

Represents 5
5/1/10.6/8/

10.6



LOCAL PLAN

Ref:

(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

Please return this form to North West Leicestershire District Council either by post:

Planning Policy, North West Leicestershire District Council, Council Offices, Whitwick Road, Coalville LE67 3FJ or email planning.policy@nwleicestershire.gov.uk no later than **5pm on 15 August 2016**.

This form has two parts-

Part A – Personal Details

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

Part A

1. Personal Details

2. Agent Details

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details for the agent in 2.*

Title	Dr	
First Name	David	
Last Name	Bigby	
Job Title <i>(Where relevant)</i>		
Organisation <i>(Where relevant)</i>		
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s)

Policy

Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

iv) Legally Compliant

Yes

No

v) Sound

Yes

No

vi) Complies with the
Duty to co-operate

Yes

No

5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

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The Plan does not designate any areas of Local Green Space despite strong representations being made during the consultation phase by a great many members of the public and local community organisations that areas fulfilling the criteria exist within the District and urgently require protection. Placing the responsibility solely on Neighbourhood Plans is a derogation of the District Council's duty to provide planning protection to "green areas of particular importance" to local communities. Only two Neighbourhood Plans are currently being developed within the District and there is no certainty that either of these will eventually be adopted, being subject to many hurdles including referenda.

In particular, I urge designation of the Bath Grounds Green Corridor between the Royal Hotel and Ashby Castle as Local Green Space as defined under the NPPF to ensure that this area is protected from development. This comprises The Bath Grounds,

Bullens Field, The Memorial Field, and Manor House School Playing Field. The Bath Grounds Green Corridor is demonstrably special to the local community and holds particular local significance. It provides Ashby's unique "Countryside in the Town" character affording open vistas to Ashby Castle from South Street and the Royal Hotel in the west. It provides continuity between the main historic sites and buildings within the Town and provides valuable recreational space and playing fields. The community's view of the importance of the area was demonstrated by a recent 2000 signature petition to oppose house building on the Bath Grounds. The Bath Grounds, Bullens Field, Memorial Field and Manor House School playing field are currently designated as Sensitive Areas under the 2002 Local Plan saved policy E1. The Bath Grounds, Memorial Field and Manor House School Playing Field were designated as Recreational Open Space under Policy L14 (not saved). These special protections will be lost if the Publication version of the Local Plan is adopted un-amended. Furthermore, renewal of Ashby Town Council's lease for the Bath Grounds requires them to be designated as "playing fields" in the local plan. In this respect the Plan must be considered unsound in that it does not provide the most appropriate strategy when considered against the reasonable alternative of designating Local Green Space protection to green areas of particular importance to local communities within the plan area.

(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.

Para 10.6 should be amended to add consideration of areas to be allocated as Local Green Space, including the Ashby Green Corridor, with the appropriate justification as set out above. A new policy designating Local Green Space within the District including the Ashby Green Corridor is required.

(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.

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No, I do not wish to participate at the oral examination.

Yes, I wish to participate at the oral examination

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9. Signature:

Date:

Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

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

vii) Legally Compliant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
viii) Sound	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
ix) Complies with the Duty to co-operate	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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The Plan is not consistent with National Policy as the allocation of 1750 dwellings to land north of Ashby de la Zouch would result in unsustainable development. When considered in conjunction with the permissions and resolutions already granted for the town, it would lead to an increase in the population of the town of over 70% during the Plan period. This would have a highly damaging effect on the local community and result in severe congestion and damage to the town's environment. Furthermore, it can be expected that the additional population will comprise mainly medium to long distance motor vehicular commuters to other areas using the A/M42, as has been the case with other recent developments in Ashby. This will cause additional pollution and carbon emissions and will not promote the use of "natural resources prudently, minimise waste and pollution, and mitigate climate change" (NPPF). In early 2016, prior to Council approval of the Publication version of the Plan, planning permission was granted on appeal to 675 dwellings in two batches (605 and 70) on

5/2/55-59 51/5

Representor 5

51



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The plan uses an OAN of 10400 dwellings for the period. However the OAN identified by the current SHMA, which was agreed by the HMA authorities through a Memorandum of Understanding signed by NWLDC, is a maximum of 7000 dwellings. The apparent need for an additional 3400 dwellings in North West Leicestershire during the Plan period is attributed to the Roxhill SRFI. However, during the examination of the Roxhill development, NWLDC and Derbyshire County Council submitted to the Inspector a "Statement of Common Ground" (attached), agreed during a meeting on 1 May 2015, which stated, "*In terms of whether the proposed development would be likely to result in an increased need for housing ... as noted in the original statement of North West Leicestershire District Council, assuming a similar percentage of employees living in North West Leicestershire to the reported at East Midlands Airport, this would only result in an additional 219 employees residing in*

North West Leicestershire. This is not considered significant."

NWLDC went on to publish the Consultation Draft of this Local Plan only 5 months later using an OAN uplift attributed to Roxhill of 3700 which has since been scaled back slightly to 3400. Nowhere in their claimed justification is this enormous discrepancy (219 – 3400) alluded to or explained. A new, unjustified assumption has been introduced that approximately 50% of the Roxhill employees will reside in NWL. The adjoining authorities are therefore correct to point out a failure in NWLDC's Duty to Co-operate. Also the Plan should be considered unsound as;

- It has not been positively prepared. The housing need has not been objectively assessed, the agreed OAN having been drastically modified, and an over large site has been allocated due to developer pressure and a desire to maximise new homes bonus receipts.
- it is not justified, being an inappropriate strategy when considered against the reasonable alternative of using the Roxhill housing requirement stated in the Derbyshire CC Statement of Common Ground.
- It will not be effective as it is not based on effective joint working on cross-boundary strategic priorities.

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The OAN for the plan period in Policy S1 should be reduced to no more than 9600. This would result in no further housing allocations being necessary over and above those already built or permitted (the identified shortfall is 800 with an OAN of 10400) and require deletion of Policy H34 a and b.

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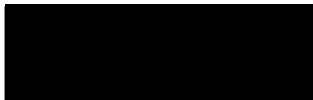
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Date:

16/7/16

5/3/17.8H3/S1

Representations

S1



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First Name	David	
Last Name	Bigby	
Job Title <i>(Where relevant)</i>		
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Address Line 1		
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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

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

- | | | | | |
|--|-----|--------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
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Duty to co-operate | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

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North West Leicestershire. This is not considered significant."

NWLDC went on to publish the Consultation Draft of this Local Plan only 5 months later using an OAN uplift attributed to Roxhill of 3700 which has since been scaled back slightly to 3400. Nowhere in their claimed justification is this enormous discrepancy (219 – 3400) alluded to or explained. A new, unjustified assumption has been introduced that approximately 50% of the Roxhill employees will reside in NWL. The adjoining authorities are therefore correct to point out a failure in NWLDC's Duty to Co-operate. Also the Plan should be considered unsound as;

- It has not been positively prepared. The housing need has not been objectively assessed, the agreed OAN having been drastically modified, and an over large site has been allocated due to developer pressure and a desire to maximise new homes bonus receipts.
- it is not justified, being an inappropriate strategy when considered against the reasonable alternative of using the Roxhill housing requirement stated in the Derbyshire CC Statement of Common Ground.
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Date:

Representy 5
5/4/17 13-7-19 H3/S

H3
(517)



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First Name	David	
Last Name	Bigby	
Job Title <i>(Where relevant)</i>		
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Part B - Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph(s) Policy Policies Map

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(Please tick as appropriate)

- | | | | | |
|--|-----|--------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
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vii) Legally Compliant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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The Plan is not consistent with National Policy as the allocation of 1750 dwellings to land north of Ashby de la Zouch would result in unsustainable development. When considered in conjunction with the permissions and resolutions already granted for the town, it would lead to an increase in the population of the town of over 70% during the Plan period. This would have a highly damaging effect on the local community and result in severe congestion and damage to the town's environment. Furthermore, it can be expected that the additional population will comprise mainly medium to long distance motor vehicular commuters to other areas using the A/M42, as has been the case with other recent developments in Ashby. This will cause additional pollution and carbon emissions and will not promote the use of "natural resources prudently, minimise waste and pollution, and mitigate climate change" (NPPF). In early 2016, prior to Council approval of the Publication version of the Plan, planning permission was granted on appeal to 675 dwellings in two batches (605 and 70) on

land north of Ashby de la Zouch. These permissions are not included in the existing permissions and resolutions listed in Policies H1 and H2. Also a separate, stand-alone application has been submitted for 153 dwellings at the former Arla Dairy site (SHLA site A22), again on land north of Ashby de la Zouch. All three sites are subsites within the area designated for 1750 dwellings in Policy H3a.

These 3 developments, plus the 95 dwellings allocated in Policy H3b, provide 923 dwellings, more than satisfying the 800 dwelling shortfall identified in para 7.16.

Therefore, especially given that the stated housing requirements have already been met by existing permissions and resolutions, there is no necessity or benefit in allocating the rest of the site defined in policy H3a and this large unsustainable development could easily be avoided. Only the Arla Dairy site need be allocated under Policy H3a. This would result in more than stated shortfall in dwellings being met whilst limiting the devastating damage that the full 1750 allocation would have on Ashby de la Zouch in terms of unsustainable overdevelopment. The plan should therefore be found unsound in that it is not consistent with national policy in delivering sustainable development and it is not justified in that it is not the most appropriate strategy when considered against reasonable alternatives.

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Policy H3a should be modified to include only the former Arla Dairy site, off Smisby Road (SHLA site A22). Other relevant paragraphs within the text should be amended accordingly.

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Representation 5
~~5/30/10-6/8/~~
5/6/7.13-7.19/143/Inset 3/0



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5. Please give details of why you consider the Local Plan not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan is not consistent with National Policy as the allocation of 1750 dwellings to land north of Ashby de la Zouch would result in unsustainable development. When considered in conjunction with the permissions and resolutions already granted for the town, it would lead to an increase in the population of the town of over 70% during the Plan period. This would have a highly damaging effect on the local community and result in severe congestion and damage to the town's environment. Furthermore, it can be expected that the additional population will comprise mainly medium to long distance motor vehicular commuters to other areas using the A/M42, as has been the case with other recent developments in Ashby. This will cause additional pollution and carbon emissions and will not promote the use of "natural resources prudently, minimise waste and pollution, and mitigate climate change" (NPPF). In early 2016, prior to Council approval of the Publication version of the Plan, planning permission was granted on appeal to 675 dwellings in two batches (605 and 70) on

land north of Ashby de la Zouch. These permissions are not included in the existing permissions and resolutions listed in Policies H1 and H2. Also a separate, stand-alone application has been submitted for 153 dwellings at the former Arla Dairy site (SHLA site A22), again on land north of Ashby de la Zouch. All three sites are subsites within the area designated for 1750 dwellings in Policy H3a.

These 3 developments, plus the 95 dwellings allocated in Policy H3b, provide 923 dwellings, more than satisfying the 800 dwelling shortfall identified in para 7.16.

Therefore, especially given that the stated housing requirements have already been met by existing permissions and resolutions, there is no necessity or benefit in allocating the rest of the site defined in policy H3a and this large unsustainable development could easily be avoided. Only the Arla Dairy site need be allocated under Policy H3a. This would result in more than stated shortfall in dwellings being met whilst limiting the devastating damage that the full 1750 allocation would have on Ashby de la Zouch in terms of unsustainable overdevelopment. The plan should therefore be found unsound in that it is not consistent with national policy in delivering sustainable development and it is not justified in that it is not the most appropriate strategy when considered against reasonable alternatives.

(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.

Policy H3a should be modified to include only the former Arla Dairy site, off Smisby Road (SHLA site A22). Other relevant paragraphs within the text should be amended accordingly.

(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.

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:

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:

