by your authority. Thank you for the email, the notification of the consultation and the invitation to respond. I have completed a response form, however this letter provides my client's representations.

I am instructed to respond to the consultation by my clients Mr and Mrs Mansfield who own an area of agricultural land at Butt Lane, Blackfordby.

Blackfordby is defined by the emerging Local Plan as a "Sustainable Village". The Village is in the western part of the District, it is close to the border with South Derbyshire and it has strong links to Woodville which is located in South Derbyshire District. My clients are committed to the comprehensive promotion of an area of their land (extending to some 7.4Ha) for residential development of up to 81 units. Please find enclosed a Location Plan and Illustrative Masterplan (as "Enclosure 1").

To date the landholding has been submitted for consideration by the Council as part of the 2014 Strategic Housing Land Availability Assessment (SHLAA). For your information, the site is considered under SHLAA reference "By3" (see "Enclosure 2"). This assessment concludes that the land could deliver housing in the "6-10 year" delivery period.

On this basis, against the context of paragraph 47 (bullet 2 and footnote 12) of the NPPF, this important piece of evidence base for the Local Plan must consider the land to be "developable".

Footnote 12 to paragraph 47 clarifies that "To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged" (my emphasis). My clients submit that their land is not only a developable site for housing, rather it is "deliverable" and is capable of providing housing within the next five years.

In the context of the Local Plan and this particular site, "deliverability" is also a very important concept given the development control position pertaining to this site.

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As officers will no doubt be aware, to establish and further examine the deliverability of the site and its ability to provide housing within the next five years, it has also been promoted through two outline planning applications in recent years. Whilst there has been some opposition from local residents, on both occasions the outline planning applications have received support from officers (under a context of the Council considering it had an adequate housing land supply) and there remains no substantive objection from technical consultees to the development of the site for housing.

The most recent outline planning application which was unfortunately refused (against the professional advice of officers) is subject to an appeal which is to be heard by a Planning Inspector in the coming months. Although these representations are submitted without prejudice to my client's position as part of that Appeal, it is in my opinion vital to note the following:

- The Council has confirmed that it does not intend to defend its position as part of the appeal;
- It has been agreed that the Council's sole reason for refusal has been resolved, this reason for refusal relates to:
  - The principle of the development of the site which is located beyond established limits to development (which in the case of Blackfordby are not proposed to be amended by the publication Local Plan); and,
  - The ability of future residents of the site to gain access to a range of services and facilities by means other than the private car (please note, this matter is also subject to confirmed common ground with the highway authority).
- The Council has also confirmed that the development of my client's landholding would represent "Sustainable Development" and confirmed that planning permission should be granted.

The starting point therefore is that in addition to the Council's own evidence base considering the site to be developable, officers, elected members and technical consultees have with benefit of the information presented to them considered the site to represent "Sustainable Development" and therefore it must be considered "deliverable" in the context of the NPPF.

In line with footnote 11 to paragraph 47 of the NPPF this means that there must be consensus on the following:

1. The site is available for development now;
2. The site offers a suitable location for development now;
3. The development is achievable with a realistic prospect that housing will be delivered within the next 5 years; and,
4. In particular the development of the site is viable.

Also, in confirming that the development represents "Sustainable Development" paragraph 14 of the NPPF is relevant by virtue of it applying the "presumption in favour of sustainable development" which is seen as a "golden thread" running through both plan making and decision taking.

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It could therefore not be any clearer that the Government consider plan making and decision taking to be a single entity through which the “**presumption in favour of sustainable development**” is to be applied.

This is further emphasised through paragraph 15 of the NPPF which states that “**Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay**” (my emphasis).

Therefore in light of the Council’s position (which was settled prior to the approval of the publication local plan for consultation) it is surprising that there is no reference or endorsement of the development of my client’s land within the policies or evidence base underpinning the publication local plan.

Given that the Council is satisfied that the development is “sustainable” its ability to provide housing should be recognised within the publication local plan. My client’s submit that this should be through a land allocation within Policy H3 and a revision to the proposals maps to ensure that the site is included within the proposed limits to development for Blackfordby.

Notwithstanding this initial position which is advanced on behalf of my clients (and pending an appropriate response from the Council), I am also obliged to examine wider matters and issues relating to the publication Local Plan which relate to its overall soundness.

It is my client’s contention that the Local Plan in its current form is unsound when considered against the criteria set out by paragraph 182 of the National Planning Policy Framework (NPPF). In principle this relates to three main considerations, firstly the approach of the Council to the scale of development proposed within policy S1 “future housing and economic development needs” secondly, the adequacy of Policy S2 which provides a “Settlement Hierarchy” and thirdly, the Council’s response to meeting needs within policies H1-H3 the “Housing provision” policies. I deal with these in turn below:

#### **Policy S1 “Future housing and economic development needs”**

My clients disagree with both the quantum of housing proposed within the Local Plan and its spatial distribution. The approach to spatial distribution is provided in a response to later policies.

The issue of the amount of housing development proposed within the Local Plan is clearly a matter of great importance, particularly as the Government clearly signals its intention for Local Planning Authorities to “**boost significantly the supply of housing**”, and use their evidence base to meet the “**full objectively assessed needs for market and affordable housing**” (para 47 NPPF).

Paragraphs 182 and 157 of the NPPF also engender the principles of planning “**positively**” to meet these “**objectively assessed**” needs for development along with ensuring that the Local Plans which deliver a response to such needs are “**positively prepared**”, “**justified**”, “**effective**” and “**consistent with national policy**”.

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Firstly, Chapter 5 of the Local Plan clarifies the role of Policy S2 "Future Housing and Economic Development Needs". It clarifies that for housing, the draft Local Plan makes provision for a minimum of 10,400 new homes from 2011-2031. Expressed annually, this is requirement for a minimum of 520 new dwellings each year.

My clients welcome acknowledgement by the Council that it considers its housing requirements as minimum figures, and therefore there will be no quantifiable planning harm arising from exceeding the requirement (provided development is acceptable in all other terms).

However, my clients do object to the quantum of development proposed within the publication Local Plan and the way that it has been derived, particularly as it fails to adequately comply with paragraph 47 of the NPPF which requires Local Plans to meet "the full objectively assessed needs for market and affordable housing in the housing market area" (my emphasis).

It is evident from the papers presented to not only the Full Council on 28 June 2016 but also meetings of the Local Plan Advisory Committee prior that serious concerns have been raised by partner authorities within the HMA as to the approach of the Council in deriving its housing land requirement.

These concerns relate to the decision of the Council to proceed with its Local Plan in advance of the publication of joint evidence across the HMA (the HEDNA) which will potentially establish the full objectively assessed needs for market and affordable housing, enable consensus to be reached between the HMA authorities and enable the duty to co-operate to be discharged.

It is of some concern to my client that paragraph 4.11 of the papers to Full Council on 28 June 2016 record the following:

**"Concerns were expressed by Charnwood Borough Council and Oadby and Wigston Borough Council regarding the level of housing requirement. In particular concern has been expressed that:**

- The proposed housing requirement has been put forward without agreement across the Housing Market Area;
- The methodology used to identify the housing requirement could be used by developers to undermine those Councils' own five year supply position;
- Alternatively, an increased provision of housing in North West Leicestershire could impact upon the delivery of housing sites elsewhere, specifically the Loughborough Sustainable Urban Extension;
- Any (as yet unquantified) impact upon the OAN for the other HMA authorities as set out in the SHMA and MOU need to be understood and agreed across the HMA; and
- No consideration has been given as to the possible impact upon affordable housing resulting from a higher housing requirement."

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It is also of concern to my clients that the officers confirm that “formal objections [to the plan] will result from some (or all) of the other HMA authorities. It is the view of the other HMA authorities that the only appropriate mechanism for identifying the basis for objectively assessed need is within a strategic housing evidence base (i.e. a SHMA or similar HMA wide study such as the HEDNA referred to previously) and that this should be done collaboratively and that a decision on the NWL Local Plan should therefore be delayed until the HEDNA is published” (my emphasis).

It is understood that the HEDNA is due to be published around September 2016 and given the short period between now and then, my clients submit that it would be prudent not to progress the Local Plan until the findings of that document are known, its implications fully understood, the issues arising can be addressed with the other HMA authorities through for example an updated Memorandum of Understanding and further consultation can be undertaken.

In these circumstances and for the purposes of this consultation my clients also consider it appropriate to draw attention to the approach to establishing OAN which was successfully advocated by Gladman in evidence presented to the appeal at “Land South of Greenhill Road, Coalville” (ref APP/G2435/W/15/3005052).

In allowing that appeal, the Inspector consider that it would be more appropriate for the Council to adopt a housing target of 637 dwellings per annum (2011-2031). It is not considered necessary to carry out a step by step analysis of that evidence as the Council will be well aware of its content. However, in advance of the HEDNA my clients consider that this housing requirement represents the most recently tested position and should be preferred.

My clients reserve the right to comment further on this matter should the opportunity arise, including through active participation at future hearing sessions.

#### **Policy S2 – Settlement Hierarchy**

My clients consider that the suggested settlement hierarchy and its evidence base is flawed and fails to take full account of particular local circumstances.

Blackfordby is classified as a “Sustainable Village”. Policy S2 classifies such settlements as **“Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined limits to development”**.

My clients welcome the classification of Blackfordby as “Sustainable”, however they object to revisions to the policy which have now excluded acknowledgement that such settlements are suitable for **“physical extension”**. This means that the Council now fail to properly acknowledge that building beyond pre-existing boundaries is appropriate to accommodate the **“amount of growth”** that in the case of my clients site has been acknowledged to be appropriate.

It is submitted that despite the Council being previously notified of issues “Background Paper 2” which underpins the approach of Policy S2 continues to fail to adequately consider sustainability characteristics and particularly those associated with Blackfordby. As such, this

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has in my opinion influenced the policy to the extent that no specific housing site has been identified to meet future needs within Blackfordby as it has been concluded to have, or provide access to **“a limited range of services and facilities”**.

For example, within Background Paper 2, the assessment pro-forma relating to Blackfordby continues to completely overlook the availability of services and facilities offered by settlements in adjoining authority areas. This point was raised in our previous consultation response which was submitted in November 2015 and requested that the site be allocated.

A response was provided by officers to the Council's Local Plan Advisory Committee through reports presented on 9 March 2016. Within **“Table B”**, in direct response to our previous comments, officers responded to the effect that **“the policy needs to be amended to cover Woodville as this is a unique settlement within the district as it cross [sic] the administrative borders”**. Also with regard to the availability of services and facilities within neighbouring authorities **“it is acknowledged that these services can be nearer to residents than services within North West Leicestershire, as part of the Local Plan South Derbyshire District Council and the other neighbouring authorities have been consulted”**.

However, no such amendment was made to background paper 2, nor subsequently has a revision been made to Policy S2. It is concerning that officers indicate that South Derbyshire District Council has been encouraged to comment upon the settlement hierarchy. The **“Duty to Co-Operate Statement”** which forms part of the documents underpinning this consultation sets out how the Council have engaged with other authorities such as South Derbyshire District Council (SDDC). Whilst it establishes that SDDC have been engaged in relation to matters such as the River Mease SAC, The National Forest and **“Housing Requirements”**, confirmation of **“who has been involved?”** in the settlement hierarchy (Policy S2), makes no reference to the involvement of SDDC, despite there being tacit acknowledgement by officers of the specific locational characteristics of Blackfordby.

It remains the case that Blackfordby which is a settlement is located in the western part of the district located within convenient walking distance from the village of Woodville, which is situated within the South Derbyshire District.

Within the adopted Local Plan Part 1 (2016) South Derbyshire District set out the Settlement Hierarchy for the district. The Settlement Hierarchy in South Derbyshire consists of five categories of which the **‘Urban Areas’** category has a wide range of higher order facilities and services and a large population.

Policy H1 shows that the town of Swandlincote including the village of Woodville is classified as an **“Urban Area”** and a focus for significant housing growth.

It is suggested that consideration must be had within the local plan for where physical extensions to Sustainable Villages such as Blackfordby can be recognised as sustainable development given the links to services and facilities immediately outside of the existing settlement boundary (such as the employment facility) and services and facilities within convenient walking and cycling distance to sustainable **“Urban Areas”** in neighbouring authorities.

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To further clarify the links to services and facilities within convenient distance of my clients land enclosed is "Sustainability Technical Note" prepared by Bancroft Consulting and a "Local Facility Proximity Plan" prepared by DPDS. To summarise, these documents (both of which are enclosed with these representations as "Enclosure 3" and "Enclosure 4" demonstrate that the site provides convenient access to the following:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

This matter has been considered previously through the determination of planning applications for residential development. In particular, planning officers concluded that **"a strong case has been made concerning the sustainability of the site"**. Furthermore, as part of ongoing work relating to the planning appeal by my clients, the highways consultant has in close co-operation with the Leicestershire County Council (as highway authority) been able to conclude that:

**"it has been established that the proposed development would comply with standard requirements for access to local bus services, ensuring that local destinations are accessible by a reasonable choice of modes."**

And:

**"It is agreed that the proposals represent sustainable development that could be provided in accordance with current planning policy set out within the National Planning Policy Framework document"**.

And with regard to the Sustainability Technical Note (see Enclosure 1):

**"It is agreed that the findings of the Sustainability Technical Note are robust and reflect established industry good practice and prevailing planning policy"**

This has also been recognised and agreed by officers of North West Leicestershire District Council. Please note, a copy of the SoCG can be provided upon request.

On this basis therefore, it is considered that Blackfordby and my client's land represents a sustainable location for residential development.

It is also telling in this case that the Council does not appear to have fully considered reviewing the Settlement Boundaries associated with Blackfordby in the context of its proposed housing requirement. A report titled 'Limits to Development' was put before the Local Plan Advisory Committee on 9<sup>th</sup> September 2014.

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This report acknowledged that **“although Limits to Development are defined in the 2002 adopted Local Plan, their preparation dates back to the 1990s, so they have not been fully reviewed for over 20 years. At the time they allowed for some new development. As these opportunities have been realised so the remaining opportunities for new development have become more constrained.”** (DPDS emphasis – source: Paragraph 2.1)

It is therefore again submitted that the boundary of Blackfordby should be reconsidered in acknowledgement of the acknowledged sustainability credentials of my client’s site.

Notwithstanding this it is also important to consider past growth associated with Blackfordby and the implications of failing to ensure it grows in the future. In December 2014, NWLDC planning officers considered (through a report presented to planning committee) the scale of growth proposed by the development of my clients land **“as to understand its potential impact upon the scale and character of the village”**.

It noted the findings of **“the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.”**

Following this officers reported that:

**“there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village”** (my emphasis).

It is further submitted that the Council continue to overlook the fact that Blackfordby has not grown and has capacity to do so. This is highlighted by paragraph 5.20 of the publication Local Plan which states that **“there is already a significant level of provision made through planning permissions”**, given the Council’s own conclusions previously, my clients would suggest this position with regard to Blackfordby is inaccurate.

My clients therefore continue to assert that allocating their land for residential development would not result in a significant increase in housing development within the village and in light with the identified deficiencies in preparing policy S2, an amendment to the plan should be made to positively acknowledge that Blackfordby is suitable for additional growth by the endorsement of my clients site as a housing allocation.

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### **Policies H1-H3 "Housing provision"**

Chapter 7 of the Local Plan further considers housing and considers the response to meeting the housing requirement (set out in Chapter 5), it clarifies that policy S2 sets out that a minimum of 10,400 new dwellings / 520 per annum will be built 2011-2031.

It is vital that the Local Plan identifies sufficient housing sites to meet its requirements across the plan period to ensure that it remains up to date and a sound basis for decision making. In particular to ensure consistency with the NPPF it is vital that at the point of adoption, the draft Local Plan is able to provide a robust 5 year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF, including an appropriate buffer (of 5% or 20% to reflect past performance in housing delivery). Should the Local Plan not be able to demonstrate this, in the context of paragraph 49 of the NPPF, its housing policies will be immediately out of date.

The Council has published a housing trajectory as an Appendix to the publication Local Plan and it has also published a calculation of 5 year housing land supply within "Background Paper 4".

Both documents have been analysed for the purposes of these representations. It is important to note that no detailed justification has been provided by the Council for assumptions underpinning the inclusion of specific sites within the envisaged housing trajectory, nor has a robust methodology been provided to explain assumptions made upon the deliverability of sites and whether for instance a lapse rate should be applied to components of supply to account for the non-implementation of planning permissions.

This issue has been raised as part of previous consultation responses on behalf of my client and to date the Council has not seen fit to respond to this by providing the information. On this basis therefore my clients reserve the right to further clarify this with the Council as part of future consultation, particularly should further evidence be published by the Council.

On this basis therefore my clients reserve their position in respect of concluding whether a five year housing land supply can be demonstrated. Whilst it is accepted that a housing land supply calculation is a "snapshot" in time, it should be robustly qualified and in the context of a draft plan, particularly if that document is to be shortly submitted to the Secretary of State for examination. It remains the optimal position is for a Council to be able to demonstrate an adequate supply.

In considering the ability of the publication Local Plan to demonstrate an adequate 5 year housing land supply, the starting point should be considering the level of past housing completions against requirements. The Council has repeatedly failed to deliver sufficient housing to meet policy requirements.

In particular from 2006-2011 it failed year on year to meet the requirements of the East Midlands Regional Plan (RSS) accruing a shortfall of some 1,210 dwellings (and only achieving 53% of the dwellings required over that period). Similarly when considered against the annual targets in this publication plan (and its own assumed completions for part of 2015-16), the Council has accrued a shortfall of some 260 dwellings from 2011-2016 when judged against the "520 p.a. requirement").

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This is very concerning and suggests a significant long term problem with housing delivery in North West Leicestershire. Whilst this situation is not unusual it is no excuse for not positively planning for the housing that the District urgently needs and ensuring there is sufficient "headroom" to provide flexibility, choice and competition. In the context of paragraph 47 of the NPPF "there has been a record of persistent under delivery of housing" and a buffer of 20% added to the requirement over the next five years is justified to "ensure choice and competition in the market for land". Despite this matter being very clear it is yet to be accepted by the Council as part of a calculation presented in the 5 year housing land supply as part of Background Paper 4. It is submitted therefore that a 20% buffer is plainly justified and for the sake of consistency and certainty for those seeking to participate in the eventual examination process it should be confirmed by the Council.

Once this has been established, it is possible to undertake a calculation as to housing land supply and understand the number of years supply that may in theory exist. For ease of reference, I have re-based the calculation to March 2016, so that each monitoring year has the correct starting point (I assume that the Council will provide an accurate position on actual rather than assumed completions to March 2016 shortly). This is evidenced below through a series of simple calculations which begin with Scenario 1 (below):

Scenario 1 - Local Plan Requirement (Base date March 2016)			
<i>Calculating the Requirement</i>		<b>No of Dwellings</b>	<i>working</i>
			<i>Local Plan</i>
			<i>(includes assumed completions</i>
			<i>october 2015 -</i>
			<i>March 2016</i>
Annual Requirement 2011-2016		520	
Requirement 2011-2016		2,600	520 x 4
Completions 2011-2016		2,340	
Shortfall / Surplus		-260	
Residual (gross requirement + shortfall/ surplus)next 5 years		2,860	520 x 5 + shortfall
Residual including 20% buffer		3,432	e + 20% buffer
Annual requirement over next 5 years		686	f / 5 years
<i>Calculating the Supply</i>			
<b>Supply Source</b>		<b>No of Dwellings</b>	<b>No of Years Supply</b>
Planning Permissions inc Res to Grant		3777	5.50
			345

Scenario 1 shows that if the Council's own components of supply are accepted then an adequate supply could be demonstrated with a modest oversupply of some 345 dwellings. However, this is without any detailed analysis of components of supply as it is unclear as to how the Council have arrived at supply assumptions. Given the track record of undersupply that has existed, it is very important to be able to assess the assumptions made by the Council.

As mentioned earlier in this letter, Gladman Developments have also considered what should be the appropriate housing land requirement for the District, for the purposes of their evidence, a figure of 637 dwellings per annum was used. As the Council are aware, this was accepted by the Inspector who considered the appeal as a "robust" figure. Scenario 3 presents a calculation of housing land supply based upon that requirement. This is shown overleaf:

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Scenario 2 - Gladman Requirement (Greenhill Road Appeal Approved Requirement)				
Calculating the Requirement		No of Dwellings	<i>working</i>	
			<i>Local Plan</i>	
			<i>(includes assumed completions</i>	
			<i>october 2015 -</i>	
			<i>March 2016</i>	
Annual Requirement 2011-2016		637	637 x 4	
Requirement 2011-2016		3,185		
Completions 2011-2016		2,340		
Shortfall / Surplus		-845		
Residual (gross requirement + shortfall/ surplus)next 5 years		4,030	637 x 5 + shortfall	
Residual including 20% buffer		4,836	e + 20% buffer	
Annual requirement over next 5 years		967	f / 5 years	
<i>Calculating the Supply</i>				
Supply Source		No of Dwellings	No of Years Supply	Shortfall / Surplus
Planning Permissions inc Res to Grant		3777	3.91	-1,059

This shows an inadequate housing land supply.

Unfortunately it has not been possible to further analyse the deliverability of the Council's components of supply as no information or commentary has been provided to explain the assumptions behind including or discounting certain sources. Recent experience of Local Plan examinations elsewhere have suggested that this issue is of some interest to Inspectors, particularly where there has been a continual backlog of underperformance in housing completions. Therefore in anticipation of assisting the inspector and ensuring transparency, my client respectfully requests that this information either be provided by the Council by return in response to this letter or published on its website as soon as possible so that it can be fully examined.

Irrespective of this, in light of the calculations above, it is submitted that the approach to housing supply within the draft local plan does not comply with paragraph 47 of the NPPF and therefore it is axiomatic that the policies within (for housing) fail to comply with paragraph 182 of the NPPF. My clients submit that the correct solution is to allocate additional land for housing within the plan to ensure the minimum requirements are met and provide additional headroom where candidate sites are agreed to represent sustainable development. It is submitted that my clients' land is an appropriate location for an allocation for up to 81 dwellings to meet identified needs. The rationale for this and the "planning balance" associated with it is provided in proceeding paragraphs.

### Conclusions and the Planning Balance

In the preceding sections of this letter submissions are made which establish a number of issues with the following matters:

- The quantum of residential development proposed for NWLDC across the plan period;
- The ability of the draft Local Plan to accord with NPPF policy requiring a five year housing land supply to be demonstrated (with appropriate buffer); and,
- The approach to considering sustainability credentials within the settlement hierarchy.

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Arising from these matters, it is submitted that further housing land should be identified within the Local Plan, particularly to cover minimum requirements over the next five years. To understand whether the allocation of my clients land would constitute sustainable development, paragraph 151 and 152 of the NPPF provides further guidance. These paragraphs state:

**“151 . Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.**

**152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.”**

On this basis therefore it is applicable to consider how a potential allocation of my clients land would meet the **“economic, social and environmental dimensions of sustainable development”**. As the prospective development of the site has been previously considered through planning applications which have been positively recommended by planning officers, this is a relatively straightforward exercise. Consideration under the three roles to achieving sustainable development is provided below:

#### *Economic Dimension*

Economic benefits arising from the allocation of the land for development would be numerous and should be given weight. To summarise, these benefits include:

- An increase in local employment within the construction industry and the professional services associated with house builders and sales in the short term across the construction phase;
- Increased consumer spending arising from new residents resulting in increased disposable income in the area; and,
- Increased patronage of nearby services and facilities, to support their existence and potential expansion.

#### *Social Dimension*

Social benefits arising from the allocation of the land for development would be also numerous and should be given weight. To summarise, these benefits include:

- Contribution towards meeting housing need at a local level which would contribute towards the wider national objective of boosting “significantly the supply of housing” (without prejudice to the Appellant’s position in relation to the Council’s housing land supply);

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- The provision of (a policy compliant) 30% / 24 no affordable homes which would provide a significant contribution towards meeting the affordable housing needs of the area and weighs heavily in the planning balance (particularly as affordable housing needs identified in Blackfordby in 2012 remain unmet); and,
- The opportunity to secure (through reserved matters) a high quality built environment to foster the development of a vibrant and healthy community.

*Environmental Dimension*

With respect to environmental considerations relating to this proposal, these should also be afforded weight.

The primary aspect of the environmental dimension relevant to the potential allocation of the site relates to its locational sustainability and the ability for future residents to gain access to a full range of services and facilities by means other than the private car which is beneficial in environmental terms.

Section 4 of the NPPF relates to "Promoting sustainable transport" and encourages developments to be "located where the need to travel will be minimised and the use of sustainable transport modes can be maximised".

Prior to the publication of the NPPF, PPG13: Transport explained that "walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km". Whilst this has now been replaced it is still considered a useful indicator as to what amounts to a reasonable walking distance.

The analysis provided with the planning applications (and referred to above) demonstrates how the location of my clients land provides future residents with the opportunity to access a broad range of services and facilities to cater for their day to day needs (by means other than the private car) which include:

- Public Transport;
- Education;
- Retail;
- Leisure (including Public Open Space);
- Healthcare;
- Employment; and,
- Community Uses.

In respect of additional environmental issues which have been afforded consideration to date by statutory consultees, these matters are perhaps best summarised by referring to the topic area to which no technical objections exist to the development (as evidenced by previous planning committee reports). These are outlined below:

- Landscape and visual;
- Transport / highways;

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- Flood risk & drainage;
- River Mease SAC / SSSI;
- Land contamination and coal mining legacy issues;
- Archaeology / built heritage;
- Ecology / biodiversity;
- Agricultural land;
- Trees / arboriculture; and,
- Residential amenity.


As such it should be considered that the development of my clients land to provide up to 81 dwellings constitutes sustainable development represents an ideal opportunity for an allocation to be made within the Local Plan.

My clients are committed to playing an active role in the preparation of the draft Local Plan and look forward to playing an active role in future consultation, including oral participation at the eventual examination (as may be required). I trust that this letter is useful in refining the policies. If any clarification is required please do not hesitate to contact me.

Yours sincerely

*CS Lindley*

**Christopher Lindley BA (Hons) MSc MRTPI**  
**Director**  
**Development Planning & Design Services Limited**

  
cc: Mr and Mrs Mansfield

Encs: