

58/1/S1/0

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 Context.....	5
3 National Planning Policy	6
3.1 National Planning Policy Framework and Planning Practice Guidance.....	6
4 Legal Compliance.....	8
4.1 Duty to Cooperate.....	8
4.2 Sustainability Appraisal.....	9
5 Objectively Assessed Housing Need.....	11
5.1 Background.....	11
5.2 Objective Assessment of Housing Needs (Policy S1).....	15
6 North West Leicestershire Local Plan Publication Version.....	19
6.1 Strategy.....	19
6.2 Design.....	21
6.3 Housing.....	21
6.4 Economic.....	24
6.5 Infrastructure and Facilities.....	25
6.6 Environment.....	25
6.7 Historic Environment.....	26
6.8 Implementation and Monitoring.....	26
7 Conclusions	28

APPENDICES

- Appendix 1 – Technical Note on Potential Future Employment Trends in North West Leicestershire – Development Economics
- Appendix 2 - Critical Review of Leicester and Leicestershire Strategic Housing Market Assessment – Barton Willmore – June 2014
- Appendix 3 - Objectively Assessed Housing Need North West Leicestershire – Barton Willmore – September 2015
- Appendix 4 - Land South of Greenhill Road, Coalville – Decision Letter 5th January 2016 (APP/G2435/W/15/3005052)

EXECUTIVE SUMMARY

- i. This submission provides Gladman Development's written representations on the North West Leicestershire Local Plan Publication Version (NWLLP)
- ii. Gladman specialise in the promotion of strategic land for residential development, with associated community infrastructure and has previously been involved in schemes within North West Leicestershire.
- iii. These representations concern the following matters.
 - Duty to Cooperate
 - Sustainability Appraisal
 - Objectively Assessed Housing Needs
 - Strategy
 - Design
 - Housing
 - Economic
 - Infrastructure and Facilities
 - Environment
 - Historic Environment
 - Implementation and Monitoring
- iv. Gladman question whether the Council has engaged in an active and effective manner on cross boundary strategic issues particularly in relation to Leicester City's potential unmet need.
- v. Having considered the Council's evidence on OAN for housing, Gladman has concerns that an NPPF and PPG compliant methodology has not been used to derive the OAN for Leicester and Leicestershire (See Appendix 2). In order to consider these issues in more detail, Barton Willmore were appointed to undertake a critical review of the Council's work. They have noted a number of flaws in the Council's approach to deriving its OAN and believe that the OAN arrived at is a significant under estimation of what the OAN for North West Leicestershire actually is.
- vi. The Barton Willmore work, based on a Framework and PPG compliant assessment of OAN for North West Leicestershire, suggests a range of 534-739 dwellings per annum. In order to ensure that the OAN is both aspirational but realistic (para 154 Framework) **a mid-point 637 dwellings per annum** is suggested as the OAN for North West Leicestershire.
- vii. The Inspector, in his recent Decision Letter for Land south of Greenhill Road, Coalville, concludes that the 2014 SHMA is out-of-date, has a number of significant flaws and as a result is not robust. He also concludes that the average annual requirement for housing is between 534 and 739 dwellings per annum and for the purposes of the Inquiry, the mid-point figure of 637 dwellings per annum is not considered unreasonable.

- viii. In light of the above issues and the content of our submission, it is the conclusion of Gladman that the Local Plan is contrary to national policy, not justified, effective or positively prepared and is as such unsound. Due to the significant issues raised through this submission and summarised in Table 1 below.

Table 1 – Summary of policy soundness

Policy	Sound/Unsound	Test of Soundness	Reason	Evidence
Policy S1	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Plan does not set a housing requirement that reflects the Full OAN for housing. The current iteration of the Plan is based on a SHMA that is out-of-date.	NPPF, PPG.
Policy S2	Unsound	Positively Prepared Justified Effective Consistent with National Policy	A meaningful level of development should be directed towards the smaller sustainable settlements in the rural area to deliver their housing needs and support local services and facilities.	NPPF, PPG
Policy S3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Policy arbitrarily restricts development in sustainable urban and rural settlements.	NPPF, PPG.
Policy D1	Comment		The provisions of Policy D1 should be set within the context of development viability to accord with the provisions of the Framework	
Policy H1	Unsound	Justified	Policy H1 does not include Land south of Greenhill Road, Coaville as a site with Planning Permission. The site was granted permission on appeal (APP/G2435/W/15/3005052) on 5th January 2016 for 180 dwellings and therefore it should be included as a commitment under Policy H1.	
Policy H3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The allocations do not deliver the full OAN for North West Leicestershire and further allocations need to be sought.	NPPF, PPG.

Policy H4	Unsound	Positively Prepared Justified Effective Consistent with National Policy	Gladman object to Policy H4 in that criterion 4 is not required. Affordable housing can be dealt with by way of a condition.	NPPF, PPG
Policy H6	Comment		The housing mix to be included on a site should be dealt with on a site-by-site basis to ensure that flexibility is maintained in order to deliver the right mix of unit size and tenure to suit the prevailing local circumstances at the time.	PPG
Policy IF1	Comment	Positively Prepared Justified Effective Consistent with National Policy	Policy should be tested against the cumulative impacts of all Plan requirements for viability.	NPPF, PPG
Policy IF4	Comment	Positively Prepared Justified Effective Consistent with National Policy	Policy should be tested against the cumulative impacts of all Plan requirements for viability.	NPPF, PPG
Policy En5	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Policy arbitrarily restricts development in sustainable urban and rural settlements contrary to the Presumption in Favour of Sustainable Development.	NPPF, PPG
Policy En6	Unsound	Consistent with National Policy	Paragraph 109 of the Framework states that the planning system should prevent development causing unacceptable levels of air pollution. It is clear that Policy En6 seeks to avoid <u>any</u> adverse impacts on air quality which is therefore not framework compliant.	NPPF
Policy He1	Unsound	Consistent with National Policy	Policy He1 part d requires that development should not result in harm to a heritage asset or its setting. This criterion is not Framework compliant as the Framework states that if the harm to a heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that	

			harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use.	
Policy IM1	Unsound	Positively Prepared Justified Effective Consistent with National Policy	<p>It is suggested that Policy IM1 Criterion 3 is amended to include triggers which set out when the Council consider delivery rates to be falling short.</p> <p>Criterion 4 of Policy IM1 is unsound as it introduces a sequential element to bringing sites forward when additional housing sites are needed to meet or exceed the housing requirement. Introducing a sequential test may introduce significant delay into addressing the housing shortfall as sites that are included in the SHLAA may not be available at that particular time.</p>	NPPF, PPG

2 INTRODUCTION

2.1 Context

2.1.1 Gladman Developments specialise in the promotion of strategic land for residential development with associated community infrastructure. This submission provides Gladman Development's representations on the NWLLP Publication Version. Gladman would like to participate in the subsequent hearings on the NWLLP both in writing and orally at the Examination.

2.1.2 Through this submission Gladman have highlighted a number of significant issues with the NWLLP in its current form. We critically submit that the plan has failed to identify what is the full objectively assessed need (OAN) for North West Leicestershire and is proposing to progress a housing requirement that is too low to meet the full objectively assessed needs of the district.

2.1.3 To ensure a sufficient supply of deliverable and developable sites and to meet North West Leicestershire's objectively assessed needs in full, we submit that the plan should be seeking to direct the growth to a broad range of sites located across all the sustainable settlements in both urban and rural areas across the district in order to provide greater certainty that housing will be delivered.

2.1.4 The National Planning Policy Framework sets out four tests that must be met for Local Plans to be considered sound. In this regard we submit that in order to prepare a sound plan it is fundamental that it is:

- **Positively Prepared** – The Plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on a proportionate evidence base.
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with National Policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3 NATIONAL PLANNING POLICY

3.1 National Planning Policy Framework and Planning Practice Guidance

3.1.1 The National Planning Policy Framework has been with us now for over four years and the development industry has experience with its application and the fundamental changes it has brought about in relation to the way the planning system functions. The Framework sets out the Government's goal to 'significantly boost the supply of housing' and how this should be reflected through the preparation of Local Plans. In this regard, it sets out specific guidance that local planning authorities must take into account when identifying and meeting their objectively assessed housing needs:

"To boost significantly the supply of housing, local planning authorities should:

- ***Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area***
- ***Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements..."***
- ***Identify a supply of specific, developable sites or broad locations for growth, for years 6-10, and where possible for years 11-15" (Paragraph 47)"***

3.1.2 The starting point of identifying objectively assessed housing needs is set out in paragraph 159 of the NPPF, which requires local planning authorities to prepare a Strategic Housing Market Assessment, working with neighbouring authorities where housing market areas cross administrative boundaries. It is clear from the Framework that the objective assessment of housing needs should take full account of up-to-date and relevant evidence about the economic and social characteristics and prospects of the area, with local planning authorities ensuring that their assessment of and strategies for housing and employment are integrated and take full account of relevant market and economic signals (paragraph 158).

3.1.3 Once a local authority has identified its objectively assessed needs for housing these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so (paragraph 14). Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Adverse impacts on any of these dimensions should be avoided. Where adverse impacts are unavoidable, mitigation or compensatory measures may be appropriate (paragraph 152).

3.1.4 As the Council will be aware the Government published its final suite of Planning Practice Guidance (PPG) on the 6th March 2014, clarifying how specific elements of the Framework should be

interpreted when preparing their Local Plans. The PPG on the Housing and Economic Development Needs in particular provides a clear indication of how the Government expects the Framework to be taken into account when Councils are identifying their objectively assessed housing needs. Key points from this document include:

- Household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need.
- Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic underperformance, infrastructure or environmental constraints.
- Household projection based estimates of housing need may need adjusting to reflect factors affecting local demography and household formation rates which are not captured by past trends, for example historic suppression by under supply and worsening affordability of housing. The assessment will need to reflect the consequences of past under delivery and the extent to which household formation rates have been constrained by supply.
- Plan makers need to consider increasing their housing numbers where the supply of working age population is less than projected job growth, to prevent unsustainable commuting patterns and reduced local business resilience.
- Housing needs indicated by household projections should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings.
- The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed, and the larger the additional supply response should be.
- The total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the local plan should be considered where it could help to deliver the required number of affordable homes.

4 LEGAL COMPLIANCE

4.1 Duty to Cooperate

- 4.1.1 The Duty to Cooperate is a legal requirement established through Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. It requires local authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues throughout the process of Plan preparation. As demonstrated through the outcome of the 2012 Coventry Core Strategy Examination and the 2013 Mid Sussex Core Strategy Examination, if a Council fails to satisfactorily discharge its Duty to Cooperate, this cannot be rectified through modifications and an Inspector must recommend non-adoption of the Plan.
- 4.1.2 Whilst Gladman recognise that the Duty to Cooperate is a process of ongoing engagement and collaboration¹, as set out in the PPG, it is clear that it is intended to produce effective policies on cross-boundary strategic matters. In this regard, North West Leicestershire must be able to demonstrate that it has engaged and worked with neighbouring authorities, alongside their existing joint working arrangements, to satisfactorily address cross boundary strategic issues and the requirement to meet any unmet housing needs. This is not simply an issue of consultation but a question of effective cooperation.
- 4.1.3 North West Leicestershire sits within the Leicester and Leicestershire HMA which is heavily influenced by the City of Leicester. It is essential therefore that the relationship between Leicester City and North West Leicestershire is explored through the Duty to Cooperate and that any discussions are meaningful and lead to real outcomes in addressing the strategic issues identified.
- 4.1.4 It is essential that the NWLLP, as it is being prepared, is mindful of the progress being made on the Leicester City Local Plan and specifically, whether Leicester City can accommodate all of its housing needs within its own boundaries. It is questionable, given the level of housing need identified for Leicester City and given the constraints facing the City, whether they can accommodate all of their housing needs on sites that are available, achievable and deliverable, especially with regards to viability. It may transpire therefore, that the other LPAs within the Leicester and Leicestershire HMA, including North West Leicestershire, need to accommodate some of Leicester City's unmet need.
- 4.1.5 In addition, North West Leicestershire has decided to progress with the preparation of their Local Plan based on an out-of-date evidence base. The Leicester and Leicester SHMA was prepared in 2014 using population and household projections from 2012 and employment forecasts from 2013. The Council, with the other Leicestershire authorities, has recently commissioned an update to this evidence base to take account of the recently released 2014 Sub-national Population Projections, 2014 Household Projections and updated employment forecasts and evidence which is expected to be published in September 2016. This updated joint evidence base is a critical part of planning

¹ PPG Reference ID. 9-011-2014036

for the future growth of the Leicester and Leicestershire area and will require further cooperation between the authorities to ensure that the full housing need is delivered across the HMA. The Council has stated in the Plan (para 5.9) that they did not wish to delay the publication of their plan to await the findings of new SHMA. However, given the short period between the publication of this plan (July 2016) and the anticipated delivery date of the new SHMA (September 2016), the Council would have been better placed to delay the plan so that it could take account of the new evidence. If the new SHMA shows that there is an increase in North West Leicestershire's housing need, above the level included in the current Publication Plan, then this should have been incorporated within the current plan to avoid additional delays in the delivery of much needed housing while a review of the current plan is undertaken.

- 4.1.6 The Leicester & Leicestershire Strategic Growth Statement (August 2016) makes reference (at paragraphs 5.3 to 5.5) to the work that all authorities across Leicester and Leicestershire are currently undertaking on a Housing and Economic Development Needs Assessment (HEDNA). It sets out that the intention of the HEDNA is to become a new objective assessment of housing and economic development needs to 2031 and 2036, replacing the Leicester and Leicestershire Strategic Housing Market Assessment (2014). A commitment is also made to the production of a new Memorandum of Understanding based on this new evidence base to replace a similar document that was produced in 2014. The outcome of this work and the associated Memorandum of Understanding between the authorities will therefore be an important factor in the consideration as to whether the NW Leicestershire Local Plan can deliver objectively assessed development needs, including any un-met need in the context of fulfilling the Duty to Cooperate.
- 4.1.7 In addition, as North West Leicestershire's Plan has jumped the gun somewhat, before the new full housing need for the HMA is known, it will be more difficult for them to accommodate any potential unmet need from Leicester, or the other Leicestershire authorities that is identified in the SHMA and through the Duty to Cooperate, without significant delay.
- 4.1.8 Therefore, Gladman consider that as the NWLLP is based on out-of-date evidence on housing need, it is currently unsound and should be delayed until the findings of the new SHMA are known and can be taken into account.
- 4.1.9 Further the PPG reflects on the public bodies which are subject to the duty to cooperate. It contains a list of the prescribed bodies. The PPG then goes on to state that:

"These bodies play a key role in delivering local aspirations, and cooperation between them and local planning authorities is vital to make Local Plans as effective as possible on strategic cross boundary matters."

4.2 Sustainability Appraisal

- 4.2.1 In accordance with Section 19 of the 2004 Planning and Compulsory Purchase Act, policies set out in Local Plans must be subject to Sustainability Appraisal (SA). Incorporating the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, SA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of

the Local Plan's proposals on sustainable development when judged against reasonable alternatives.

- 4.2.2 The NWLLP should ensure that the results of the SA process clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of the assessment why some policy options have been progressed and others have been rejected. Undertaking a comparative and equal assessment of each reasonable alternative, the NWLLP's decision making and scoring should be robust, justified and transparent.

5 OBJECTIVELY ASSESSED HOUSING NEED

5.1 Background

5.1.1 The process of undertaking an OAN is clearly set out in the Framework principally in §14, §47, §152 and §159 and should be undertaken in a systematic and transparent way to ensure that the plan is based on a robust evidence base.

5.1.2 The starting point for this assessment requires local planning authorities to have a clear understanding of housing needs in their area. This involves the preparation of a Strategic Housing Market Assessment (SHMA) working with neighbouring authorities where housing market areas cross administrative areas as detailed in §159 of the Framework. The Framework goes on to set out the factors that should be included in a SHMA including identifying:

“the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- ***Meets household and population projections taking account of migration and demographic change;***
- ***Addresses the need for all types of housing including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and***
- ***Caters for housing demand and the scale of housing supply necessary to meet this demand.”***

5.1.3 Key points that are worth noting from the above is that the objective assessment should identify the full need for housing **before** the Council consider undertaking any process of assessing the ability to deliver this figure. In addition, §159 specifically relates to catering for both housing need and housing demand within the authority area. It is worth pointing out that any assessment of housing need and demand within a SHMA must also consider the following factors; falling household formation rates, net inward migration, the need to address the under provision of housing from the previous local plan period, the results of the Census 2011, housing vacancy rates including the need to factor in a housing vacancy rate for churn in the housing market, economic factors to ensure that the economic forecasts for an area are supported by sufficient housing to deliver economic growth, off-setting a falling working age population by providing enough housing to ensure retiring workers can be replaced by incoming residents, addressing affordability and delivering the full need for affordable housing in an area.

5.1.4 Of particular importance is the need to consider market signals. The consideration of market signals is one of the core planning principles considered in §17 of the Framework, which states:

'..Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.'

- 5.1.5 Of critical importance is what the Framework goes onto say in §158 in the section discussing Plan Making. It states here:

'Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.'

- 5.1.6 Market signals are therefore at the very core of what the Framework is trying to achieve in promoting sustainable development and boosting the supply of housing land.

- 5.1.7 The formal publication of the Planning Practice Guidance in March 2014 gives further explanation to what the Framework means with regard to market signals, and sets out, in a range of paragraphs, the way in which local planning authorities should go about factoring in relevant market signals in arriving at their OAN. §19 and §20 of the PPG gives guidance on what market signals should be taken into account and how plan makers should respond to these market signals. The below extracts identify some particularly pertinent points.

'The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Prices of rents rising faster than the national/local average may well indicate particular market undersupply relative to demand.'

- 5.1.8 The paragraph goes on to indicate that these factors would include, but should not be limited to, land prices, house prices, rents, affordability, rates of development and overcrowding. However, given what the Framework says at §17, quoted above, it seems clear that particular consideration should be given to affordability.

- 5.1.9 In order to consider how market signals should be taken forward §20 identifies some key concepts:

'Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.'

- 5.1.10 It is therefore clear that where market signals are apparent (in any of the indicators assessed) there is an absolute and clear direction that an upward adjustment to housing numbers is required. It is also clear that both the absolute level of change and the rates of change are considerations, and that local planning authorities need to carefully benchmark themselves against other areas. This

should not simply be a case of considering neighbouring authorities but should look at, as well as these, local authorities on a national basis, if the demographic and economic indicators are relevant. Gladman are firmly of the view that considering comparisons purely against neighbouring authorities is not sufficiently robust and does not address the underlying issues which both the Framework and PPG are trying to tackle with regard to housing.

5.1.11 What is of further importance when considering these issues is the period of time analysed when considering both relative and absolute change. It has become apparent, in our consideration of a number of plans that many local authorities choose to look at periods of time which are not fully representative of the depth of the housing crisis which we are currently within.

5.1.12 The problems are noted in Fixing the Foundations: Creating a more prosperous nation published by HM Treasury in July 2015. In paragraph 9.7 the report states:

'There remains more to do. As the London School of Economics (LSE) Growth Commission found, 'under supply of housing, especially in high-growth areas of the country has pushed up house prices. The UK has been incapable of building enough homes to keep up with growing demand.'

5.1.13 Gladman are therefore of the view that local planning authorities must take a long term view when considering affordability and consider the relative and absolute change over a long term 15-20 year period, which coincides with the normal time span of a Local Plan. Authorities should assess, as a constituent part of their OAN, how they can improve affordability over the life time of a plan to a point where affordability is more in line with average earnings and affordable mortgage lending rates. They should assess a level of housing over the 15-20-year plan period which would enable this step change and consider its deliverability in the plan. Only through planning for significant housing growth can local authorities realistically tackle market signals in the way advocated by the PPG and tackle the affordability and housing crisis.

5.1.14 The need to identify the full OAN before considering any issues with the ability of a Local Planning Authority to accommodate that level of development has been confirmed in the High Court. Most notably in *Solihull Metropolitan Borough Council v (1) Gallagher Homes Limited (2) Lioncourt Homes Limited* where it was considered that arriving at a housing requirement was a two stage process and that first the unconstrained OAN must be arrived at. In the judgement it was stated:

"The NPPF indeed effected a radical change. It consisted in the two-step approach which paragraph 47 enjoined. The previous policy's methodology was essentially the striking of a balance. By contrast paragraph 47 required the OAN [objectively assessed need] to be made first, and to be given effect in the Local Plan save only to the extent that that would be inconsistent with other NPPF policies. [...] The two-step approach is by no means barren or technical. It means that housing need is clearly and cleanly ascertained. And as the judge said at paragraph 94, "[h]ere, numbers matter; because the larger the need, the more pressure will or might be applied to [impinge] on other inconsistent policies".

5.1.15 Therefore, following the exercise to identify the full, OAN for housing in an area,

“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.” (NPPF §152)

5.1.16 This statement clearly sets out that local planning authorities should seek to deliver the full OAN and that this should be tested through the evidence base. Only where the evidence shows that this is not achievable should they then test other options to see if any significant adverse impacts could be reduced or eliminated by pursuing these options. If this is not possible then they should test if the significant adverse impacts could be mitigated and where this is not possible, where compensatory measures may be appropriate.

5.1.17 The final stage of the process is outlined in §14 and involves a planning judgement as to whether, following all of the stages of the process outlined above,

“Local Plans should meet OAN, with sufficient flexibility to adapt to rapid change, unless:

- **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or**
- **specific policies in this Framework indicate development should be restricted.”**

5.1.18 It is also worth noting that the final part of this sentence refers to footnote 9 of the Framework which sets out the types of policies that the Government consider to be restrictive. These include:

“sites protected under the Birds and Habitat Directive (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion”.

5.1.19 Although this list is not exhaustive it is clear that local landscape designations, intrinsic value of the countryside, the character of areas, green gaps etc. are not specifically mentioned as constraints by the Framework.

- 5.1.20 The National Planning Practice Guidance (NPPG) contains guidance to support local authorities in objectively assessing and evidencing development needs for housing (both market and affordable) and economic development. This document supports and provides further guidance on the process of undertaking such assessments, in addition to what is set out in the Framework.

5.2 Objective Assessment of Housing Needs (Policy S1)

- 5.2.1 Policy S1 of the NWLLP sets out the housing requirement for the plan period up to 2031 of a minimum of 10,400 new dwellings. This equates to an annual requirement of 520 dwellings.
- 5.2.2 GL Hearn prepared a Strategic Housing Market Assessment (SHMA) for the Leicester and Leicestershire HMA in June 2014 which recommended an OAN of 350 units per annum for North West Leicestershire. Since this date, North West Leicestershire has sought to set this figure aside and through an update to the Local Plan evidence base, has set out that in order to deliver up to 15,000 new jobs across the plan period, sufficient to support the growth identified in the Employment Land Study as well as the East Midlands Gateway (EMG) proposal, the OAN should be 535 dwellings per annum.
- 5.2.3 Since then, the Council has undertaken a further study by JG Consulting to look at the potential impact of the Strategic Rail Freight Interchange (SFRI) with its projected 7,400 jobs, in terms of housing needs. The study concluded that having considered the impacts of the SFRI, the new OAN for NW Leicestershire was 520 dwellings per annum, slightly below that included in the previous version of the Plan (535 dwellings per annum).
- 5.2.4 However, this work has been done in isolation from the rest of the HMA and therefore attracts the same criticism as that set out below in terms of North West Leicestershire moving away from the findings of the 2014 SHMA.
- 5.2.5 Indeed, many of the Leicestershire authorities have raised issues with the change to the housing requirement that has been included in the North West Leicestershire Plan and indeed, Oadby and Wigston Borough Council had suggested that the only way to understand the impact of such a change on the whole HMA was through a full review of the Leicester and Leicestershire SHMA.
- 5.2.6 This update to the SHMA has now been commissioned (now called a HEDNA report) and the output of this study on behalf of the whole HMA will be available in September 2016. With the issues raised by the other authorities in the HMA, the need to take account of updated demographic data (in the form of the 2014 SNPPs and 2014 Household Projections), the need to potentially accommodate unmet need from elsewhere in the HMA (particularly Leicester City) and the short timeframe between publication of this Plan and the publication of the new SHMA (HEDNA) it is considered that the NWLLP which is based on out-of-date evidence on housing need, is consequently currently unsound and should be delayed until the findings of the new SHMA are known and can be taken into account.
- 5.2.7 Notwithstanding the fact that it is considered that the NWLLP should be found unsound if it is based on the 2014 SHMA, Gladman also commissioned Development Economics to undertake an

- assessment of future employment trends in the district (Appendix 1) and Barton Willmore to undertake critical review of the 2014 SHMA (Appendix 2) and prepare a fully NPPF and PPG compliant OAN exercise for North West Leicestershire up to 2031 (Appendix 3). These were prepared for recent Planning Appeal (APP/G2435/W/15/3005052) at Land South of Greenhill Road, Coalville. A copy of the Decision Letter allowing the appeal is included as Appendix 4.
- 5.2.8 BW considered that it was highly unlikely that 10,700 new dwellings (535 dwellings per annum), which has now been reduced to 10,400 new dwellings (520 per annum) would support the generation of 15,000 new jobs across the plan period.
- 5.2.9 Development Economics' assessment of future employment trends in the district (Appendix 1) suggests that based on the Council's Employment Land Study and delivery of the EMG, a total of 16,040 jobs would be created.
- 5.2.10 BW therefore prepared a fully NPPF and PPG compliant OAN exercise for North West Leicestershire, using the forecast derived from the Development Economics work (16,040 jobs) to assess the full need for housing in the district up to 2031 (Appendix 3).
- 5.2.11 BW considered that the 2014 SHMA prepared by GL Hearn was flawed for a number of reasons (Appendix 2). The net-migration trends assumed in the SHMA required adjustment to reflect the long term net migration trends. In addition, the household formation rates used in the 2014 SHMA had not been adjusted to take account of suppression in household formation throughout the recession, particularly for 25-35 and 35-44 year olds.
- 5.2.12 The 2014 SHMA also acknowledged the presence of adverse Market Signals and although an adjustment was made to the OAN to account for this, it is highly likely to be insufficient to make a significant contribution to addressing affordability.
- 5.2.13 As a result, it is concluded that the 2014 Leicester and Leicestershire SHMA does not reflect the full level of housing need within the HMA; a conclusion that is uncontroversial given the fact that the Council are not using it as the basis of their housing requirement for the emerging Local Plan.
- 5.2.14 BW's own assessment of housing need which is fully compliant with the NPPF and PPG, concludes that the OAN for North West Leicestershire lies in the range of 534 to 739 dwellings per annum.
- 5.2.15 The 2012-based Sub-National Population Projections (SNPPs) are widely recognised as being based on suppressed household formation. From an analysis undertaken by BW, it is clear that the 2012-based SNPPs need to be adjusted to take account of suppressed household formation for 25-34 and 35-44 year olds such that they return to a long term trend 2008-based household formation rates.
- 5.2.16 BW have also made an adjustment to the demographic starting point to take account of long term annual average migration flows which take account of migration trends that were depressed through the severe economic downturn.
- 5.2.17 As stated in para 5.2.10 above, the BW OAN has based the economic uplift of OAN on the work undertaken by Development Economics (Appendix 1) which suggests an increase of 16,040 new

jobs across the plan period. Adjustments are also made to take account of a gradual reduction in unemployment to average pre-recession levels and to economic activity rates to account for increasing economic participation and the changes to State Pension Age. Commuting ratios have remained constant throughout the projection period as endorsed by the PAS Technical Guidance on OANs.

- 5.2.18 Finally, there is evidence of the presence of adverse market signals within North West Leicestershire which would warrant, under the guidance contained in the PPG, an uplift to the OAN based purely on demographic needs.
- 5.2.19 Taking all of the above into account, it is Barton Willmore's conclusion that the OAN for North West Leicestershire should be in the range of **534 to 739 dwellings per annum**. Therefore, based on the findings of the 2014 SHMA, it is considered that in order to ensure that the OAN is both aspirational but realistic in line with paragraph 154 of the Framework, a mid-point of the range, **637 dwellings per annum** should be taken as the OAN for North West Leicestershire.
- 5.2.20 This conclusion is echoed by the recent Decision Letter for Land south of Greenhill Road, Coalville (APP/G2435/W/15/3005052) which is attached as Appendix 4. The Inspector clearly sets out his findings on the Full Objective Assessment of Need (FOAN) in paragraphs 11 to 33 and comes to the conclusion that for the purposes of the Inquiry, he considered the FOAN to be 637 dwellings per annum.
- 5.2.21 In coming to his conclusion, the Inspector found the following:
- a. The 2014 SHMA is not the FOAN and does not adequately address the economic forecasts now relied upon by the Council (para 25);
 - b. The 2014 SHMA is therefore out-of-date and should be recalculated to take account of the latest economic projections (para 26);
 - c. The figure of 535 dwellings per annum (now 520 dpa) has not been robustly derived; (para 26);
 - d. The appellants FOAN analysis (Appendix 3) is reasonable and robust and in the absence of clarity on the Council's FOAN it must be preferred (para 28);
 - e. The adjustment made to the household projections is justified because of worsening affordability and the level of concealed households (para 29);
 - f. The 10-year migration analysis is not unreasonable as it represents a more stable long term view (para 30); and
 - g. An adjustment is required to the FOAN to take account of jobs growth identified in the Public and Corporate Economic Consultants Leicester and Leicestershire Employment Land Study 2013 and the East Midlands Gateway (EMG) which would raise the average annual housing need to 534-739 dwellings per annum;

- 5.2.22 The Council has seemingly ignored the outcome of this appeal and the findings of the Inspector in continuing to pursue a housing requirement of 520 dwellings per annum. On the clear conclusions set out above, the NWLLP should therefore be found unsound and should be delayed until the findings of the updated SHMA (HEDNA) are known.

6 NORTH WEST LEICESTERSHIRE LOCAL PLAN PUBLICATION VERSION

6.1 Strategy

Policy S2 – Settlement Hierarchy

- 6.1.1 Gladman support the identification of Coalville as the Principal Town given the settlement's population and extensive range of services and facilities. It is appropriate that a significant level of new development is directed towards Coalville as the Principal Town.
- 6.1.2 Whilst it is supported that Coalville continues to play a key role in the accommodation of future development within the district, this should not be at the expense of ensuring that the housing and employment needs of other settlements such as Ellistown are met. Para 55 of the Framework seeks to promote sustainable development in rural areas to maintain and enhance rural vitality and viability. It is essential therefore, that the needs of the sustainable rural settlements across the district are assessed and meaningful growth apportioned to them to ensure their ongoing vitality and viability.
- 6.1.3 At present, Policy S2 refers to limited levels of growth being directed towards Sustainable Villages. There is currently no definition given in the Plan as to what will be considered as a 'limited amount of growth'. This needs to be clearly defined in Policy S2 with clear regard to Paragraph 55 of the Framework as set out above.
- 6.1.4 In addition, Gladman consider that the level of development allocated to the rural area should be a meaningful contribution to ensure the ongoing overall vitality and viability of the rural settlements as required by para 55 of the Framework. The level of growth aimed towards sustainable rural settlements should therefore be sufficient to ensure that the housing needs of the rural population of the district can be addressed.
- 6.1.5 It is important to consider existing services and facilities in a settlement when assessing their suitability for accommodating new growth. Daily needs are particularly important with a primary school, shop and access to public transport being the key considerations. It must be recognised that there may be an ability, through new development, to improve some of these services and facilities, particularly access to public transport, that should be considered in any settlement hierarchy exercise as well as the role that new development can play in ensuring these facilities are maintained and are not lost because of a lack of support.
- 6.1.6 In distributing the growth, the Council should be mindful that to maximize housing supply the widest possible range of sites, by size and market location, are required so that house builders of all types and sizes have access to suitable land in order to offer the widest possible range of products. The key to increased housing supply is the number of sales outlets. A wider variety of sites in the widest possible range of locations ensures all types of house builder have access to suitable land which in turn increases housing delivery.

- 6.1.7 The NWLLP states at para 7.6 that the Council has recently made a resolution to grant permission for 2,700 dwellings with an associated local centre (including A1, A2, A3 and A5 uses) and new Primary School to the south east of Hugglescote. This scheme would join Hugglescote with Ellistown and would bring a significant improvement in the level of services and facilities that would be easily accessible to Ellistown residents. It is therefore considered that as a result of this permission, Ellistown should be reclassified in the settlement hierarchy as being a part of the Principal Town of Coalville within the Coalville Urban Area.

Policy S3 - Countryside

- 6.1.8 Policy S3 on the Countryside is unsound. It represents a blanket approach to development outside of the defined settlement policy boundaries which does not accord with the presumption in favour of sustainable development set out in the Framework. Paragraph 17 of the Framework, bullet point 5, states that plan-making and decision-taking should recognise the intrinsic character and beauty of the countryside not, as suggested by the policy, for it to be protected for its own sake.
- 6.1.9 In addition, any policy for the protection and enhancement of the environment should be established in light of the national policies contained in the Framework, particularly paragraphs 109 to 125.
- 6.1.10 Para 109 sets out that the planning system should contribute to and enhance valued landscapes with advice in Para 113 stating that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting such sites should be judged. In addition, Para 113 highlights that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status.
- 6.1.11 It is important to note that this advice does not suggest a ban on all development in or adjacent to designated areas and that the weight that can be attached to any conflict with such designations should be aligned with their importance based on the hierarchy detailed above.
- 6.1.12 The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements would not accord with the positive approach to growth required by the Framework. In addition, loss of the countryside should be a matter that should be weighed in the planning balance against the need to significantly boost the supply of housing and the other benefits of a particular scheme.
- 6.1.13 It is also suggested that Criterion (e) is removed from Policy S3 as this is related more to retail development rather than the countryside.
- 6.1.14 Policy S3 as written is therefore contrary to the Framework and should be substantially reviewed to reflect the guidance contained above. In particular, the policy should be flexible enough to be able to accommodate new development, outside of existing development boundaries, to allow the

Council to quickly address any issues in a shortfall in housing land supply against the plan requirement.

6.2 Design

Policy D1 – Design of New Development

- 6.2.1 The provisions of Policy D1 should be set within the context of development viability to accord with the provisions of the Framework (paras 173 and 174). Flexibility should be built into the Policy to state that the Council will have 'due regard to viability issues' when considering development proposals against this policy.

6.3 Housing

- 6.3.1 Gladman consider that the level of housing development promoted through the Plan does not represent the Full, Objectively Assessed Need for Housing within North West Leicestershire. As set out in detail in Section 5 above. Gladman consider that the current 2014 SHMA upon which the NWLLP is predicated is out-of-date, as found by the Inspector at the Greenhill Road Appeal. Therefore, the NWLLP should be found unsound as it is not based on up-to-date and robust evidence as required by the Framework. The Council is involved in the update to the SHMA (HEDNA) which is due for publication in September 2016 and the Council should of delayed submission of the NWLLP until the outcome of this piece of evidence base is known.

Policy H1 – Housing Provision: Planning Permissions

- 6.3.2 Gladman object to Policy H1 in that it does not include Land south of Greenhill Road, Coaville as a site with Planning Permission. The site was granted permission on appeal (APP/G2435/W/15/3005052) on 5th January 2016 for 180 dwellings and therefore it should be included as a commitment under Policy H1.

Policy H2 – Housing Provision: Resolutions

- 6.3.3 Gladman would wish to highlight that it is important for the calculation of the 5-year housing land supply that a realistic and robust approach is taken to assessing when schemes with resolution to approve will actually deliver on site. Section 106 Agreement negotiations can be complex and lengthy and this should be reflected in any assessment of when these sites will deliver.

Policy H3 – Housing Provision: New Allocations

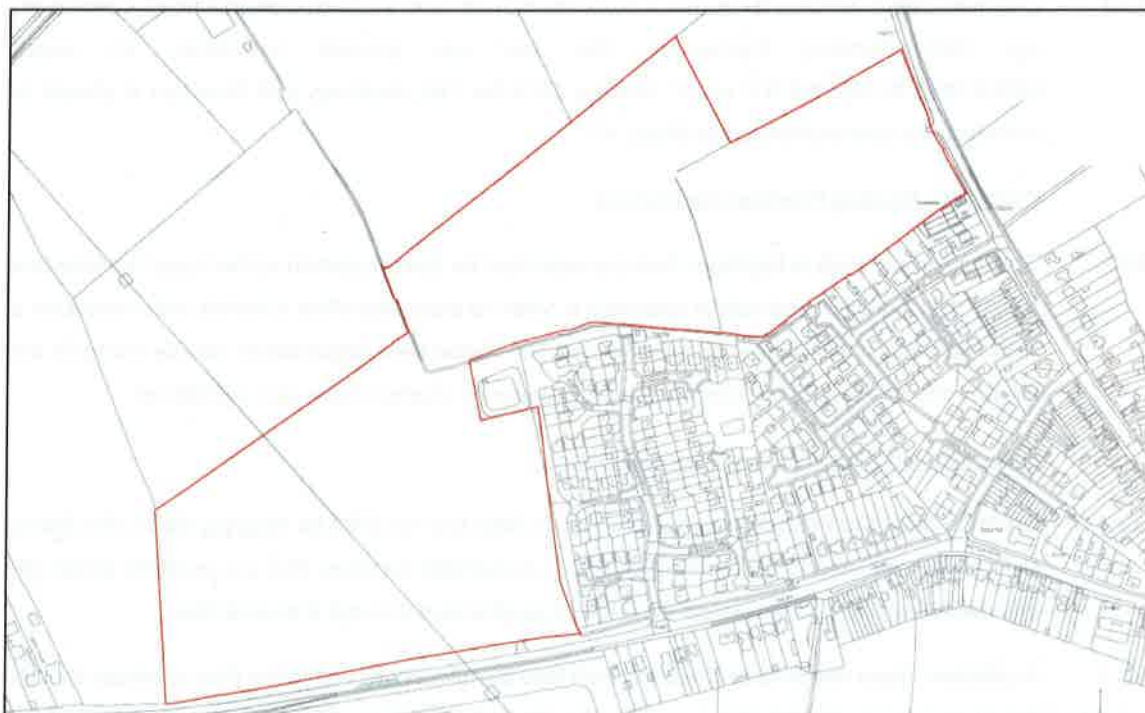
- 6.3.4 Gladman object to Policy H3 in that in order to meet the Full OAN for housing within the district, the Council will need to find additional sites in sustainable locations that are available, achievable and deliverable in the plan period that should be allocated through the Local Plan.
- 6.3.5 In addition, there needs to be flexibility built into the allocations within the Plan to ensure that the housing requirement is both attained and is exceeded as all housing targets are expressed as a minimum. With potential issues of having to accommodate unmet need from Leicester, as well as allowing for a non-delivery factor to account for allocated sites not coming forward or coming

forward with lower than anticipated housing numbers, it is essential that the NWLLP over-allocates housing sites when set against the housing requirement.

- 6.3.6 At present, the Plan states (para 7.23) that a projected 10,769 units will be developed over the plan period as set against a housing requirement of 10,400 units. This is a mere 3.5% above the housing requirement and this is considered to be insufficient to ensure that the housing requirement is met or surpassed.
- 6.3.7 The Inspector at the recent Stratford-Upon-Avon Examination concluded, in his report, that the 10% reserve sites that were included in the Plan be increased to 20% to ensure that the Plan is positively prepared in line with the Framework (para 71). As the NWLLP only includes a 3.5% flexibility rate it is considered to be unsound. The Plan should therefore allocate additional sites to increase the flexibility in the Plan to 20%.
- 6.3.8 Gladman are promoting two sites in North West Leicestershire, detailed below, which are available, achievable and deliverable in the short term and should therefore be allocated under Policy H3 to meet the necessary increase in the overall housing requirement or to provide flexibility in the housing supply to ensure the housing requirement is met or exceeded.

Policy H3 – Land off Ibstock Road, Ellistown

- 6.3.9 Gladman submit land at Ibstock Road, Ellistown (site location below) for inclusion within the Plan and recommend that this site is suitable for residential development.

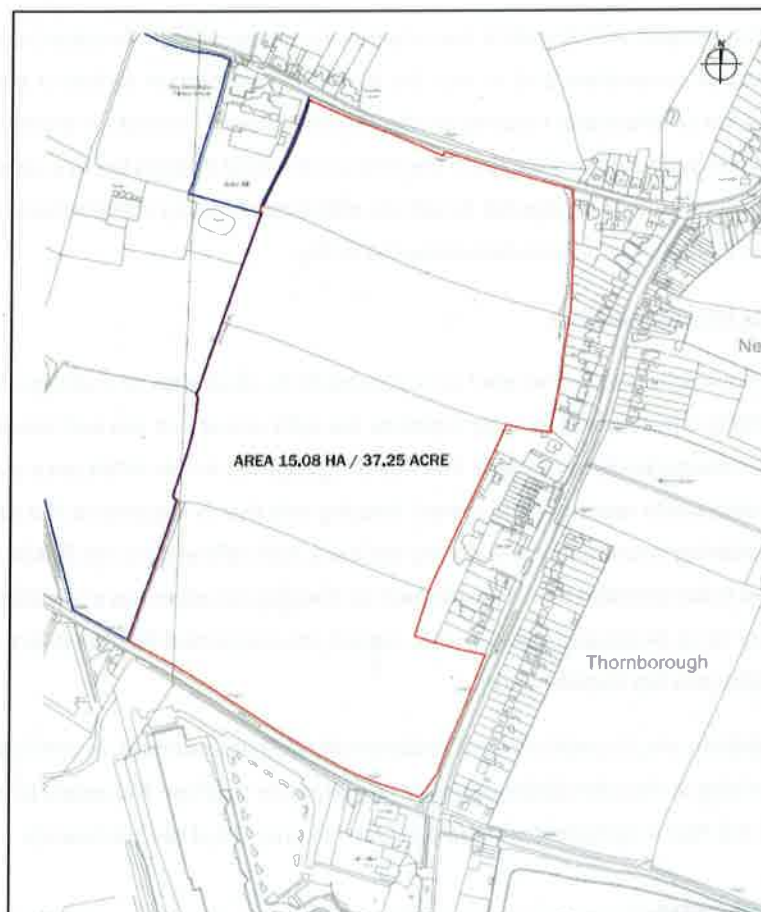


- 6.3.10 The site off Ibstock Road, Ellistown is 12.5 ha and has the capacity for up to 280 dwellings.

- 6.3.11 The site has been the subject of pre-application discussions with the Council, including comments from both Highways and Design officers. Presently, the technical work regarding the site is ongoing and Gladman are aiming for a submission by late 2016.
- 6.3.12 The site is situated in a sustainable location adjacent to the western extent of Ellistown. It is anticipated that an access could be taken off Leicester Road. The site includes provision of market and affordable housing in an area where there is an identified need. There will be delivery of on-site open space for the benefit of both new residents and the existing and wider community. In addition, there are a number of economic benefits from the scheme such as those associated with construction spend from the scheme.
- 6.3.13 This development, as proposed, clearly constitutes 'sustainable development', and is viable and deliverable.

Policy H3 – Land off Thornborough Road, Coalville

- 6.3.14 Gladman submit land at Thornborough Road, Coalville (site location plan below) for inclusion within the Plan and recommend that this site is suitable for residential development.



- 6.3.15 The site off Thornborough Road, Coalville is 15.08 ha and has the capacity for up to 300 dwellings.

- 6.3.16 The site has been the subject of pre-application discussions with the Council, including comments from both Highways and Design officers. Presently, the technical work regarding the site is ongoing and Gladman are aiming for a submission by late 2016.
- 6.3.17 The site is located adjacent to residential development along Thornborough Road that runs north-south between the edge of Coalville (defined by the A511, industrial estates and Stephenson College campus) and the settlements of New Swannington and Whitwick to the north and northeast.
- 6.3.18 The site includes provision of market and affordable housing in an area where there is an identified need. There will be delivery of on-site open space for the benefit of both new residents and the existing and wider community. In addition, there are a number of economic benefits from the scheme such as those associated with construction spend from the scheme.
- 6.3.19 This development, as proposed, clearly constitutes 'sustainable development', and is viable and deliverable.

Policy H4 – Affordable Housing

- 6.3.20 Gladman object to Policy H4 in that criterion 4 is not required. Affordable housing can be dealt with by way of a condition and in fact, the Planning Inspectorate include a model condition on the provision of affordable housing on the Planning Portal. Criterion 4 should therefore be deleted. Gladman support the reference in the Policy to financial viability being a consideration and suggest that reference to the potential for off-site affordable housing contributions, as set out in para 7.33 of the Plan, should be included within the Policy.

Policy H6 – Housing Mix

- 6.3.21 The housing mix to be included on a site should be dealt with on a site-by-site basis to ensure that flexibility is maintained in order to deliver the right mix of unit size and tenure to suit the prevailing local circumstances at the time. The needs highlighted in the SHMA are a snapshot in time and do not necessarily represent the correct housing mix that is required at the time of any application. Considering housing mix on a site-by-site basis, with reference to the SHMA, will also allow viability issues to be considered on a similar basis as housing mix often has a considerable impact on a site's ability to be developed viably. In this context, it is supported that the policy refers to development viability as a key consideration.
- 6.3.22 In addition, the Council's viability evidence shows that some sites, in particular brownfield sites, are not viable at the affordable housing levels set out in the Plan. This needs to be addressed to ensure that the Plan is compliant with paragraphs 173 and 174 of the Framework.

6.4 Economic

- 6.4.1 Gladman support the growth of the East Midlands Enterprise Gateway and the Coalville Growth Corridor which will provide significant employment and jobs for the residents of North West Leicestershire. As stated above in para 5.2.10, it is considered by Development Economics that

North West Leicestershire can deliver 16,040 jobs over the Plan Period up to 2031 and this should be supported by sufficient housing growth to provide the growth in workforce necessary to deliver this level of jobs.

6.5 Infrastructure and Facilities

Policy IF1 – Development and Infrastructure and Policy IF4 - Transport Infrastructure and New Development

- 6.5.1 Policy IF1 on Development and Infrastructure needs to be justified and based on robust evidence. It is important for the evidence base to properly assess the viability of the requirements for affordable housing and infrastructure set out in the Local Plan and Infrastructure Development Plan to ensure consistency with paragraphs 173 and 174 of the Framework.
- 6.5.2 Plans should be deliverable and sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Therefore, the Council should assess the likely cumulative impacts on development in their area of all existing and proposed local standards and policies through a comprehensive and robust Whole Plan Viability Assessment to ensure that the cumulative impact of these standards and policies do not put the implementation of the Plan at serious risk.
- 6.5.3 It is also essential to test any policy requirements against the CIL tests to ensure that they are appropriate and fit for purpose.
- 6.5.4 The above is also true for any requirements listed under Policy IF4 on Transport Infrastructure.

6.6 Environment

Policy En5 – Areas of Separation

- 6.6.1 Policy En5 designates Areas of Separation, which have been reviewed in part through the evidence base supporting the Plan. Whilst Gladman support the deletion of this designation from the area of land to the west of Thornborough Road, Coalville, we have a concern that Areas of Separation policies in general are not consistent with the Framework.
- 6.6.2 Areas of Separation policies have been questioned by Inspectors in recent appeal decisions as to whether they are compliant with the Framework and the Presumption in Favour of Sustainable Development.
- 6.6.3 It is unlikely that any Area of Separation policy will meet the tests of the Framework. Inspectors have dismissed similar policies as being inconsistent with the Framework in the determination of a number of recent Appeals.
- 6.6.4 Gladman do not support the Areas of Separation policy approach due it is inconsistency with the Framework as it may prevent the Council from granting planning permissions in sustainable locations to meet its full objectively assessed need. The Council should not continue to promote this policy designation as it is unsound and therefore, the Policy should be deleted.

Policy En6 – Land and Air Quality

- 6.6.5 Gladman object to Policy En6 as it covers a wide range of issues that should be dealt with in separate policies. A Policy should be included in the Plan on Air Quality and this should be drafted based on paragraph 124 of the Framework. This states that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAS) should be consistent with the local air quality management plan. This does not represent a blanket ban on development in AQMAS and when considered alongside paragraph 109 of the Framework, which states that the planning system should prevent development causing unacceptable levels of air pollution, it is clear that a policy which seeks to avoid any adverse impacts on air quality cannot be framework compliant. As Policy En6 (b) is drafted in this manner, it is considered to be unsound and therefore should be redrafted.
- 6.6.6 There should also be separate policies included in the plan on Land Quality and Noise, the latter of which is not mentioned in the title of Policy En6.

6.7 Historic Environment

Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment

- 6.7.1 Policy He1 part d requires that development should not result in harm to a heritage asset or its setting. This criterion is not Framework compliant as the Framework states that if the harm to a heritage asset is deemed to be substantial, then the proposal needs to achieve substantial public benefits to outweigh that harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Policy He1 should therefore make a distinction between the two tests included in the Framework for designated heritage assets to ensure it is sound. Part 2 of this Policy adequately covers harm so therefore, Criterion d should be deleted.
- 6.7.2 Part 4 of Policy He1 relates to non-designated Heritage Assets and should reflect the guidance given in paragraph 135 of the Framework. This states that the policy test that should be applied in these cases is that a balanced judgment should be reached having regard to the scale of any harm and the significance of the heritage asset. Part 4 of the Policy should therefore be reworded to reflect this guidance.

6.8 Implementation and Monitoring

Policy IM1: Implementation and Monitoring of the Local Plan

- 6.8.1 Gladman object to Policy IM1 as the way in which it is currently written it is unsound. Gladman would point out that para 153 of the Framework states that Supplementary Planning Documents should not be used to add unnecessarily to the financial burdens on development and the Council need to bear this in mind with regards to Criterion 1 of Policy IM1.

- 6.8.2 It is also suggested that Policy IM1 Criterion 3 is amended to include triggers which set out when the Council consider delivery rates to be falling short. At present, there is no indication in the Policy of what level of shortfall is required before a specific action to remedy the issue is taken.
- 6.8.3 The type of triggers that could be included are where delivery in any one year falls to below 80% of the housing requirement or where the housing land supply situation falls to below 5.25 years then the Council would seek to take action based on the bullet points under Criterion 2. These types of triggers would allow the Council to address any potential shortfall in delivery early, before the housing land supply drops below 5 years and the LPA loses an element of control over development as a result of Paragraph 14 of the Framework.
- 6.8.4 Gladman also consider that Criterion 4 of Policy IM1 is unsound as it introduces a sequential element to bringing sites forward when additional housing sites are needed to meet or exceed the housing requirement. The Policy states that sites that are not included in the SHLAA will only be supported where there are no sites in the SHLAA that are capable of delivering in the next 5-year period. This requirement therefore introduces an embargo on any sustainable site that is not identified in the SHLAA from coming forward and addressing the shortfall in the housing land supply. Introducing a sequential test may introduce significant delay into addressing the housing shortfall as sites that are included in the SHLAA may not be available at that particular time. This is contrary to the Framework's requirement to maintain a 5-year housing land supply and to significantly boost the supply of housing.
- 6.8.5 Therefore, all reference to the SHLAA should be removed from Policy IM1 in order for it to be found sound.

7 CONCLUSIONS

- 7.1.1 Having considered the NWLLP Gladman are concerned about a range of matters including the housing requirement, spatial strategy and housing policies.
- 7.1.2 The plan must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. In the first instance, the Council must start with clearly defining an NPPF and PPG compliant OAN by developing an unconstrained requirement which properly follows the guidelines set out at the national level. The Council should then develop a robust housing requirement using this OAN as a starting point. We do not believe this has been done.
- 7.1.3 Gladman consider that the current 2014 SHMA upon which the NWLLP is predicated is out-of-date, as found by the Inspector at the Greenhill Road Appeal. Therefore, the NWLLP should be found unsound as it is not based on up-to-date and robust evidence as required by the Framework. The Council is involved in the update to the SHMA (HEDNA) which is due for publication in September 2016 and the Council should of delayed submission of the NWLLP until the outcome of this piece of evidence base is known.
- 7.1.4 Careful consideration also needs to be given to the spatial strategy that forms the basis of the spatial distribution of growth across the district. All sustainable settlements should be allowed to play their part in meeting their own housing and employment needs as well as contributing to the wider district's requirements. A flexible approach to delivering the development needs of the district will ensure the plan's ultimate deliverability and success.

Appendix 1

Technical Note on Potential Future Employment Trends in North West Leicestershire – Development Economics

Technical Note

Potential future employment trends in North West Leicestershire.

Introduction

This report considers recent trends in employment in North West Leicestershire, based on ONS data. It also considers:

- the potential future trajectory of employment growth in the district, based on forecasts produced by PACEC in the Leicester and Leicestershire HMA Employment Land Study (2013);
- an alternative assessment of the potential future trajectory of job growth in the district, based on independent employment forecasts produced by Oxford Economics (2015); and
- the potential additional impact on local employment of East Midlands Gateway strategic rail freight interchange, which has recently been the subject of a NSIP Examination.

Credentials

The author of this technical report is Stephen Lucas, who is the owner and Director of Development Economics Limited, an independent economic development and regeneration consultancy operating throughout the United Kingdom.

Stephen has 24 years' experience of economic development and regeneration in the UK, including 21 years spent as a consultant. Throughout his consultancy career he has played a leading role in advising clients on economic and regeneration strategy, housing, economic impact assessment, labour market strategy and economic development generally.

Stephen founded Development Economics Limited in 2012. Prior to that, he was a Director of SQW Consulting between February 2009 and August 2012. Before that he was a Senior Director with CB Richard Ellis, the world's largest property advisory business, and previous to that he was a Director at DTZ Pieda Consulting.

He has carried out a large number of assignments for central and local government, regional development agencies, education institutions, property developers and major corporations. These assignments have frequently required Stephen to determine or assess evidence on the economic impacts of proposed urban extensions, major commercial developments, and large scale infrastructure investments.

Historic trends in workforce jobs and employee jobs

The first aspect to consider is the trend in workforce jobs in North West Leicestershire based on available ONS data.

There has been growth of 2,670 employee jobs in North West Leicestershire since 2011 (the start of the plan period). This represents overall growth of 5.5% and average annual growth of 1.8% since 2011. In annualised terms the average figure since 2011 has been about 890 jobs per year.

If one considers the growth in employment (employees plus working proprietors) the increase is similar: an additional 2,400 jobs (4.8% growth). In annualised terms the average figure since 2011 has been about 800 jobs per year.

Calculating a longer term trend in job growth is complicated owing to a discontinuity in the relevant ONS data sets between 2008/2009. This discontinuity is due to several changes in the methods used by ONS to count local area employment through the Business Register and Employment Survey (BRES) and the predecessor Annual Business Inquiry survey.

However, ONS do supply data in a common format for the 2008-2010, allowing the construction of an indexed series (where 1998 = 100.0). The longer term trend for job change in North West Leicestershire since 1998 based on this indexed data is overall growth of about 11,600 employee jobs. This represents overall growth of 31.3% in employee jobs over the 1998-2014 period.

The long term average trend since 1998 based on ONS data has therefore been around 725 employee jobs per annum, and an average annual growth rate of 1.72% p.a.

By accessing Census of Employment data for the District, it is also possible to consider a longer term average trend for employee numbers in North West Leicestershire. Overall growth over the 1984-2014 period amounts to 17,530 jobs, representing overall growth of around 56% and a compound annual growth rate of 1.50%.

Forecasts - PACEC

A set of employment forecasts were produced for North West Leicestershire by consultants PACEC as part of their 2013 study of employment land needs for the Leicester and Leicestershire HMA area.

The methodology used by PACEC included a detailed assessment of workplace jobs (employees and the self-employed) in the area extended back to 1971, with raw employment data extracted from the following Office for National Statistics data series:

- Census of Employment – 1971 to 1991
- Annual Employment Survey – 1991 to 1998
- Annual Business Inquiry – 1998 to 2008
- Business Register and Employment Survey – 2008 to 2010
- Labour Force Survey and the Census of Population (for self-employment).

The growth assumptions that underpin the PACEC forecasts are based on forecasts for the UK economy published by HM Treasury. The Treasury forecasts are based on a comparison of 24 independent forecasts over the period 2012-2013 and 13 forecasts over the longer period 2012-2016. PACEC extended these short-to-medium term forecasts to fit the study period by assuming that growth for the 2013-16 period is representative of the long-term economic cycle.

The results of the PACEC assessment is that the number of workplace jobs in North West Leicestershire is anticipated to grow by a total of 9,600 workplace jobs over the 2012-2031 period. This represents anticipated growth of 17.1% over the 2012 base position. It also represents an expected annual average growth rate of 0.84%.

Because the PACEC forecasts were produced for the purpose of an employment land study, the breakdown of the jobs is presented in Use Class terms rather than by business/industrial sectors. The breakdown is as follows.

Table 1: PACEC, 2013 Workplace Job Forecasts for NW Leicestershire), 2012-2031 ('000s)

	2012	2031	Total Change	Change Per annum	Overall % change	CAGR
B1 a/b Office	8.7	13.7	5.0	0.26	57.5%	2.42%
B1c/B2 Industrial	8.2	5.7	-2.5	-0	-30.5%	-1.90%
B8 Warehousing	10.3	13.2	2.9	0.15	28.2%	1.31%
Other	28.8	33.1	4.3	0.23	14.9%	0.74%
NW Leicestershire	56.0	65.6	9.6	0.51	17.1%	0.84%

Source: Oxford Economics, July 2015 forecasts for North West Leicestershire

However, the PACEC forecasts do not include all of the jobs associated with the proposed development of a strategic rail freight interchange in the district located near to East Midlands airport. This is confirmed in the draft North West Leicestershire Local Plan (Draft Local Plan paragraph 5.8, page 24). Moreover, in a Local Plan Advisory Committee report dated 19 June 2015, the Council identify that 5,000 of the jobs projected for the development would be additional to the number of jobs forecast by PACEC.

Forecasts – Oxford Economics

Forecasts of potential future employment growth in North West Leicestershire are also available from Oxford Economics (OE), a respected independent source of sub-national economic forecasts.

OE employment forecasts dating from July 2015 are for overall growth of 8,600 jobs in North West Leicestershire between 2011 and 2031. This represents 15.5% growth over the 2011 baseline, and an average annual growth of 0.72% per annum.

In annualised terms, the July 2015 OE forecasts anticipate an additional 430 jobs per annum arriving in North West Leicestershire over the 2011-2031 period.

Table 2: Oxford Economics, July 2015 Forecasts for NW Leicestershire), 2011-2031

	2011	2031	Total Change	Change Per annum	Overall % change	CAGR
NW Leicestershire	55,562	64,160	8,600	430	15.5%	0.72%

Source: Oxford Economics, July 2015 forecasts for North West Leicestershire

When the OE forecast is disaggregated, it is notable that the OE anticipates that 2011-2031 in North West Leicestershire will be concentrated in three broad sectors:

- Professional services (4,150 jobs, 48% of the overall growth)
- Business support services (1,540 jobs, 18%)
- Construction (1,165 jobs, 14%).

Table 3: Oxford Economics, July 2015 Forecasts by sector (NW Leicestershire)

Sector	2011 (000s)	2031 (000s)	Change (000s)	% Change
Agriculture, forestry & fishing	0.59	0.54	-0.05	-9.2%
Mining & Quarrying	0.12	0.15	0.02	19.7%
Manufacturing	7.98	6.63	-1.35	-16.9%
Electricity, gas, steam and air	0.57	0.43	-0.13	-23.6%
Water supply	0.18	0.41	0.24	133.6%
Construction	4.09	5.25	1.16	28.5%
Wholesale and retail trade	9.69	9.57	-0.12	-1.3%
Transportation and storage	8.98	8.80	-0.18	-2.0%
Accommodation and food service	3.02	3.60	0.59	19.4%
Information and communication	1.16	1.89	0.73	62.8%
Financial and insurance	0.53	0.67	0.14	26.8%
Real estate activities	0.44	1.17	0.73	167.6%
Professional, scientific and technology	3.70	7.85	4.15	112.1%
Administrative and support	5.19	6.72	1.54	29.6%
Public administration and defence	0.83	0.72	-0.11	-13.3%
Education	3.66	3.75	0.09	2.5%
Human health and social work	2.58	2.82	0.23	9.0%
Arts, entertainment and recreation	1.04	1.56	0.52	49.7%
Other service activities	1.21	1.63	0.42	34.3%
Total	55.56	64.16	8.600	15.5%

Source: Oxford Economics, July 2015 forecasts for North West Leicestershire

It can also be noted that the OE forecast does not expect any overall growth in jobs that are related to transportation and logistics.

The conclusions from the OE forecast with respect to transportation & storage jobs (i.e. a decline of 180 jobs, a drop of 2.0%, between 2011 and 2031) appears to reflect two separate assumptions with respect to trends in this sector:

- 1) There would be no significant amount of new logistics-related development in the District over the Plan period
- 2) There would be productivity gains from among existing businesses located in the area that would result in a reduced employment base by 2031 compared to 2011.

While it is correct to assume that there would very likely be productivity gains in the sector over the Plan period, an assumption that there would not be any significant new development in the sector should be challenged.

East Midlands Gateway – Strategic Rail Freight Interchange

In particular, it is highly relevant in this context that a decision is currently awaited on a Strategic Rail Freight Interchange (SRFI) on a site north of East Midlands Airport in North West Leicestershire. The

scheme – known as East Midlands Gateway (EMG) – is being promoted by Roxhill (Kegworth) Limited.

According to the proponents of the scheme:

East Midlands Gateway would provide large-scale warehousing together with an intermodal rail freight interchange. This would provide the facilities to enable large volumes of freight to be transferred to and from road vehicles and freight trains. In simple terms, it would operate as an inland port. It would therefore directly support a wide range of economic sectors within the UK, and form part of increasingly significant flows of international cargo movements. The proposal is expected to generate around 7,000 direct jobs once operational, and including training opportunities and integrated public transport facilities, as well as further employment through the construction phase.¹

The EMG scheme proposal is a Nationally Significant Infrastructure Project (NSIP). This requires an application for a Development Consent Order to be prepared and submitted to the National Infrastructure Directorate of the Planning Inspectorate. An Examination of the project has now closed, and a report is due to be submitted to the Secretary of State in October 2015.

The EMG project is supported by both the Local Enterprise Partnership and North West Leicestershire District Council. Moreover, the project is viable and does not require any public subsidy to be built. If permitted, it is understood that the project could be built and fully operational within 3-4 years.

Evidence submitted to the Examination on behalf of the project estimates that when built and operational, the scheme would be capable of supporting just over 7,300 direct jobs.²

However, in addition to these jobs, it is also necessary to factor in the ability of the project to support additional jobs in the local economy through two mechanisms:

- **Indirect effects:** the operators of the EMG and the logistics businesses that use it would procure goods and services to run their businesses, and a proportion of this supply chain expenditure would benefit businesses (and support employment in those businesses) in the local area.
- **Induced effects:** a proportion of the jobs that are created as a result of both direct and indirect effects would benefit existing and new residents of the area. The expenditure of a proportion of workers earnings would benefit a wide range of businesses in the local economy, and help provide additional employment in those businesses.

Based on the anticipated number of direct jobs expected for the EMG project (which is stated in the Examination evidence to be 7,317)³, the likely number of additional indirect and induced jobs (i.e. workplace jobs) occurring in the North West Leicestershire economy can also be estimated.

¹ <http://www.eastmidlandsgateway.co.uk/>

² Environmental Statement for the East Midlands Gateway SRFI, Chapter 4 – Socio-economic aspects, Table 4.8, page 30

The approach taken to this task is informed by and consistent with the guidance contained in the HCA Additionality Guide, and specifically:

- It is estimated that the proportion of overall direct employment that would translate to local employment is in line with commuting patterns revealed by the 2011 Census (which indicates that around 56% of jobs located in North West Leicestershire benefit residents of adjacent and other nearby local authority areas);
- It is assumed that the value of indirect effects at a local level would be in line the value of the recommended local multiplier for B8 development at a local authority level (0.15); and
- It is also assumed that the value of indirect effects at a local level would be in line the value of the recommended local multiplier for B8 development at a local authority level (0.12)

The overall estimate of the additional workplace jobs that are anticipated to be created in North West Leicestershire once the EMG is built and operating as intended is as follows.

Table 4: Estimated Workplace Employment Impacts of East Midlands Gateway (NW Leicestershire)

Direct	7,317
Indirect	1,098
Induced	1,010
Total workplace jobs (NWL)	9,424

Source: Development Economics, based on project details for EMG plus assumptions based on 2011 Census and the HCA Additionality Guide

That is, the overall number of additional workplace jobs (direct jobs, plus locally occurring indirect and induced jobs) that can be expected to be located in North West Leicestershire once the development is built and is operating as intended is 9,424 jobs.

Implications for Forecasts

The PACEC forecasts do not take the proposal for the EMG fully into account, and the OE forecasts do not take the EMG project into account at all.

On this basis:

- A proportion of the additional direct and locally occurring indirect and induced jobs that are expected to be created across North West Leicestershire as a result of the EMG can be regarded as entirely additional to – i.e. can be added to – the PACEC forecast for the district. On the evidence of the Local plan Advisory Committee report of 10 June 2015, the number of extra direct jobs to be added is 5,000; and
- the additional direct and locally occurring indirect and induced jobs that are expected to be created across North West Leicestershire as a result of the EMG can be regarded as entirely additional to – i.e. can be added to – the overall local OE forecast for the district.

The result is that an alternative PACEC and OE based growth scenarios for the district can be developed, with the results of each set out as follows.

³ Environmental Statement for the East Midlands Gateway SRFI, Chapter 4 – Socio-economic aspects, Table 4.8, page 30

First, with respect to the PACEC forecast:⁴

Table 5(a): Additional jobs expected in NW Leicestershire by 2031

Source of jobs	Additional Jobs by 2031	Jobs per annum over the plan period (2012-2031)
PACEC baseline trajectory (2013 forecast)	9,600	505
Direct – EMG (proportion not accounted for in the PACEC baseline trajectory)	5,000	263
Indirect – EMG (local to NW Leicestershire only)	750	39
Induced – EMG (local to NW Leicestershire only)	690	36
Total additional workplace jobs (NWL)	16,040	844

Source: Development Economics, based on project details for EMG plus assumptions based on 2011 Census and the HCA Additivity Guide as well as the baseline PACEC forecasts

Under this variant of the PACEC forecast, the expected annual increase in jobs is 844 workplace jobs per annum.

Secondly, with respect to the OE forecast:

Table 5(b): Additional jobs expected in NW Leicestershire by 2031

Source of jobs	Additional Jobs by 2031	Jobs per annum over the plan period (2011-2031)
OE baseline trajectory (July 2015 forecast)	8,600	430
Direct – EMG	7,317	366
Indirect – EMG (local to NW Leicestershire only)	1,098	55
Induced – EMG (local to NW Leicestershire only)	1,010	51
Total additional workplace jobs (NWL)	18,025	901

Source: Development Economics, based on project details for EMG plus assumptions based on 2011 Census and the HCA Additivity Guide as well as the baseline Oxford Economics forecasts

Under this variant of the OE forecast, the expected annual increase in jobs is 901 workplace jobs per annum.

Conclusions

The underlying trajectory of employment growth expected under the 2013 employment forecasts produced by PACEC for the HMA Employment Land study is for an additional 9,600 workplace jobs over the 2012-2031 period, at an average rate of growth of 505 jobs p.a.

The underlying trajectory of employment growth expected under the July 2015 OE forecasts is for an additional 8,600 workplace jobs over the 2011-2031 period at an average rate of growth of 430 p.a.

However, neither forecast fully takes into account the likelihood of a major new strategic rail freight interchange at a site in North West Leicestershire adjacent to East Midlands airport. This project – East Midlands Gateway – is expected by the developer to create 7,317 new direct jobs. The PACEC

⁴ Note: the number of indirect and induced jobs in this table have been calculated only with respect to the 5,000 EMG jobs that are addition to those included in the baseline PACEC forecast. It is assumed that the indirect and induced effects associated with the 2,300 or so jobs that are included in the PACEC baseline trajectory are already factored into their model.

assessment takes around 2,300 of these jobs into account, but the OE does not take this development into account at all.

It is important to note that the EMG development does not require any public funding support and is viable. It is understood that the project is expected to be operable within 3-4 years of a decision to permit the project by the Secretary of State.

This decision is expected by early 2016. In addition, North West Leicestershire Council is supportive of the application.

As well as the direct jobs, the EMG scheme can also be expected to create substantial numbers of additional local jobs through supply chains and the spending of a portion of employees' earnings in local shops and other outlets.

Together, these indirect and induced impacts can be expected to support an additional 2,108 workplace jobs located in North West Leicestershire. The PACEC forecasts are assumed to take some of these indirect and induced jobs into account, but the OE forecast do not.

The overall number of jobs expected under a 'with EMG variant' of the respective baseline forecast scenarios considered in this paper are:

- **PACEC:** 16,040 additional workplace jobs occurring in North West Leicestershire over the period 2012-2031, at an average rate of 844 jobs p.a. over the period 2012-2031.
- **Oxford Economics:** 18,025 additional workplace jobs occurring in North West Leicestershire by 2031, at an average rate of 901 p.a. over the full Plan period (2011-2031).

Appendix 2

**Critical Review of Leicester and Leicestershire
Strategic Housing Market Assessment
– Barton Willmore**

CRITICAL REVIEW OF LEICESTER AND LEICESTERSHIRE STRATEGIC HOUSING MARKET ASSESSMENT

Prepared on behalf of Gladman Developments

June 2014

CRITICAL REVIEW OF LEICESTER AND LEICESTERSHIRE STRATEGIC HOUSING MARKET ASSESSMENT (SHMA)

Summary

- The Leicester and Leicestershire SHMA, prepared by GL Hearn/Justin Gardner Consulting, assesses in detail the key components of housing need for the HMA. The key conclusions of the SHMA relating to objectively assessed housing need are summarised in the table below.

Summary Table: OAN Conclusions for Leicester & Leicestershire HMA

	Demographic led household projections to 2031*	Higher market affordability pressures	Supporting proportionate economic growth*	Affordable Housing Need*	Affordable Need as % Demographic-led projection	OAN Range*	
Leicester	1,249		1,057	527	42%	1,250	1,350
Blaby	356		388	352	99%	360	420
Charnwood	814		690	180	22%	810	820
Harborough	415	✓	454	212	51%	415	475
Hinckley & Bosworth	375		467	248	66%	375	450
Melton	202	✓	253	74	36%	200	250
NW Leicestershire	284		372	212	75%	285	350
Oadby & Wigston	79		173	163	206%	80	100
LLLPA	3,774		3,854	1,966	52%	3,775	4,215

*per annum

- Having reviewed the SHMA in detail, it is considered that the approach taken in carrying out this Objective Assessment of Housing Need is flawed, for the following reasons:
 - Headship rates – it is considered that in order to comply with the NPPF and PPG requirements to use the most recent data, the interim 2011-based CLG household formation rates should be applied between 2011 and 2021, with a return to the 2008-based formation rates post 2021;
 - Migration assumptions – It is considered that the net migration trends assumed require adjustment. On the basis of ONS advice and recent Planning Inspectorate decisions, it is considered that the UPC element be excluded from net migration trends. Furthermore it is considered that the long term trend would provide a more robust measure of net migration. This longer term trend shows net in-migration of 4,139 people per annum (2002-2012) and a scenario based on this figure should be presented.

- Market Signals – although the SHMA acknowledges the presence of adverse market signals, particularly in Melton and Harborough, only a minimal adjustment has been made to the OAN. This minor adjustment is unlikely to make the significant impact on house prices required to widen affordability. As such, a more significant uplift should be considered, either through recommendation of a scenario with higher dwelling requirements or through a market signals-specific uplift over and above the recommended scenario
 - Affordable Housing - The SHMA identifies net affordable housing need of between 1,913 and 1,966 dwellings per annum. The SHMA acknowledges that this would require housing delivery in excess of 7,600 dwellings per annum at the delivery rates currently established in local policy. This is significantly higher than the OAN range provided in the SHMA, meaning that the affordable housing deficit will continue to grow. This also undermines the SHMA's assertion that market signals will be addressed through the adjustment described above; if the affordable housing deficit continues to grow, market signals (especially affordability and overcrowding) are likely to worsen further.
- **As a consequence of the approach taken, it is considered that the dwelling requirements identified by the Leicester and Leicestershire SHMA do not fully reflect the true level of housing need in the HMA. As such, the SHMA is considered not to fully comply with the NPPF or the guidance set out in the PPG**

i) Introduction

1.1 This report provides a critique of the evidence set out in the Leicester & Leicestershire Strategic Housing Market Assessment Update (SHMA) prepared by GL Hearn and Justin Gardner Consulting in June 2014, and addressing overall housing need in the following local authorities:

- Blaby District Council;
- Charnwood Borough Council;
- Harborough District Council;
- Hinckley & Bosworth Borough Council;
- Leicester City Council;
- Melton Borough Council;
- North West Leicestershire District Council;
- Oadby and Wigston Borough Council.

1.2 The NPPF and supporting PPG state how Local Plan housing targets should be informed by a full objective assessment of overall housing need of the housing market area, set out in an up to date Strategic Housing Market Assessment (SHMA). Furthermore a recent High Court judgement¹ confirms how this full objective assessment of overall housing need should leave aside policy considerations, confirming the requirement of the PPG to ensure the full assessment of overall housing need should not be constrained by Development Plan policies.

ii) Objective Assessment of Overall Housing Need

1.3 Section 5 of the SHMA considers future housing needs in the HMA, in the context of the NPPF and PPG requirements to consider demographic projections, economic growth, market signals, and affordable housing provision as part of a full objective assessment of overall housing need.

1.4 The table below summarises the annualised housing numbers arising from the SHMA's central projection scenarios:

¹ High Court Judgement: Gallagher Estates v Solihull Metropolitan Borough Council, Case No: CO/17668/2013

Table 1: Leicester & Leicestershire SHMA – Demographic modelling scenarios and results, 2011-2031

Scenario Output	HMA Total (per annum)
PROJ 1 (2011-based SNPP) Based on the 2011-based ONS and CLG projections rolled-forward to 2036	3,335
PROJ 2 (2011-based SNPP updated) Based on 2011-based ONS and CLG projections updated to take account of more recent data about population growth	3,441
PROJ 2A (reduced household formation constraint) Linked to PROJ 2 above with a reduced household formation constraint	3,774
PROJ 3 (Experian job-led – LA level) Linked to employment growth shown in an Experian baseline economic forecast (run at local authority level)	3,853
PROJ 4 (Experian job-led – HMA level) Linked to employment growth shown in an Experian baseline economic forecast (run using HMA changes in all local authorities)	3,721*

*Households per annum. The dwelling requirement over this period is unclear from the SHMA's contents

Source: Leicester & Leicestershire SHMA, June 2014

Demographic Led Scenarios

- 1.5 The PPG states how the latest CLG household projections should form the 'starting point' estimate² of overall housing need in an area, and the SHMA begins with a review of the latest 'interim' 2011-based CLG household projections, which show growth in the HMA of 34,824 households over the 10-year period (3,482 households per annum) covered by the projections (2011-2021).³
- 1.6 However due to the limited 10-year span of the interim 2011-based CLG projections, the SHMA extends the projections to 2031 and 2036 to provide a projection period more akin to a Development Plan period. The SHMA explains how the projections are extended on the basis of rolling forward the net migration projections of the 2010-based SNPP, from 2021 onwards, at the level of migration assumed in 2021.⁴

² Paragraph 015 Reference ID: 2a-015-20140306, Planning Practice Guidance, 06 March 2014

³ Table 09, page 81, Leicester & Leicestershire SHMA, June 2014

⁴ Paragraph 5.6, page 81, Leicester & Leicestershire SHMA, June 2014

- 1.7 The SHMA reports how the extension of the interim 2011-based CLG projections on this basis will result in a slightly lower projection of 3,335 new dwellings per annum, 2011-2031 (scenario PROJ 1). This scenario is underpinned by a continuation of the recessionary based household formation rates, which project forward very low household formation rates and should be considered with caution.
- 1.8 The second demographic led scenario (PROJ 2 – 2011-based SNPP updated) is based on the application of net migration trends. The methodology for determining the trends over the first five years has been threefold. First, to determine average net migration over the short-term (2007-2012); second to consider the average net migration determined by the first five years of the latest ONS projection (2011-2016) and combine these two figures. Third, half of the Unattributable Population Change (UPC) element is added to the combined figure (trends and projections) to provide an average net migration trend for the first five years of the Plan period. This approach results in average net in-migration of 3,268 people per annum, 2011-2016.
- 1.9 From 2016 onwards the SHMA applies the following methodology:

“On the basis of the information above adjustments have been made on a year-by year basis in line with these figures (for 2011-2016). For example, in Leicester the ONS projections show an average net outmigration of 1,821 from 2011-16 whilst our modelling puts this figure at 897 (net out-migration). For each year of the projection the level of net migration is therefore increased by 924 people – the same process is used in other areas and in many locations this sees a slightly lower level of migration moving forward.”

⁵

- 1.10 This scenario shows a requirement for 3,441 dwellings per annum, 2011-2031. It appears that this scenario is again underpinned by the recessionary household formation rates of the interim 2011-based CLG household projections. However it is considered that at the very least, the mid-point household formation rates applied in PROJ 2A should be applied here.
- 1.11 In respect of the net migration trends assumed in this scenario, in the context of the ONS 2012-based sub national population projections guidance, which the SHMA refers to, recent Planning Inspectorate decisions, and guidance received from the ONS, we suggest that the UPC element should be excluded from the calculation of the net migration trends to provide a full range of possible outcomes based on net

⁵ Paragraph 5.33, page 89, Leicester & Leicestershire SHMA, June 2014

migration trends. This would elevate the short-term trend (2007-2012) slightly to 3,383 people per annum.

- 1.12 However we would suggest that the long term net-migration trend (2002-2012) is a more robust period to assess, being underpinned by years of economic growth and decline. The long term trend shows net in-migration of 4,139 people per annum, and it is considered that housing growth based on the long term trend should also be presented as part of a full objective assessment.
- 1.13 The third scenario (PROJ 2A – reduced household formation constraint) provides a scenario which updates the household formation rate assumptions to take account of the September 2013 TCPA report by the Cambridge Centre of Housing and Planning Research (CCHPR) which reported how household formation (2001-2011) based on the 2011 Census was much lower than the 2008-based CLG household projections. The report stated how there was a shortfall of approximately 375,000 households relative to trend, and how approximately 175,000 of this shortfall was due to the economic recession.
- 1.14 This scenario therefore incorporates a mid-point between the pre recessionary 2008-based and the recessionary interim 2011-based household formation rates. This shows a slight uplift in housing numbers over the 2011-2031 period, to 3,774 households per annum. The SHMA concludes the following in respect of PROJ 2A:

“These projections represent what we would consider to be the most robust projections of future housing needs based on the demographic evidence.”⁶ (our emphasis)

- 1.15 However it is considered that all scenarios should have the interim 2011-based CLG formation rates applied to 2021, and a return to the 2008-based CLG formation rate in 2031, post-2021.

Economic Driven Projection

- 1.16 The SHMA incorporates economic led scenarios for growth, drawn from the autumn 2013 'baseline' econometrics forecasts by Experian. The data has been modelled on the basis of a percentage increase in jobs, assuming an equivalent increase in the resident working age population.
- 1.17 The economic led scenarios assume an increase in economic activity rates (over the age of 50), and assumes the current migration patterns (in terms of age and sex)

⁶ Paragraph 5.43, page 93, Leicester & Leicestershire SHMA, June 2014

are maintained with a different level of migration being input into the modelling to meet job targets.⁷

- 1.18 The result is a requirement for 3,853 dwellings per annum, 2011-2031, based on the midpoint headship rate assumptions set out above.⁸

Sensitivity Scenarios

- 1.19 Alongside the 'core' scenarios we have discussed above, the SHMA incorporates household formation rate sensitivity scenarios in the context of the PPG requirements. The sensitivity analysis is as follows:

- Adjusted 2011-based SNPP which track the 2008-based household formation rates;
- Unamended 2011-based SNPP with midpoint headship rates;
- Unamended 2011-based SNPP which track the 2008-based household formation rates.

- 1.20 The results of these sensitivity scenarios are set out in Table 2 (below).

Table 2: Annual housing need sensitivity scenarios

	2011-based SNPP (updated) with 2008-based tracking headship rates		2011-based SNPP with midpoint headship rates		2011-based SNPP with 2008-based tracking headship rates	
	2011-2031	2011-2036	2011-2031	2011-2036	2011-2031	2011-2036
Leicester	1,396	1,375	813	772	948	901
Blaby	380	364	405	387	429	415
Charnwood	869	833	904	869	961	930
Harborough	439	423	429	410	453	438
Hinckley & Bosworth	396	379	407	387	429	413
Melton	212	207	194	186	204	199
North West Leicestershire	315	303	323	307	355	344
Oadby & Wigston	99	96	189	192	214	218
Leicester & Leicestershire	4,106	3,980	3,664	3,510	3,993	3,858

Source: Table 25, page 98, Leicester & Leicestershire SHMA, June 2014

⁷ Paragraph 5.52, page 94, Leicester & Leicestershire SHMA, June 2014

⁸ Paragraph 5.43, page 93, Leicester & Leicestershire SHMA, June 2014

1.21 These sensitivity scenarios provide an uplift to a maximum of 4,106 dwellings per annum across the HMA, 2011-2031. However in concluding the objective assessment, the SHMA considers growth of 3,774 households per annum across the HMA to provide a 'robust starting point' based on demographic projections alone.⁹

Summary

1.22 In summary, in respect of the objective assessment of demographic and economic led need set out in the SHMA, we would make the following observations:

- Headship rates – it is considered that in order to comply with the NPPF and PPG requirements to use the most recent data, the interim 2011-based CLG household formation rates should be applied between 2011 and 2021, with a return to the 2008-based formation rates post 2021;
- Migration assumptions – It is considered that the net migration trends assumed require adjustment. As set out above, on the basis of ONS advice and recent Planning Inspectorate decisions, it is considered that the UPC element be excluded from net migration trends. Furthermore it is considered that the long term trend would provide a more robust trend. This shows net in-migration of 4,139 people per annum (2002-2012) and a scenario based on this figure should be presented.

iii) Market Signals

1.23 The PPG requires market signals to be taken into account as part of a full objective assessment of housing need. In responding to market signals, the PPG states the following:

"A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections."

¹⁰ (Our emphasis)

1.24 In this context it is not necessarily appropriate to solely consider population projections based on demographic and economic-led need.

⁹ Paragraph 9.6, page 184, Leicester & Leicestershire SHMA, June 2014

¹⁰ Reference ID: 2a-020-20140306, Planning Practice Guidance, 06 March 2014

- 1.25 The SHMA acknowledges the requirement to consider market signals as part of the full objective assessment of overall housing need. In section 4, the SHMA identifies how house prices are above the East Midlands average at the HMA level. These relatively high house prices have been shown to translate into acute affordability problems, particularly in Harborough and Melton. Furthermore in respect of past delivery, housing delivery in the HMA fell significantly below targets, resulting in a deficit of 2,732 dwellings 2006/07 to 2010/11.
- 1.26 The SHMA concludes how against this context there is some basis for considering a localised upwards adjustment to housing provision in order to improve the affordability of market homes (across the HMA but particularly in Harborough and Melton).
- 1.27 However in accounting for market signals it appears that the sensitivity scenario based on the mid-point household formation trends is considered to account in some part for the uplift required, as follows:

"Housing supply over the 2006/7-10/11 fell below planning targets by around 2,732 dwellings, although this varied across local authorities with Harborough, Melton and Oadby and Wigston meeting their target. The adjustments to household formation rates in the demographic projections seek to address this."¹¹(Our emphasis)

- 1.28 Furthermore, in determining overall objectively assessed need, Table 84 (page 187) of the SHMA suggests how only Harborough and Melton show 'higher market affordability pressures'.
- 1.29 The conclusions reached regarding market signals do not logically follow the conclusions reached on affordable housing need (discussed in detail below), which show that many of the local authorities assessed are likely to fall significantly short of delivering sufficient affordable housing. If the affordable housing deficit continues to grow, it is likely that market signals (in particular affordability and overcrowding) are likely to worsen further.

¹¹ Paragraph 9.9, page 184, Leicester & Leicestershire SHMA, June 2014

iv) Affordable Housing Need

1.30 The Council's SHMA provides an assessment of overall housing need in section 6, and identifies an overall deficit of 1,966 affordable dwellings per annum over a 20-year period, based on the CLG basic needs assessment model (1,913 over the extended 25 year period). The SHMA identifies the presence of a significant requirement for new affordable housing, as follows:

"There is thus a significant requirement for new affordable housing in Leicester and Leicestershire and the Councils are justified in seeking to secure additional affordable housing."

¹²

1.31 In accounting for affordable housing provision, the conclusions section identifies the significant level of overall housing need required to meet the slightly lower 25-year requirement (1,913 affordable dwellings per annum), as follows:

"such a level of delivery is not likely to be achievable given viability considerations (at current policy rates of delivery this would require 7,648 dwellings per annum). As stated in the NPPG, an increase in the total housing figures should be considered where it could help deliver the required number of affordable homes."¹³

1.32 In this context the SHMA considers how an upward adjustment to the demographic led projections are required, stating the following:

"The affordable housing needs evidence (see section 6) points to some case for considering higher housing provision levels (relative to the demographic projections) in Leicester, Blaby, Harborough, Hinckley and Bosworth, Oadby and Wigston and North West Leicestershire. There is a particularly acute need in Blaby and Oadby & Wigston and therefore a higher adjustment than the other areas could be justified. This is in order to enhance delivery of affordable homes."¹⁴

1.33 In spite of these conclusions, the SHMA's OAN range is highly unlikely to accommodate the assessed level of affordable need. At HMA level, the 20-year

¹² Paragraph 6.97, page 131, Leicester & Leicestershire SHMA, June 2014

¹³ Paragraph 9.10, page 185, Leicester & Leicestershire SHMA, June 2014

¹⁴ Paragraph 9.10, page 185, Leicester & Leicestershire SHMA, June 2014

requirement for affordable housing equates to 47% of the top OAN figure (4,214 dwellings per annum). It is considered highly unlikely that this could be delivered viably. As such, it is considered that the SHMA has not adequately taken account of affordable need.

v) Conclusion

1.34 In light of this critique of the methodology applied in the SHMA for Leicester and Leicestershire, the resulting housing numbers cannot be considered to reflect the full objectively assessed need for the HMA or individual LPAs in the context of the NPPF and PPG. For this reason, the decision maker should not apply any weight to the report findings.

1.35 The approach taken by the applicant in their submitted OAN report more closely reflects the requirements of the NPPF and PPG by recommending housing numbers which would make a significant contribution to alleviating the adverse market signals observed and to delivering the required quantum of affordable housing. The applicant's OAN sets out figures which would meet both basic demographic-led need (based on Long Term Net Migration trends) and the need to grow the local workforce to facilitate economic growth and job creation.

Appendix 3

**Objectively Assessed Housing Need for North
West Leicestershire – Barton Willmore**

Objectively Assessed Housing Need North West Leicestershire

Second Draft, September 2015

Introduction

Planning Practice Guidance (PPG) on Housing and Economic Development Needs Assessments (26 March 2015) outlines the methodology for assessing housing need in the housing market area. The assessment should be an objective and unconstrained assessment based on facts and unbiased evidence.

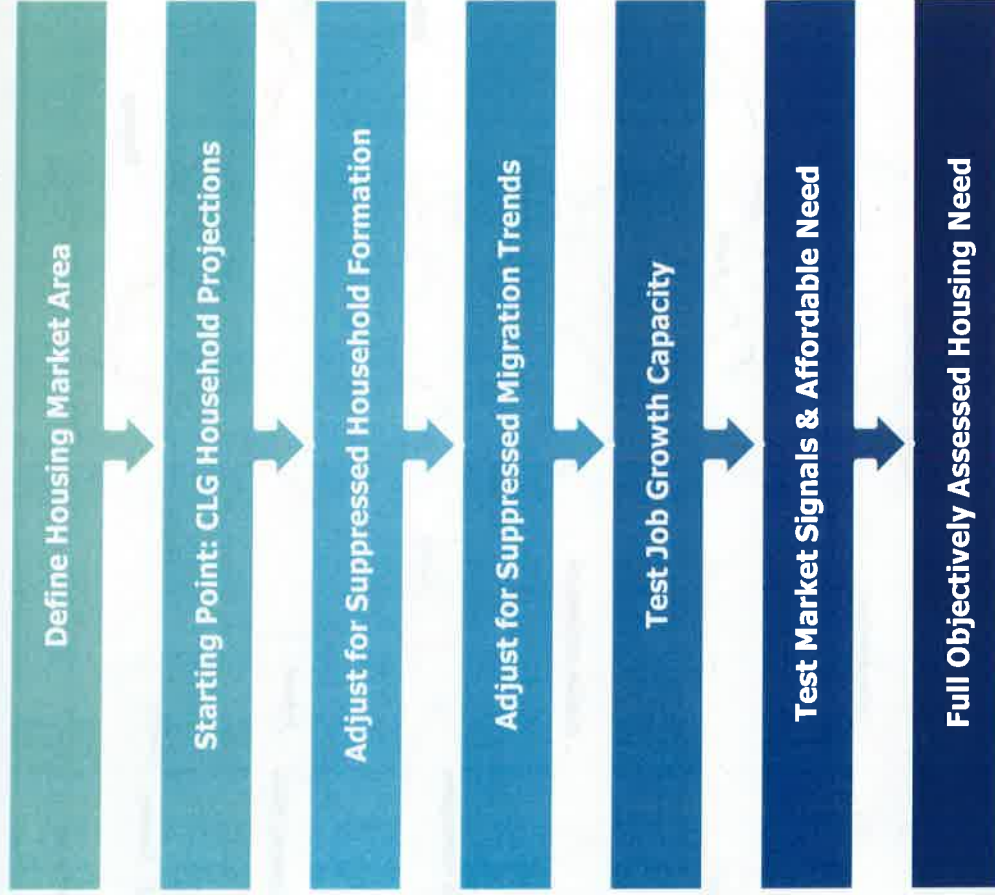
This report summarises objectively assessed housing need for North West Leicestershire. It should be read in conjunction with a separate report on OAN for the Leicestershire HMA.

OAN Methodology

Following PPG, Barton Willmore's approach to assessing housing need is as follows.

1. Define the boundaries of the **Housing Market Area**
2. Identify the **starting point estimate** of need and apply **demographic adjustments** to address household suppression and/ or to test alternative migration trends
3. Assess the labour force capacity of the demographic assessment and, if necessary, apply an uplift to support **job growth** in line with current forecasts and/ or past trends
4. Analyse **market signals** identified by PPG as; land prices, house prices, private rents, affordability, rate of development and overcrowding. A worsening trend in **any of** these indicators will require an upward adjustment to planned housing numbers
5. Establish whether the modelled housing need would meet **affordable housing need** or whether any further adjustment is necessary

This report provides a streamlined summary of these key issues. Further detail on modelling assumptions can be found in the accompanying Barton Willmore OAN Methodology statement.



CURDS/NHPAU Strategic HMA

The map opposite shows the **Leicestershire HMA**, as defined by the Centre for Urban and Regional Development Studies (CURDS) at Newcastle University in a study commissioned by the National Housing and Planning Advice Unit (NHPAU) at CLG.

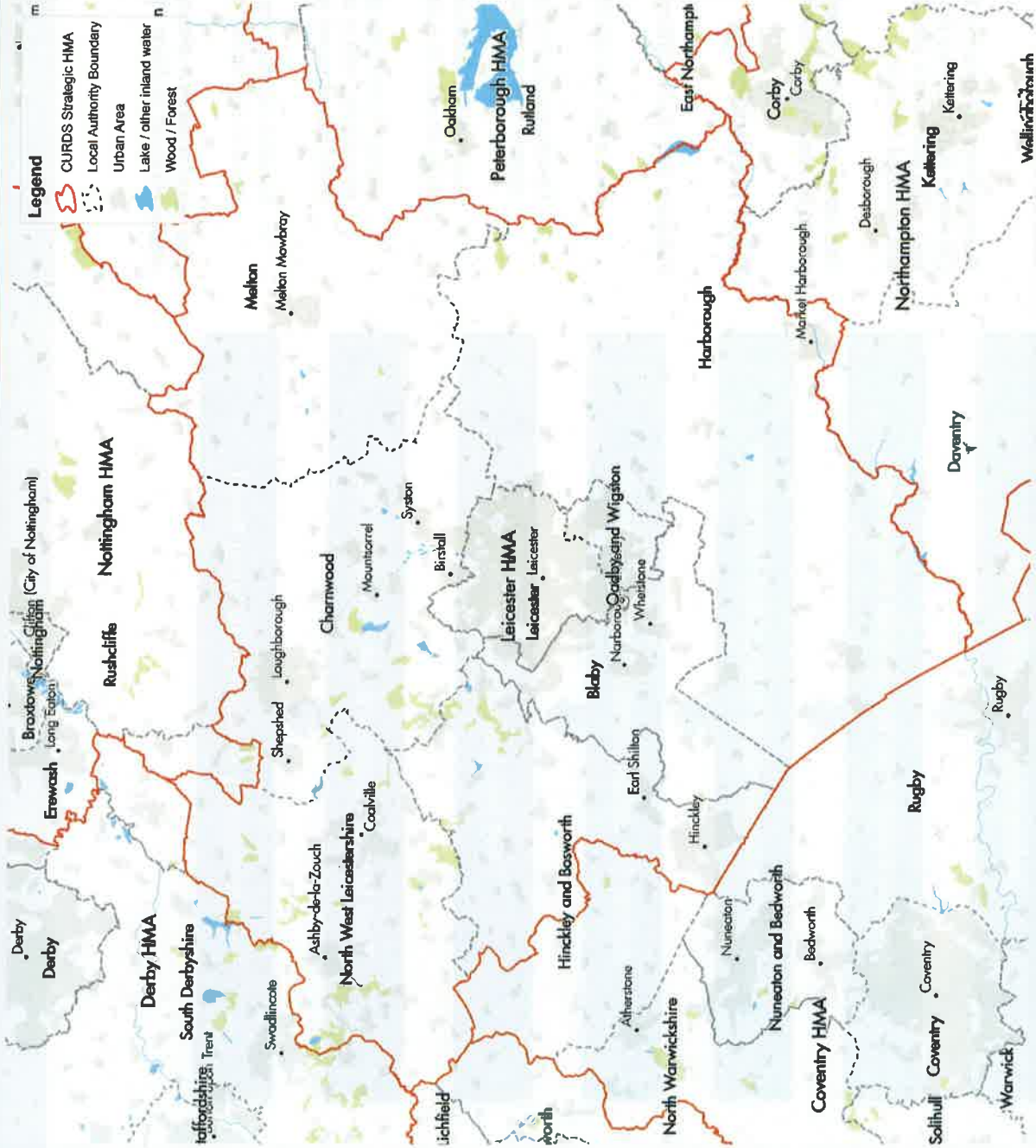
This HMA, defined based on the basis of travel to work flows and spatial variations in standardised house prices, comprises the following LPAs on a Best Fit basis:

- Blaby
- Charnwood
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- Leicester
- North West Leicestershire
- Melton
- Oadby and Wigston

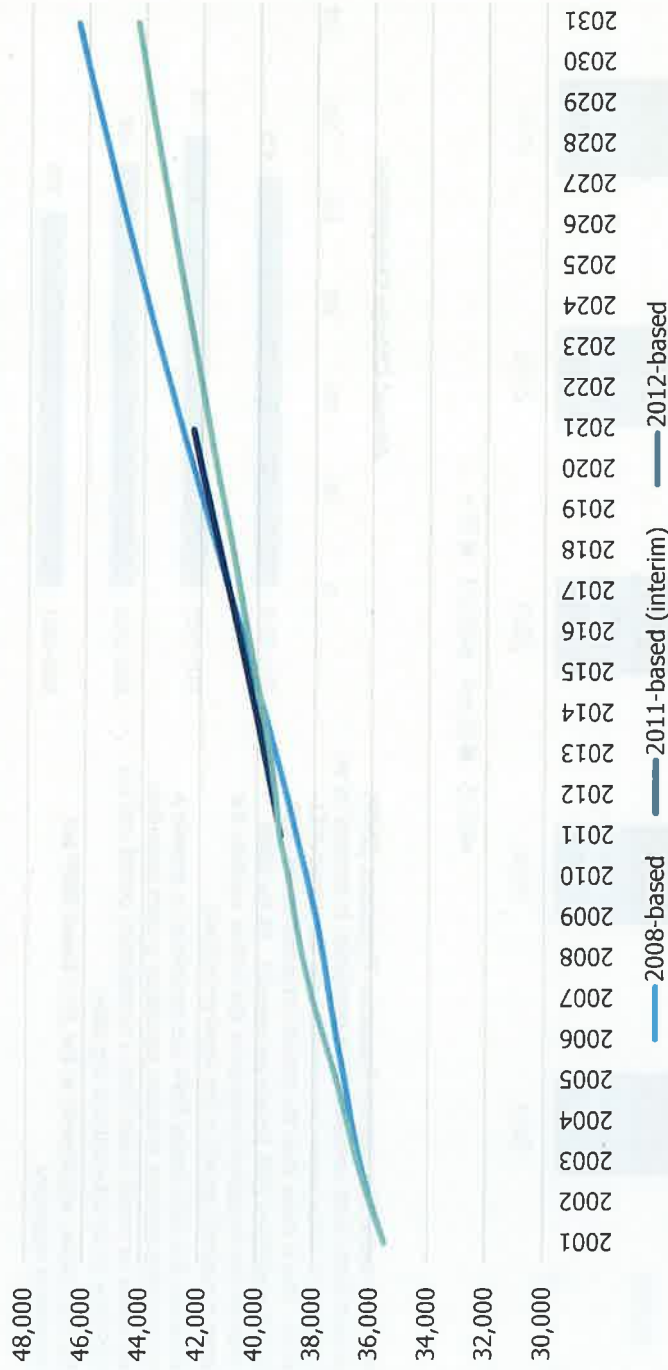
Defined on this basis, **87%** of the HMA's labour force is retained (i.e. living and working within the boundary). Furthermore, **73%** of household moves are contained.

As such, this is considered to be an appropriate HMA definition for the purpose of assessing housing need at the strategic level.

Source: CURDS/NHPAU



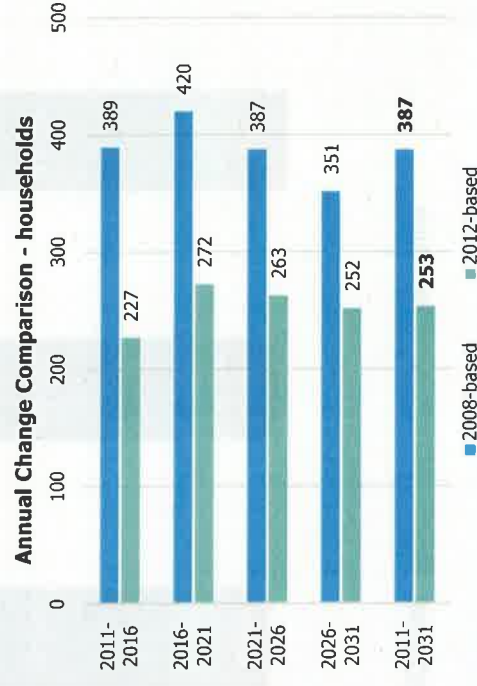
CLG Household Projections: North West Leicestershire



Household projections published by the Department for Communities and Local Government (CLG) should provide the starting point estimate of overall housing need.

The most recent series are the 2012-based household projections published on 27 February 2015. These project growth of **253 households per annum** in North West Leicestershire over the period 2011-2031. Once an allowance for vacancy and second homes has been applied (3.4% for NW Leicestershire) this equates to growth of **262 dwellings per annum**.

The 2012-based series project lower household growth than the previous 'interim' 2011-based and 2008-based series. This is because the 2012-based household projections are based on trends from a recessionary period, when rapidly worsening affordability coupled with reduced mortgage lending restricted household formation. Furthermore, the household projections are calculated by applying household formation rates to the equivalent Sub-National Population Projection (SNPP) series and therefore the population growth projected by the SNPPs also heavily influences the household projections.

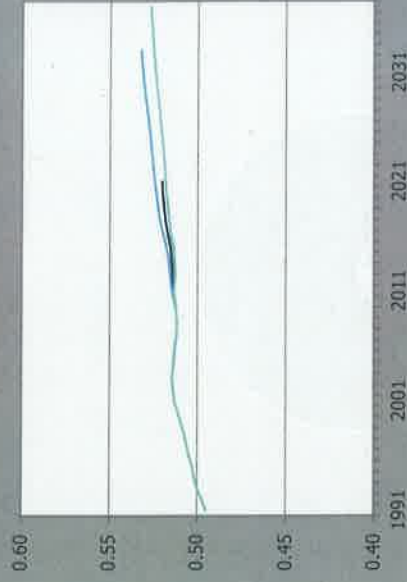


Source: Communities and Local Government (CLG) Household Projections

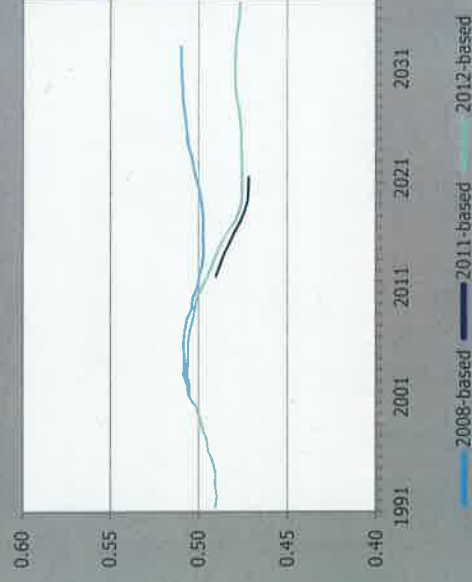
Suppressed Household Formation

The likelihood that a person of a certain age and gender to 'head' a household (household formation rate) is lower in the 2012-based household projections compared to previous series. This suggests that the 2012 rates suppress household formation and particularly for younger people aged 25-34 years, who during the recession found it the most difficult to enter the housing market. An adjustment to the 2012 household formation rates is required to address this issue.

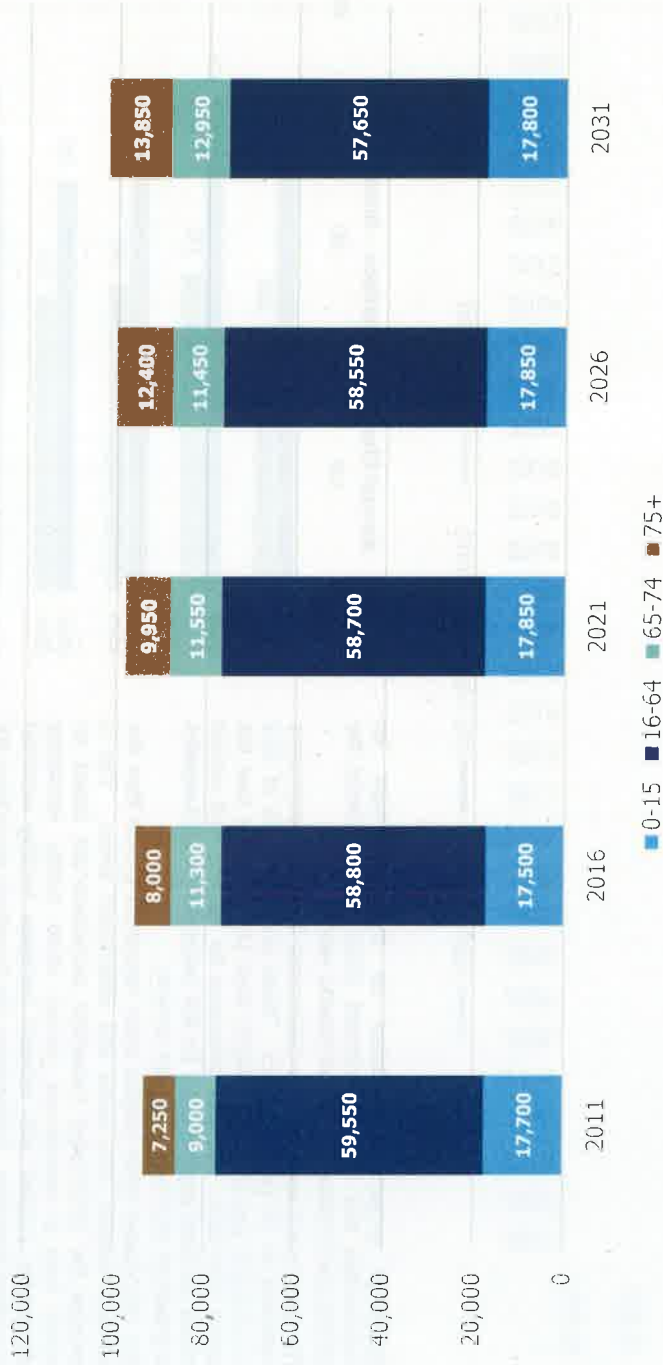
Household Formation Rates: All Ages (15+)



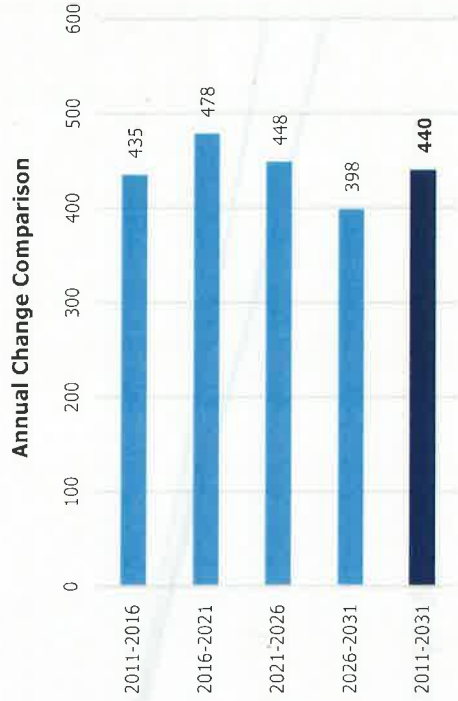
Household Formation Rates: Aged 25-44



ONS 2012-based Population Projections: North West Leicestershire



The 2012-based Sub National Population Projections (SNPP) project North West Leicestershire's population to increase by an **additional 440 people per annum** over the period 2011-2031. This is lower than the growth projected by the 2008-based projections (695 people per annum). As the SNPP underpin the household projections this further explains the lower household growth in the latest projections. However, the 2012-based SNPP are considered to provide a conservative estimate of future population growth given they are based on trends drawn from a recessionary period and low estimates of net international migration. For this reason, adjustments to the 2012-based SNPP are considered necessary.

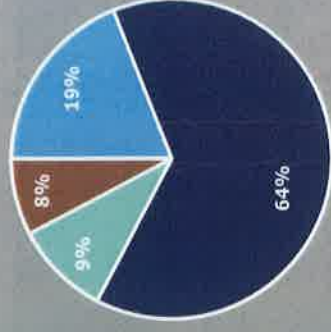


Source: Office for National Statistics (ONS) Sub National Population Projections

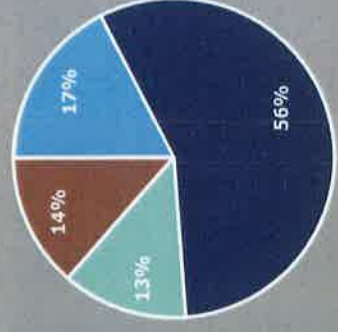
The Ageing Population

Over the Plan Period, the age profile of North West Leicestershire is projected to change significantly. By 2031, more than a quarter of residents will be over 65. Left unchecked, the relative decline of prime working age (16-64) population may have an adverse effect on future economic competitiveness and productivity.

Age Profile: 2011

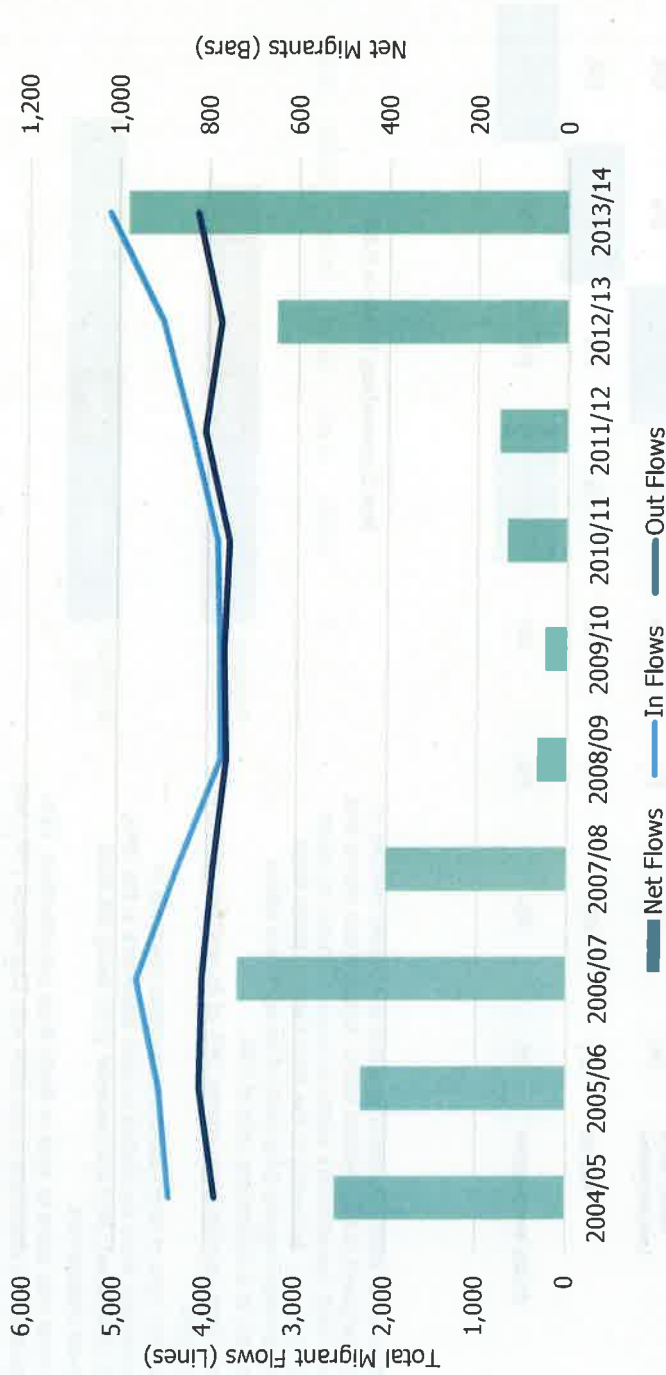


Age Profile: 2031



0-15 16-64 65-74 75+

Migration Flows: North West Leicestershire



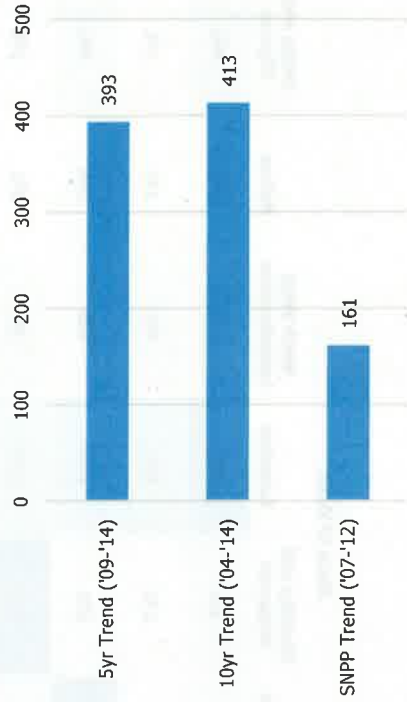
There have been higher in flows of people moving to North West Leicestershire than there have been out flows, resulting in a net increase each year since 2004. Net migration to North West Leicestershire dipped during the recession before reaching its highest level in 2013/14.

Migration over the period from which the 2012-based SNPP trends are drawn (2007-2012) averages **161 net migrants per annum** in North West Leicestershire.

Given net migration to North West Leicestershire has increased each year since the recession, trends drawn from a more recent five-year period (2009-2014) show higher average net migration (393 per annum). Furthermore, consideration of a ten-year trend (2004-2014) which covers both a period of economic buoyancy and recession averages **413 net migrants per annum**.

In light of this analysis it is evident that the economic downturn has led to atypical net migration patterns in North West Leicestershire and therefore an adjustment to the migration trends underpinning the 2012-based SNPP is required.

Net Migration Trends

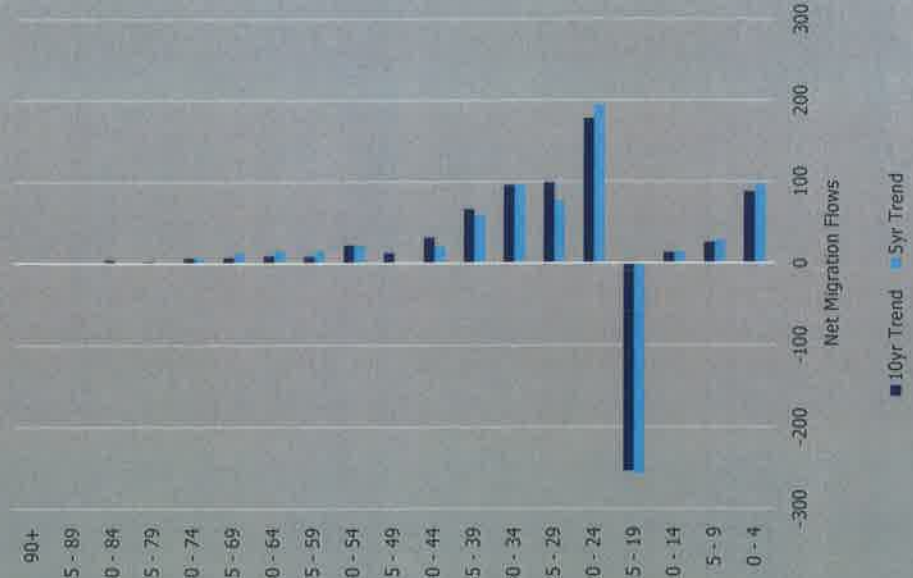


Source: Office for National Statistics (ONS) Components of Population Change

Age Profile of Migrants

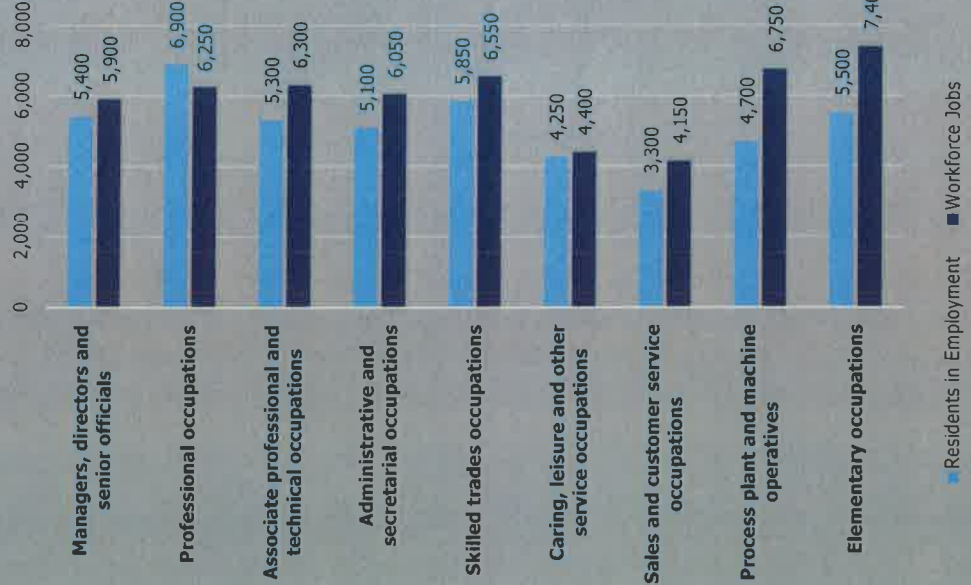
Net migrants to North West Leicestershire tend to be younger families who are of working age. Encouraging net migration will therefore counter the naturally ageing population of North West Leicestershire. Without net migration the working age population of North West Leicestershire will fall over the plan period. To support economic growth in the area the resident labour supply needs to increase and this can be achieved through higher net migration.

Net Migration by Age Group



Commuter Flows by Occupation

There is a net inflow of all occupational groups to North West Leicestershire with the exception of professional occupations where there is a net outflow.



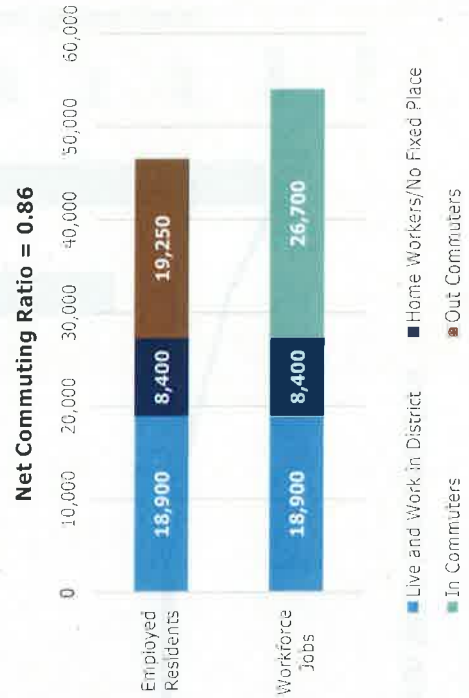
Place of Residence	Place of Work							
	Blaby	Charnwood	Harborough	Hinckley and Bosworth	Leicester	North West Leicestershire	Melton	Oadby and Wigston
Blaby	42%	3%	5%	5%	29%	2%	0%	4%
Charnwood	4%	57%	1%	1%	19%	4%	1%	1%
Harborough	7%	1%	52%	2%	14%	1%	0%	4%
Hinckley and Bosworth	7%	3%	4%	50%	12%	3%	0%	1%
Leicester	8%	4%	3%	1%	70%	1%	1%	4%
North West Leicestershire	3%	8%	1%	3%	5%	59%	0%	0%
Melton	2%	6%	1%	1%	7%	1%	61%	0%
Oadby and Wigston	9%	3%	4%	1%	37%	1%	0%	35%

Within North West Leicestershire there is a greater number of jobs compared to the resident labour supply which means that North West Leicestershire needs to **import labour to meet job demand**. According to the 2011 Census, North West Leicestershire imports 14% (net) of its workforce labour resulting in a commuting ratio of 0.86.

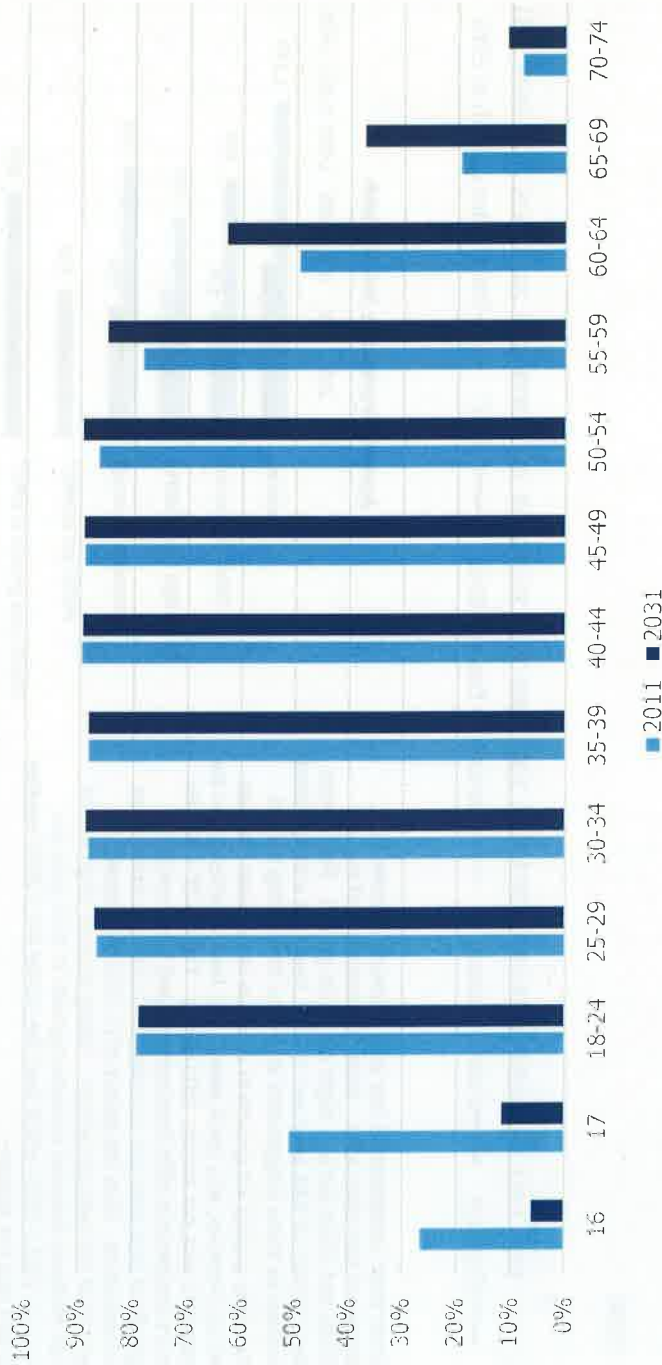
North West Leicestershire retains 59% of its residents who are employed.

A further 20% of North West Leicestershire residents in employment leave the district to work elsewhere in the HMA, with Charnwood (8%) and Leicester (5%) being the most popular destinations.

Of those who come to work in North West Leicestershire, 13% originate from elsewhere in the HMA with Charnwood (4%) and Hinckley and Bosworth (3%) being the most population origins.



Economic Activity Rate Projections: North West Leicestershire



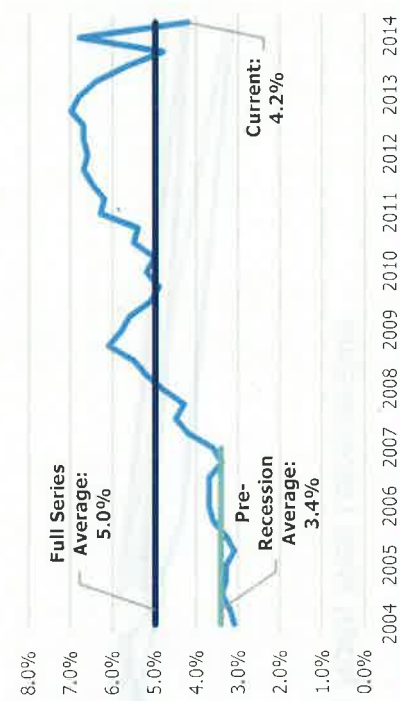
Economic activity rates measure, for a given age and gender band, the proportion of the population who are likely to be available for work.

The extension of State Pension Age (SPA) and the effective abolition of age-related retirement will increase the activity rates among the older age bands. In contrast, the extension of compulsory education to the age of 18 will reduce the activity rates of 16 and 17 year olds.

Activity rates are applied to the population projection to calculate the economically active population (resident labour supply) and therefore even where rates are held constant, an increase in the population will result in an increase in the resident labour supply.

Unemployment rates increased in North West Leicestershire during the recession. In 2011 the **unemployment rate was 5.5%**. It is assumed that unemployment will return to the **pre-recession average of 3.4%** by 2021.

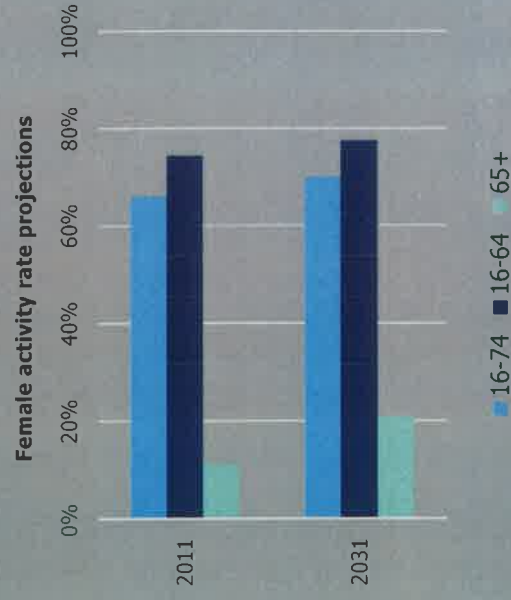
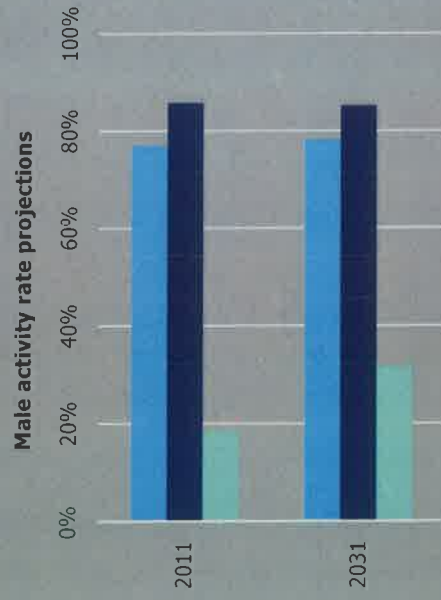
North West Leicestershire Unemployment Rates - APS



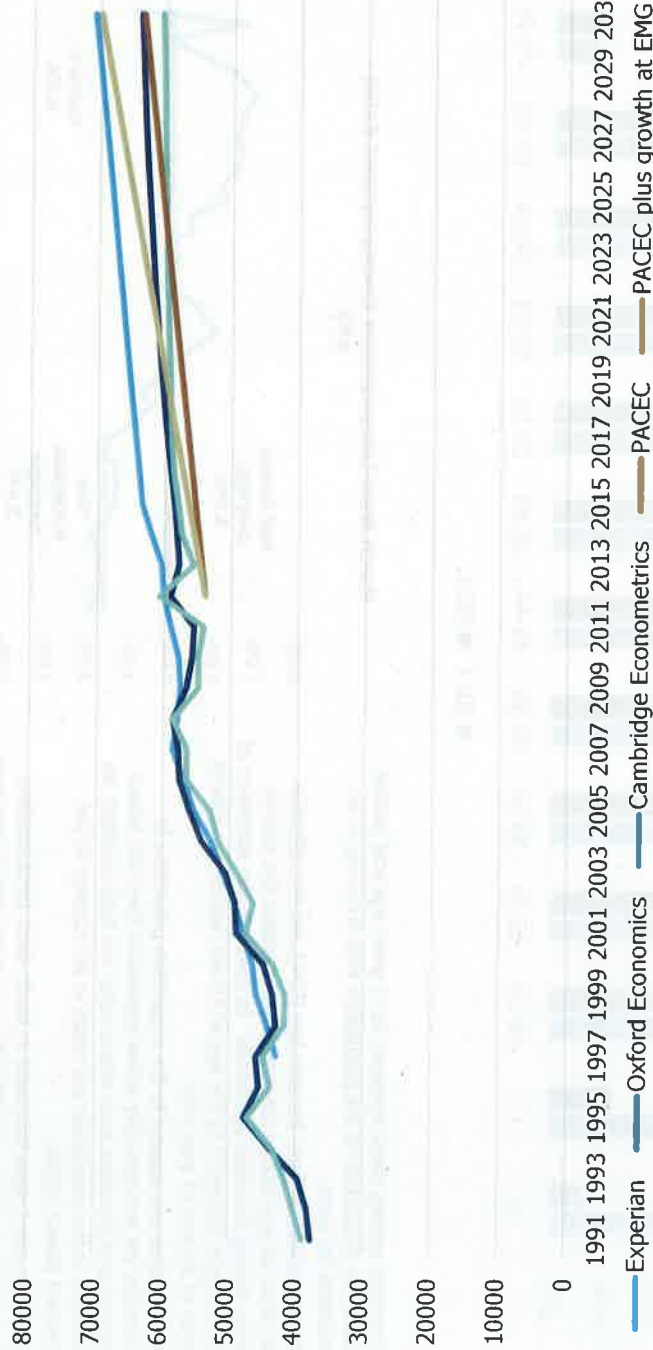
Source: ONS, 2011 Census Economic Activity projected using Kent County Council Activity Rate Forecasts to 2036, November 2014
ONS, Annual Population Survey Model Based Estimates of Unemployment

Male and Female Economic Activity

Economic activity rates are generally higher for males than females. However, between 2001 and 2011, female activity rates increased more rapidly than males as a result of increased participation of females in the labour market. Projections assume this pattern will continue. However, female rates are still expected to remain lower than males. The extension and equalisation of male and female SPA will increase future economic activity rates for both males and females aged 65+.



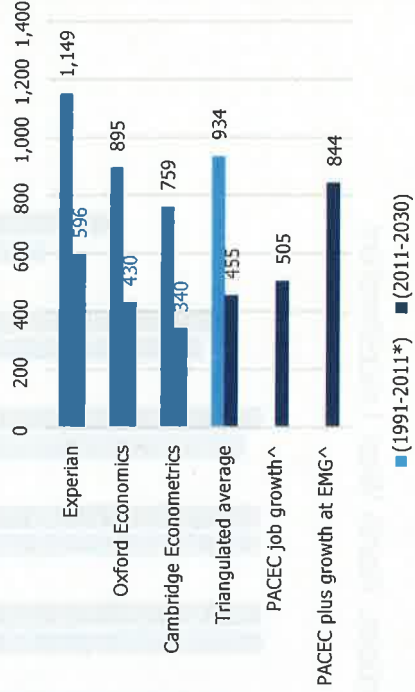
Workforce Job Growth: North West Leicestershire



North West Leicestershire has seen a steady increase in workforce jobs since 1991. Both the recessions of the late 1990s and 2000s led to a slight dip in job growth. Past trends show growth of **934 jobs per annum** based on a triangulated average by three independent economic forecasting houses. Forecasts project job growth to continue to rise over the plan period, however, at a much slower rate than experienced in the past (455 jobs per annum, 2011-2031). The PACEC Leicester and Leicestershire HMA Employment Land Study projects growth of **505 jobs per annum** (2012-2031) in North West Leicestershire. Over the period 2011-2031 this equates to growth of 481 jobs per annum. Taking account of growth at East Midlands Gateway increases growth to **844 jobs per annum** (2012-2031) which over the period 2011-2031 equates to 803 jobs per annum.

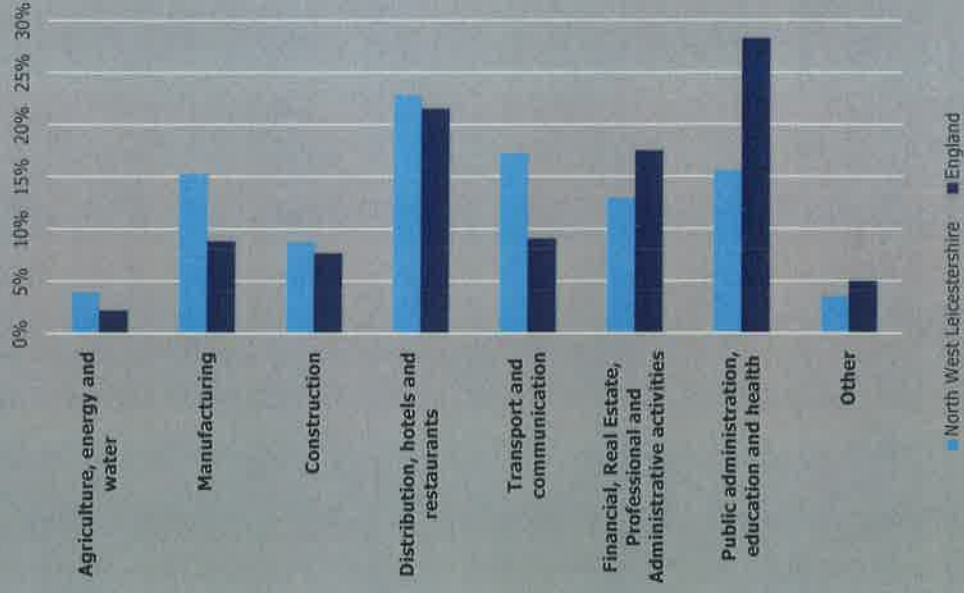
The assessment of housing need to support economic growth in North West Leicestershire is based on job growth of between 481 and 803 jobs per annum, 2011-2031.

Annual Workforce Job Growth



Key Industrial Sectors

North West Leicestershire's employment base is diverse with people who work in North West Leicestershire working in a wide range of industries. The industrial sector which employs the most people is the Distribution, Hotels and Restaurants sector (23%). North West Leicestershire has a higher reliance on Transport and Communication, Manufacturing and Construction compared to the wider Housing Market Area



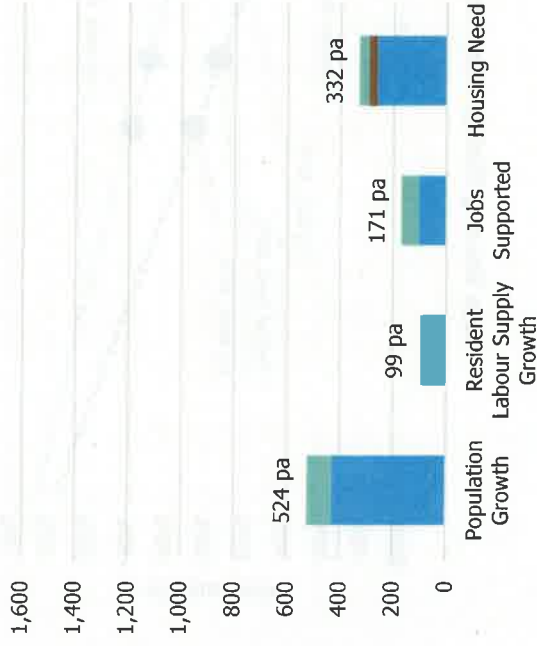
Source: Experian (June 2015), Oxford Economics (July 2015) and Cambridge Econometrics (April 2015), ONS 2011 Census Workplace Statistics (WP605EW) ^ Projected over the period 2012-2031, * Experian data from 1997 to 2011

Starting Point



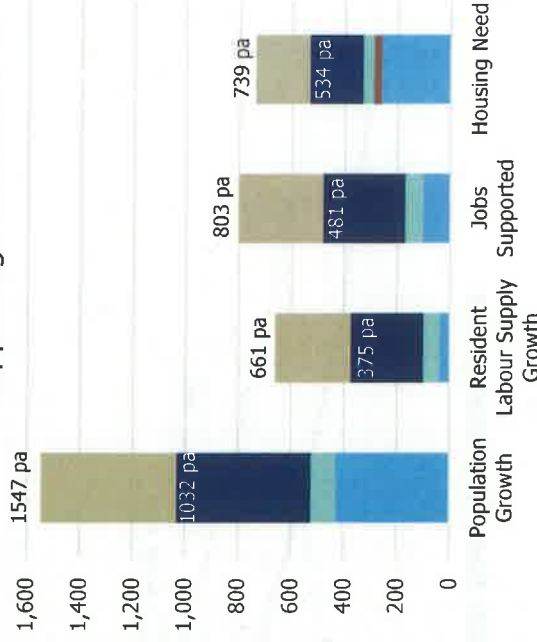
■ Starting Point ■ HFR adjustment ■ Further Migration Trends adjustment ■ Adjustment to meet PACEC job demand ■ Uplift to PACEC for further growth of EMG

Demographic Adjustments



■ Starting Point ■ HFR adjustment ■ Further Migration Trends adjustment ■ Adjustment to meet PACEC job demand ■ Uplift to PACEC for further growth of EMG

Supporting Job Growth



■ Starting Point ■ HFR adjustment ■ Further Migration Trends adjustment ■ Adjustment to meet PACEC job demand ■ Uplift to PACEC for further growth of EMG

The 'Starting Point' scenario is a reflection of the CLG 2012-based Household Projection Series, with adjustments made to convert household change into housing need (by applying adjustments for vacant and second homes). In North West Leicestershire this adjustment rate is 3.4%.

The Starting Point results in a housing need for 262 net additional dwellings per annum, and would support the delivery of 104 new jobs within the district.

Two demographic adjustments are made to the 'Starting Point'. The first is an adjustment to the Household Formation Rates (HFRs) to address the suppression in household formation. Under this adjustment, HFRs for 25-44 year olds gradually return to the rates forecast by the CLG 2008-based household projections by the end of the plan period.

The second adjustment is to the underlying migration trends. Migration trends from the ONS 2012-based SNPP are replaced with those from the 10-year period 2004-2014.

The combined demographic adjustments result in an overall housing need for 332 net additional dwellings per annum. This scenario would also support the delivery of 171 new jobs.

The 'Supporting Job Growth' scenario models the population growth (and dwelling requirement) to meet job growth projected in the PACEC Leicester and Leicestershire HMA Employment Land Study (481 jobs per annum, 2011-2031) and further growth to take account of development of the East Midlands Gateway (803 jobs per annum, 2011-2031). In order to provide the labour supply to meet projected job growth, it will be necessary to encourage a higher level of net in-migration than is anticipated by the official Sub-National Population Projections. Housing will be required to accommodate this additional population growth.

To meet the PACEC job demand, 534 net additional dwellings per annum would be required between 2011-2031. To support growth of the East Midlands Gateway housing need increases to 739 dwellings per annum.

The affordability ratio measures the ratio between lower quartile house prices and lower quartile earnings. The chart to the right tracks the affordability ratio in North West Leicestershire between 1999 and 2013 based on a three year rolling average.

Historically North West Leicestershire has been less affordable than the national and regional average. However, affordability has improved since 2007 and North West Leicestershire is now more affordable than the HMA and national average. This reduction in affordability is largely driven by stagnant house prices in the recession but inevitably house prices will rise again.

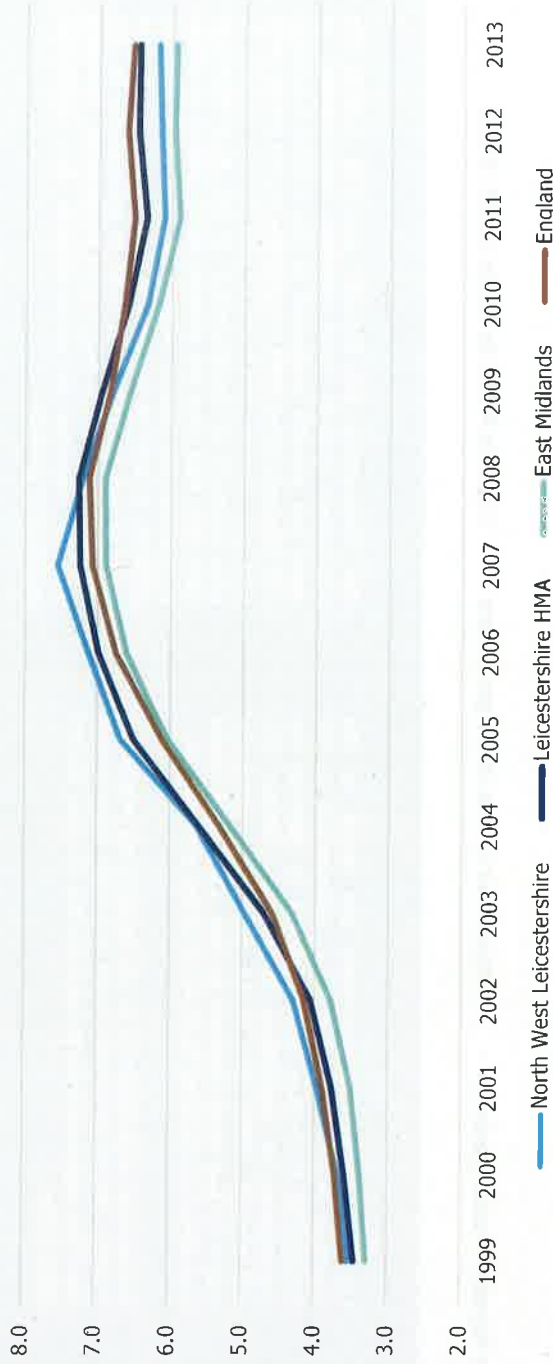
Despite this, the current affordability ratio for North West Leicestershire indicates that a lower quartile house costs 6.2 times more than lower quartile earnings. The typical mortgage borrowing multiplier is 3.41 indicating that the prospect of buying a property for many North West Leicestershire residents is still unlikely.

Private housing market entry thresholds indicate that 61% of first time buyers in North West Leicestershire would not be able to afford a lower quartile house and 47% would not be able to afford lower quartile rents in the district.

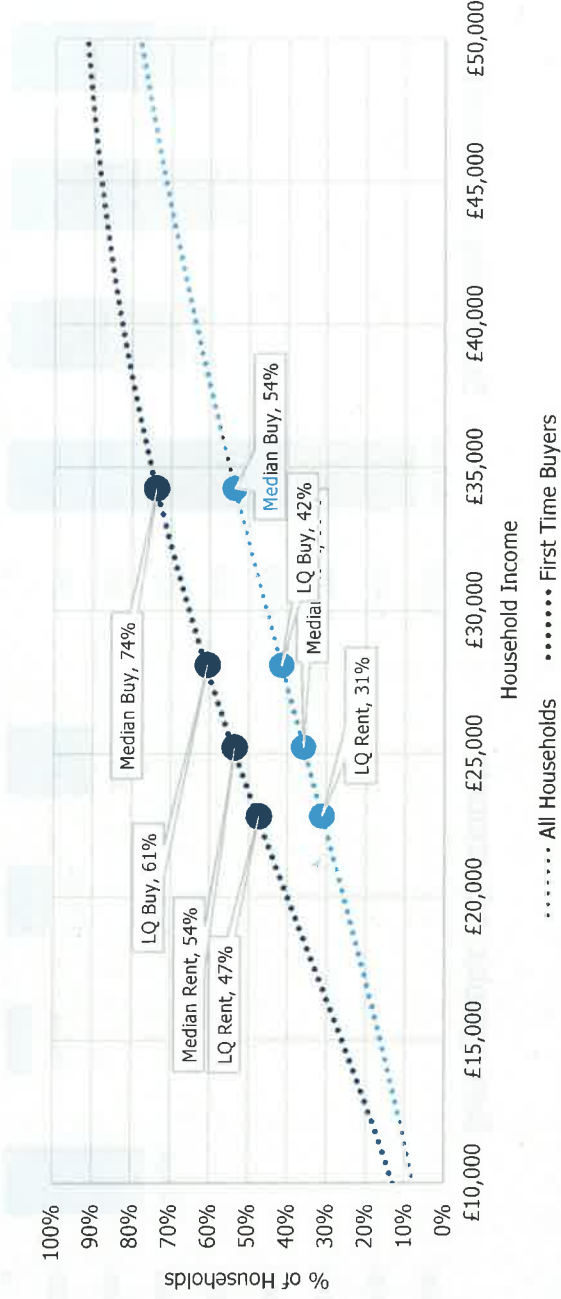
Affordability is just one of the six market signals that PPG identifies needs consideration when determining housing need, with a worsening trend in any of the indicators providing justification for an adjustment to the housing need number suggested by the household projections.

Further consideration of all of the market signals is deemed necessary in order to establish the full extent to which there are market signals issues within North West Leicestershire.

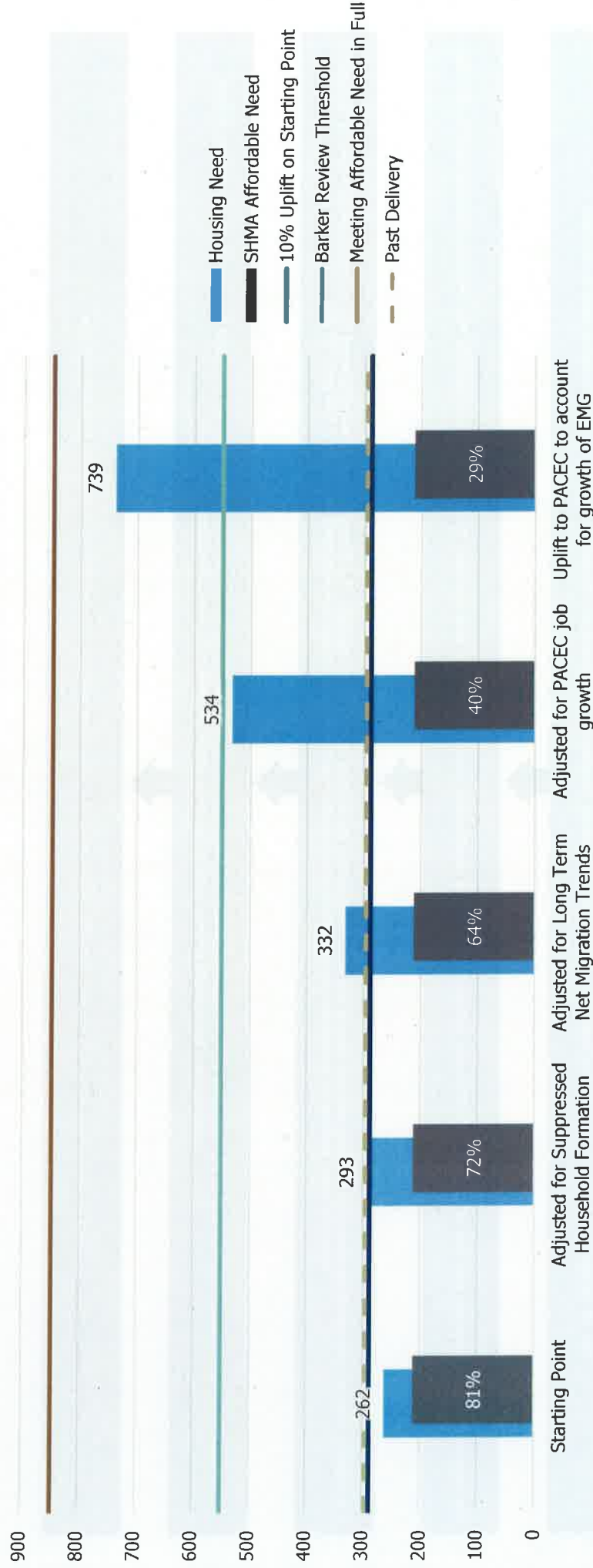
Lower Quartile Affordability Ratio: North West Leicestershire



Private Housing Market Entry Thresholds: North West Leicestershire



Housing Need Per Annum - Scenarios vs. Thresholds: North West Leicestershire



The 'starting point estimate' of housing need in North West Leicestershire as indicated by the CLG 2012-based household projections is 262 dwellings per annum over the period 2011-2031. If a 10% uplift is applied to the 'starting point' estimate (in line with the uplift applied by Inspectors in recent Examinations, for example Eastleigh) to address worsening market signals, then this would bring housing need in line with past delivery in North West Leicestershire (288 dwellings per annum compared to 296 dwellings per annum respectively).

However, the 'starting point estimate' is considered to provide an underestimate of future housing need as it projects suppressed household formation particularly in the younger age groups (25-44 years) and is underpinned by a population projection which is based on migration trends drawn from a recessionary period. Adjustments to address both of these issues results in a housing need requirement for 332 dwellings per annum in North West Leicestershire. However, this level of housing growth will only support growth of 171 jobs per annum in North West Leicestershire which is significantly below past trends of employment growth (934 jobs per annum) and current employment growth forecast by PACEC in the Leicester and Leicestershire HMA Employment Land Study (505 jobs per annum, 2012-2031 or 481 jobs per annum 2011-2031). Development of the East Midlands Gateway (EMG) would increase employment growth to 844 jobs per annum, 2012-2031 (or 803 jobs per annum 2011-2031). To provide the resident labour supply to support growth of between 481 and 803 jobs per annum in North West Leicestershire there is a requirement for between 534 and 739 dwellings per annum over the period 2011-2031.

The lower end of the range (534 dwellings per annum) represents an 80% uplift on past delivery in North West Leicestershire and therefore falls slightly short of the Barker Review Threshold which identified an 86% increase in supply would help to alleviate affordability problems. However, the upper end of the range (739 dwellings per annum) represents a 150% increase.

Housing need of between 534 and 739 dwellings per annum would not meet net affordable need of 209 dwellings per annum as identified by the Leicester and Leicestershire SHMA (GL Hearn, June 2014). Assuming that all new affordable housing is delivered at the current policy rate of 20-30%, 836 dwellings per annum would be required. Housing need of 534 and 739 dwellings per annum would only meet between 29% and 40% of affordable need identified by the SHMA.

North West Leicestershire falls within the Leicestershire Housing Market Area.

The 2012-based Household Projections indicate a starting point of 262 dwellings per annum, including a vacant dwelling adjustment of 3.4%

The 25-34 age group shows clear signs of suppressed household formation. Making an adjustment for this results in an increase in housing need to 293 dpa.

The migration trends observed over the 2012-based SNPP's trend period (2007-12) are significantly lower than the 10 year average. Making and adjustment for this increases housing need to 332 dpa.

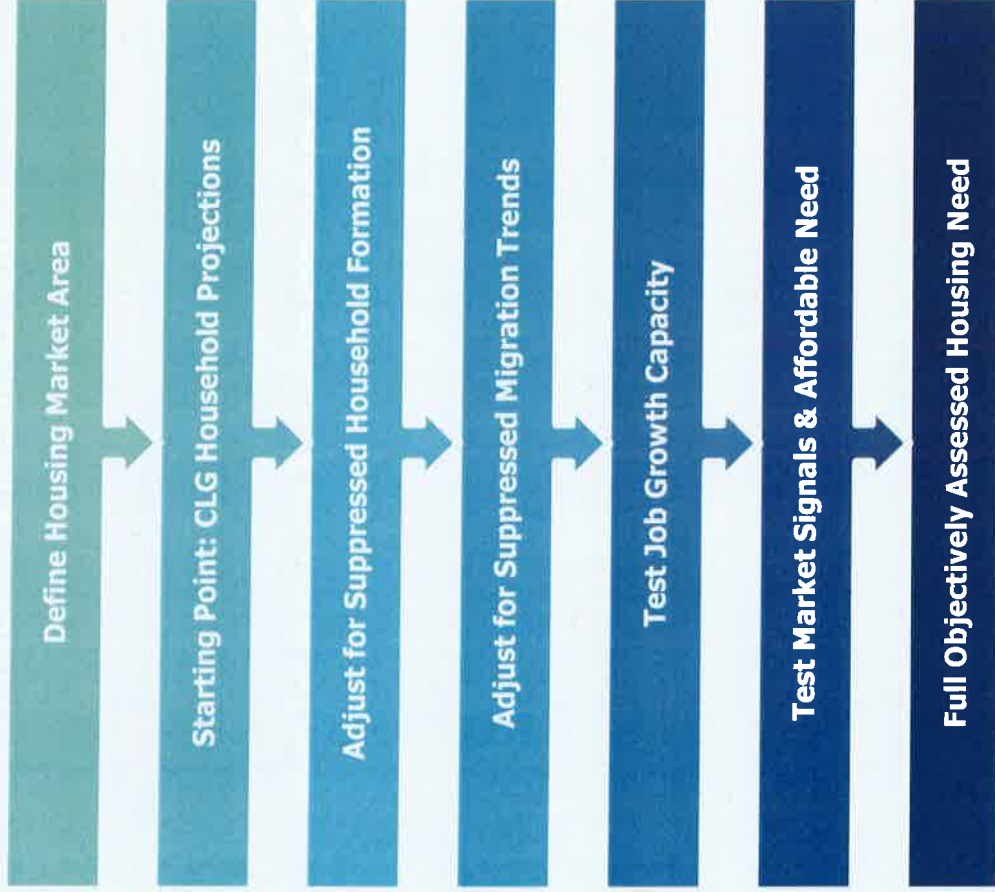
It is forecast that an average of between 505 and 844 jobs per annum will be created within the district over the plan period. The demographic-led housing need figure would supply capacity to support only 171 jobs. Making an adjustment to support forecast employment growth increases housing need to between 534 and 739 dpa.

Affordability has worsened significantly since 2001, and 42% of households are unable to afford to buy a lower quartile priced-house. The Jobs-led Modelled housing need would make a good contribution, but a much greater supply response would be needed to meet affordable need in full.

The Full Objectively Assessed Housing Need for North West Leicestershire between 2011 and 2031 is between 534 and 739 dpa.

Objectively Assessed Housing Need Leicestershire HMA

Third Draft, September 2015



Introduction

Planning Practice Guidance (PPG) on Housing and Economic Development Needs Assessments (26 March 2015) outlines the methodology for assessing housing need in the housing market area. The assessment should be an objective and unconstrained assessment based on facts and unbiased evidence.

This report summarises objectively assessed housing need for the [Leicestershire HMA](#). All data presented refers the HMA area as a whole.

OAN Methodology

Following PPG, Barton Willmore's approach to assessing housing need is as follows.

1. Define the boundaries of the [Housing Market Area](#)
2. Identify the [starting point estimate](#) of need and apply [demographic adjustments](#) to address household suppression and/ or to test alternative migration trends
3. Assess the labour force capacity of the demographic assessment and, if necessary, apply an uplift to support [job growth](#) in line with current forecasts and/ or past trends
4. Analyse [market signals](#) identified by PPG as; land prices, house prices, private rents, affordability, rate of development and overcrowding. A worsening trend in [any](#) of these indicators will require an upward adjustment to planned housing numbers
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This report provides a streamlined summary of these key issues. Further detail on modelling assumptions can be found in the accompanying Barton Willmore OAN Methodology statement.

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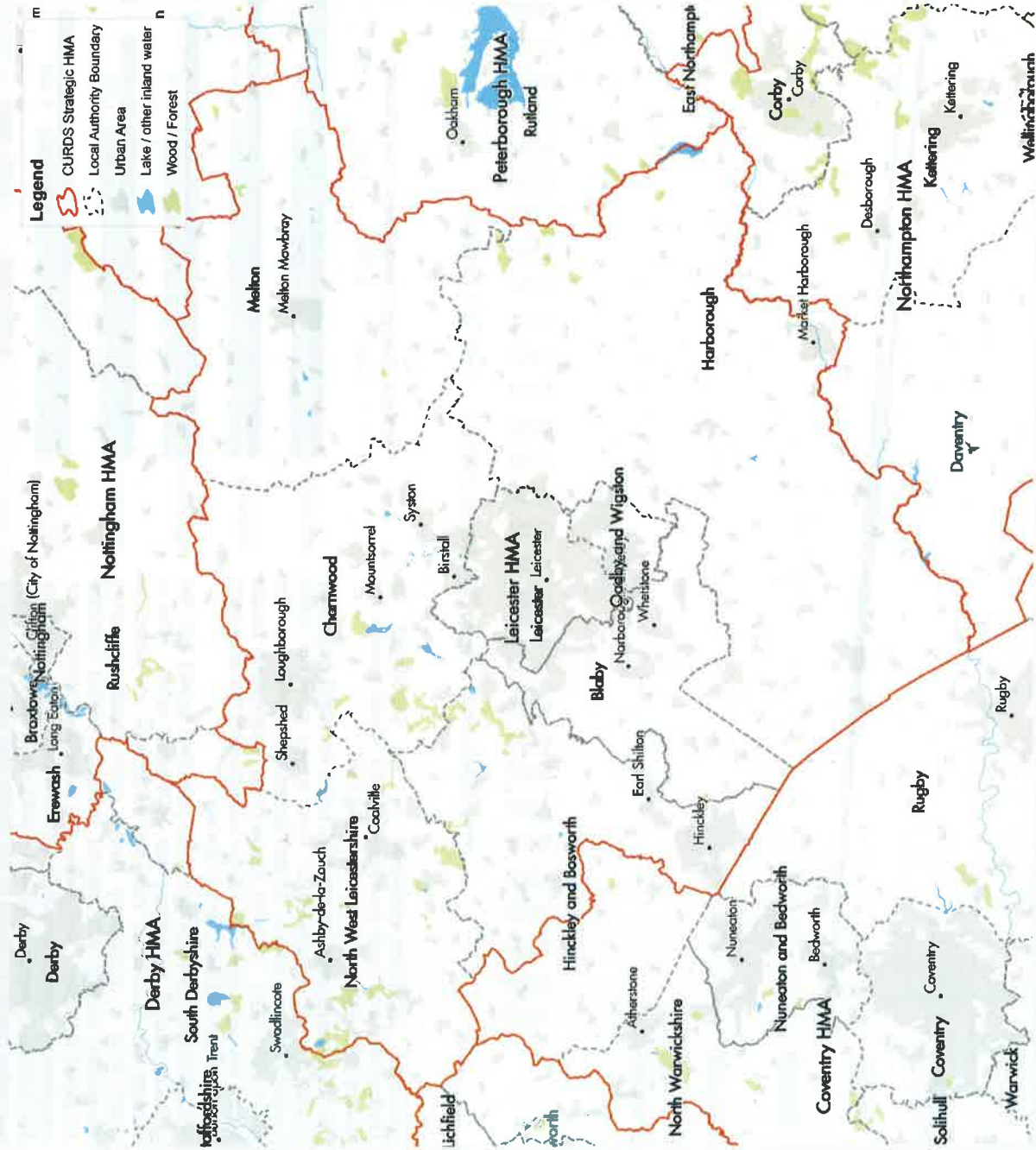
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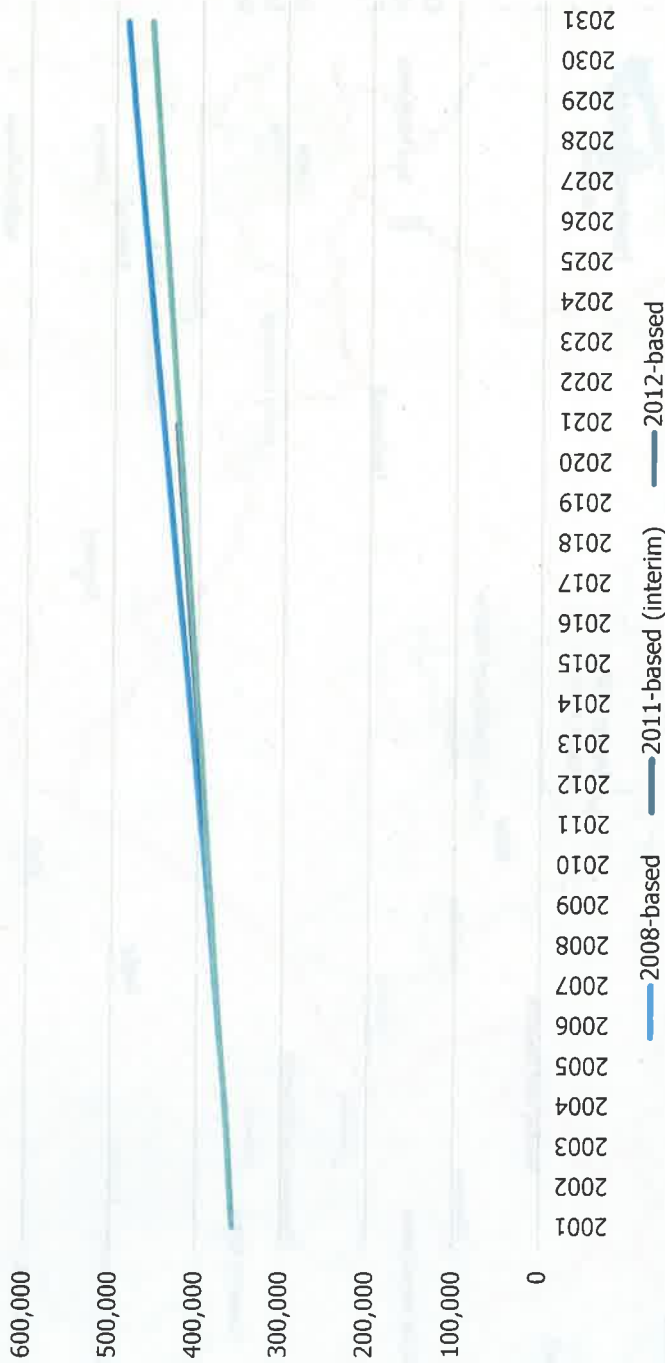
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As such, this is considered to be an appropriate HMA definition for the purpose of assessing housing need at the strategic level.

Source: CURDS/NHPAU



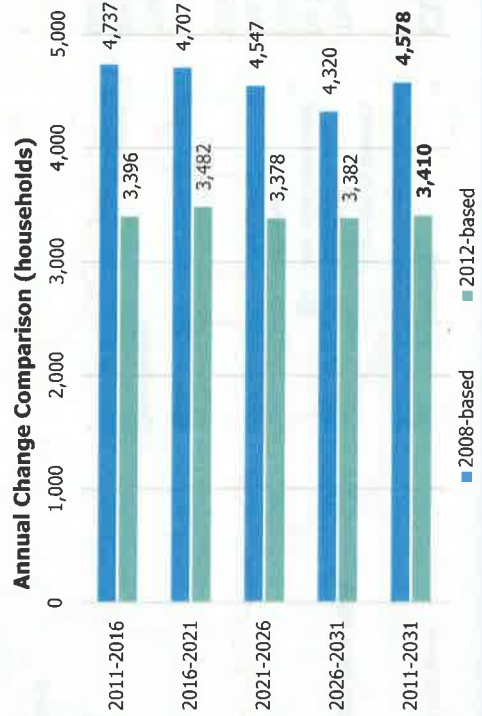
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The 2012-based series project lower household growth than the previous 'interim' 2011-based and 2008-based series. This is because the 2012-based household projections are based on trends from a recessionary period, when rapidly worsening affordability coupled with reduced mortgage lending restricted household formation. Furthermore, the household projections are calculated by applying household formation rates to the equivalent Sub-National Population Projection (SNPP) series and therefore the population growth projected by the SNPPs also heavily influences the household projections.

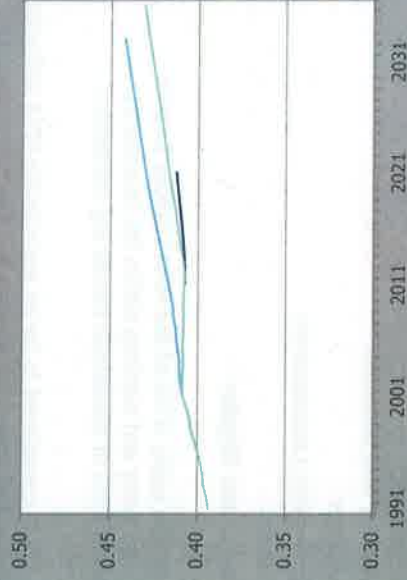


Source: Communities and Local Government (CLG) Household Projections

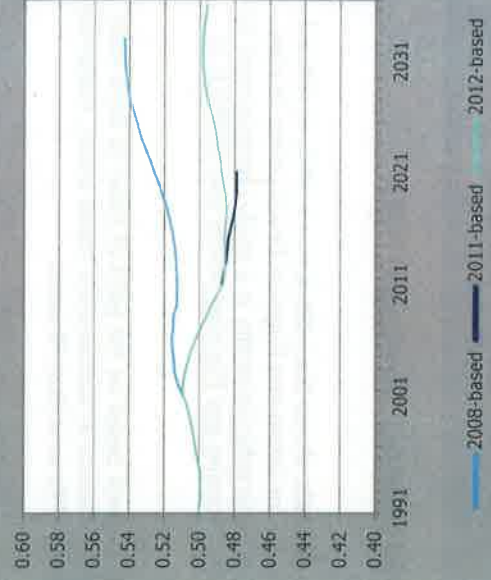
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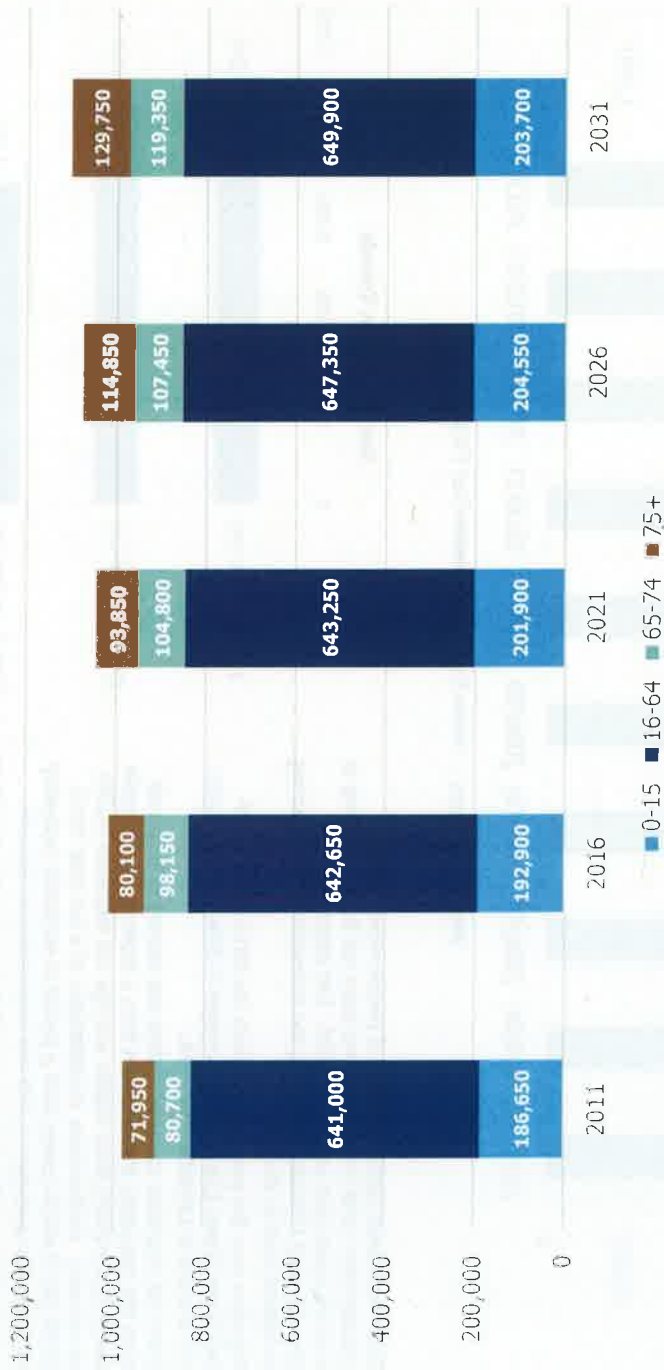
Household Formation Rates: All Ages (15+)



Household Formation Rates: Aged 25-44

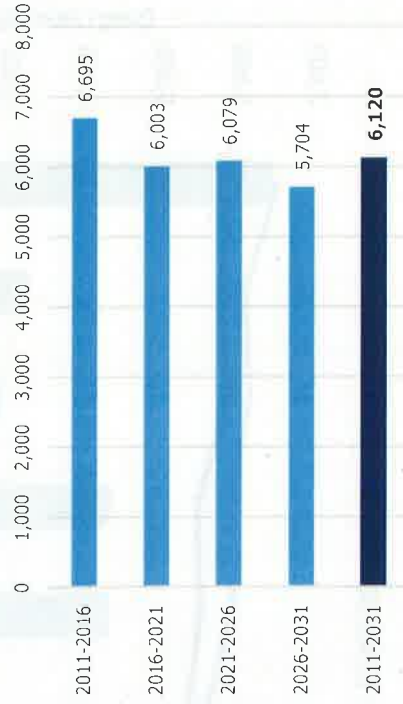


ONS 2012-based Population Projections: Leicestershire HMA



The 2012-based Sub National Population Projections (SNPP) project the Leicestershire HMA population to increase by an **additional 6,120 people per annum** over the period 2011-2031. This is lower than the growth projected by the 2008-based projections (8,090 people per annum). As the SNPP underpin the household projections this further explains the lower household growth in the latest projections. Furthermore, the 2012-based SNPP are considered to provide a conservative estimate of future population growth given they are based on trends drawn from a recessionary period and low estimates of net international migration. For this reason, adjustments to the 2012-based SNPP are considered necessary.

Annual Change Comparison

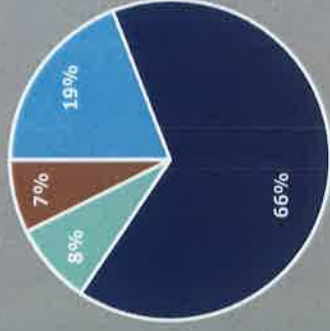


Source: Office for National Statistics (ONS) Sub National Population Projections

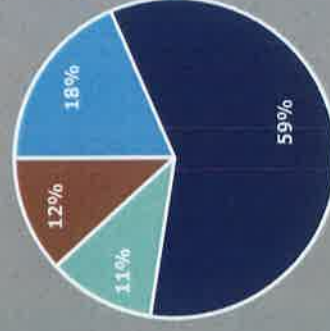
The Ageing Population

Over the Plan Period, the age profile of Leicestershire is projected to change significantly. By 2031, nearly a quarter of residents will be over 65. Left unchecked, the relative decline of prime working age (16-64) population may have an adverse effect on future economic competitiveness and productivity.

Age Profile: 2011

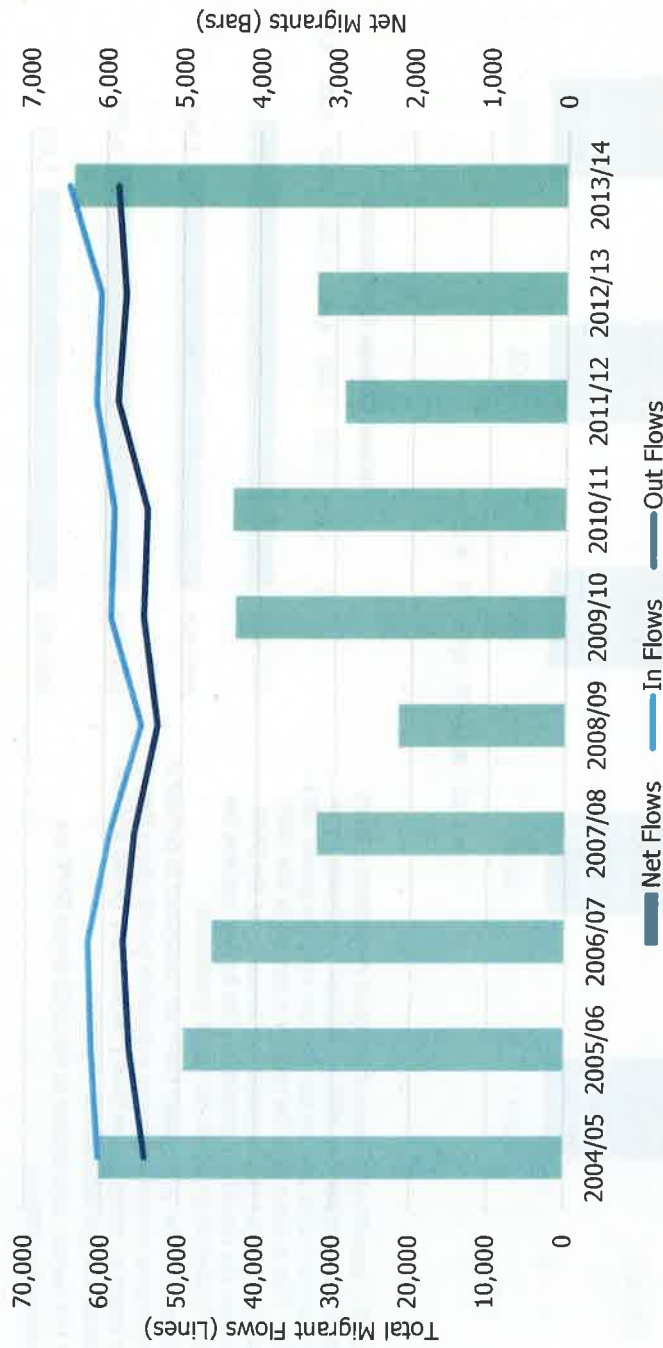


Age Profile: 2031



0-15 ■ 16-64 ■ 65-74 ■ 75+

Migration Flows: Leicestershire HMA



There have been higher in flows of people moving to the Leicestershire HMA than there have been out flows, resulting in a net increase each year since 2004. Net migration to Leicestershire HMA dipped during the recession before reaching its highest level in 2013/14.

Migration over the period from which the 2012-based SNPP trends are drawn (2007-2012) averages **3,384 net migrants per annum** in Leicestershire HMA.

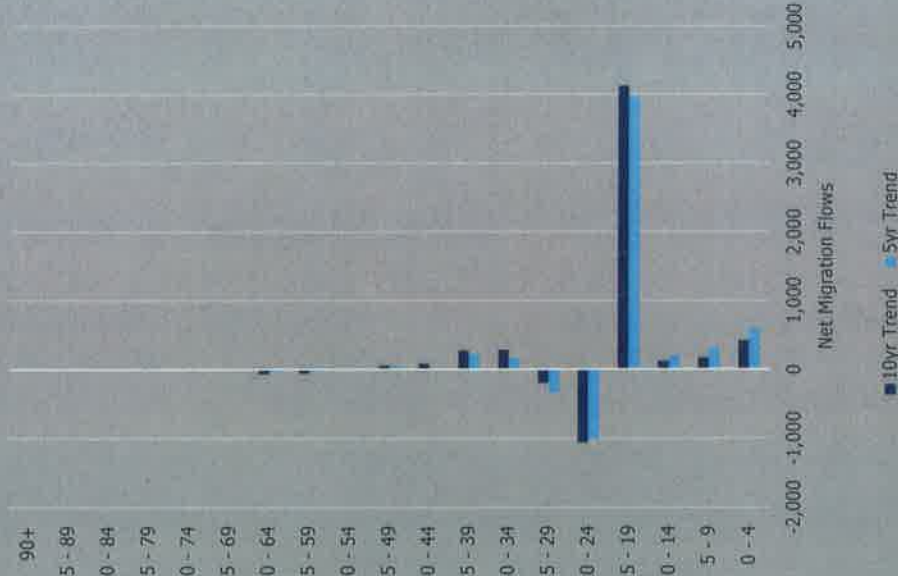
Given net migration to Leicestershire has increased each year since the recession, trends drawn from a more recent five-year period (2009-2014) show higher average net migration (4,246 per annum). Furthermore, consideration of a ten-year trend (2004-2014) which covers both a period of economic buoyancy and recession averages **4,218 net migrants per annum**.

In light of this analysis it is evident that the economic downturn has led to atypical net migration patterns in Leicestershire and therefore an adjustment to the migration trends underpinning the 2012-based SNPP is required.

Age Profile of Migrants

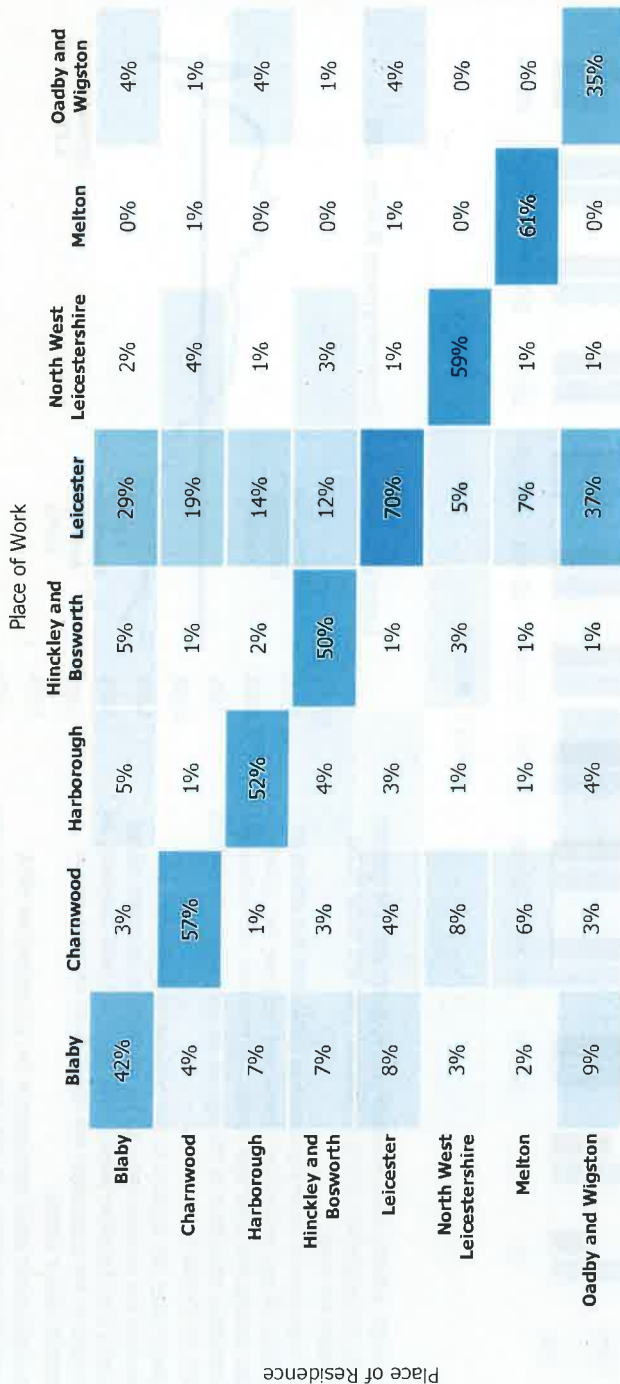
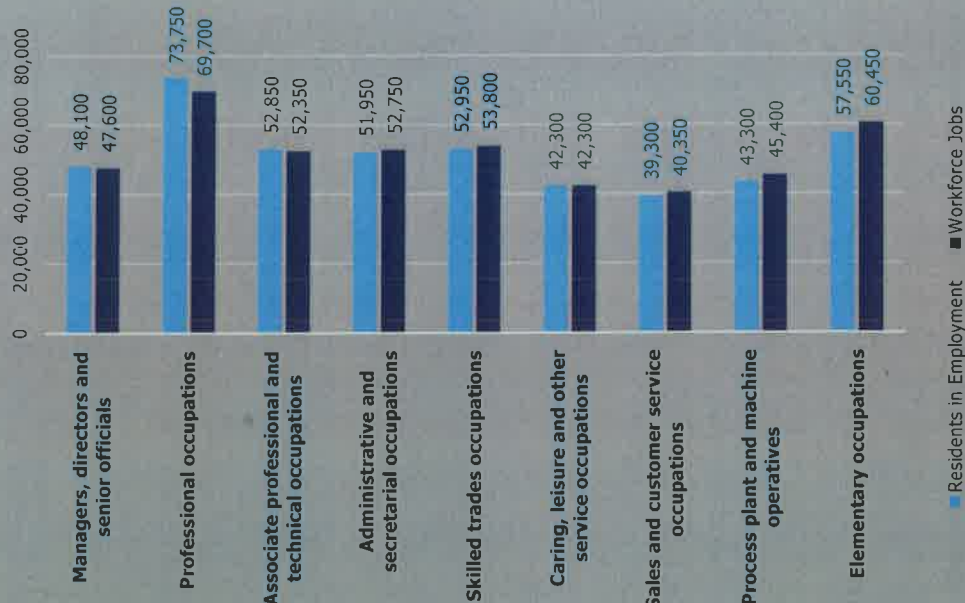
Net migrants to Leicestershire tend to be younger families who are of working age. Encouraging net migration will therefore counter the naturally ageing population of Leicestershire. Without net migration the working age population of Leicestershire will fall over the plan period. To support economic growth in the area the resident labour supply needs to increase and this can be achieved through higher net migration.

Net Migration by Age Group



Commuter Flows by Occupation

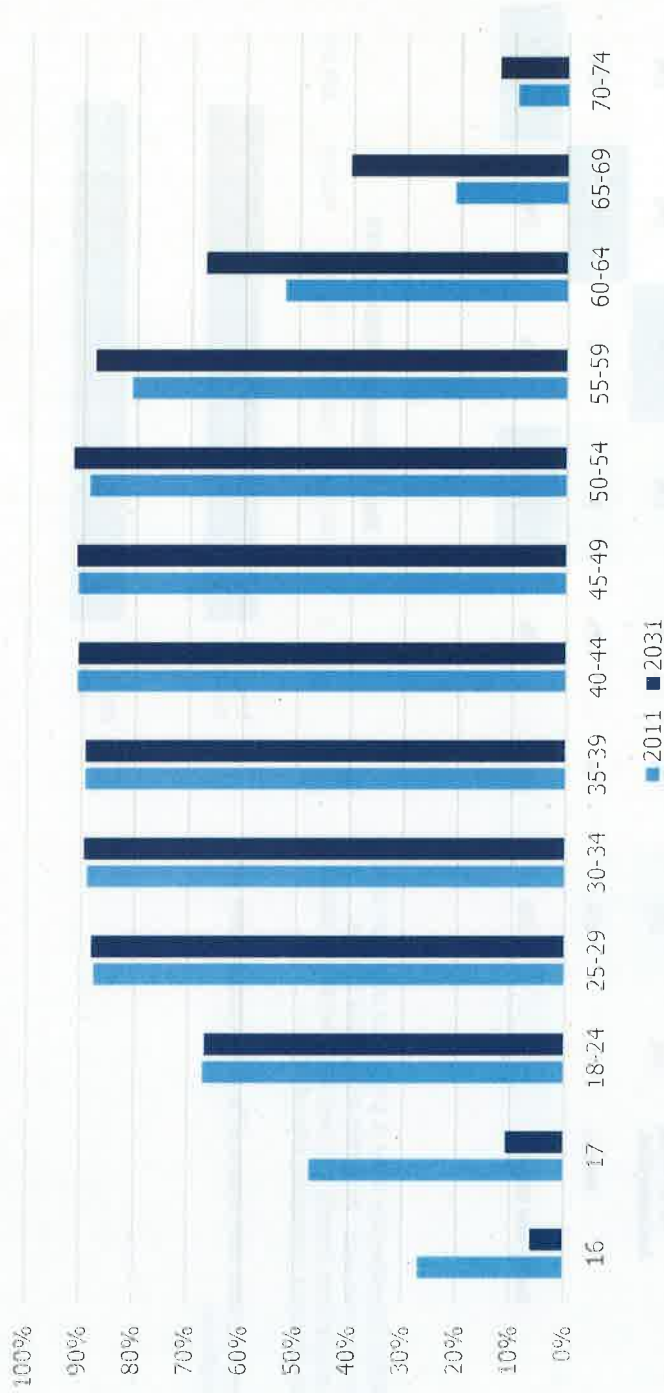
There is a net inflow of all occupational groups to Leicestershire with the exception of professional occupations and managers, directors and senior officials where there is a net outflow.



Within Leicestershire there is a **balance between labour supply and jobs**. According to the 2011 Census, Leicestershire imports 1% (net) of its workforce labour resulting in a commuting ratio of 0.99.

Leicestershire HMA retains 87% of its residents who are employed.

Economic Activity Rate Projections: Leicestershire HMA



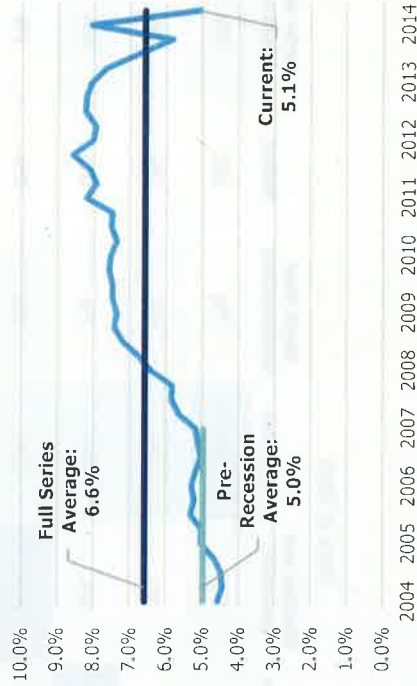
Economic activity rates measure, for a given age and gender band, the proportion of the population who are likely to be available for work.

The extension of State Pension Age (SPA) and the effective abolition of age-related retirement will increase the activity rates among the older age bands. In contrast, the extension of compulsory education to the age of 18 will reduce the activity rates of 16 and 17 year olds.

Activity rates are applied to the population projection to calculate the economically active population (resident labour supply) and therefore even where rates are held constant, an increase in the population will result in an increase in the resident labour supply.

Unemployment rates increased in the Leicestershire HMA during the recession. In 2011 the **unemployment rate was 7.5%**. It is assumed that unemployment will return to the **pre-recession average of 5.0%** by 2021.

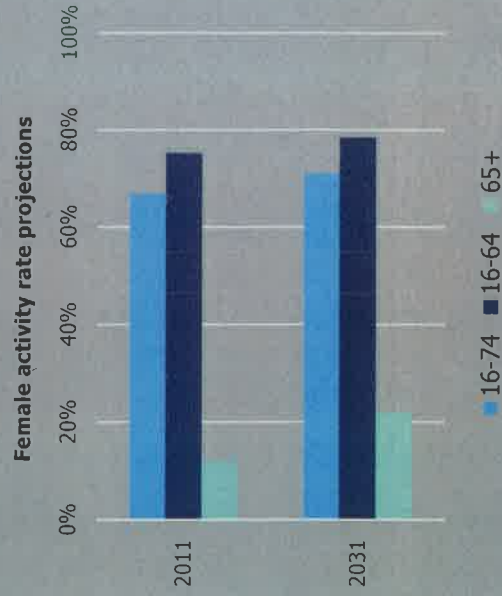
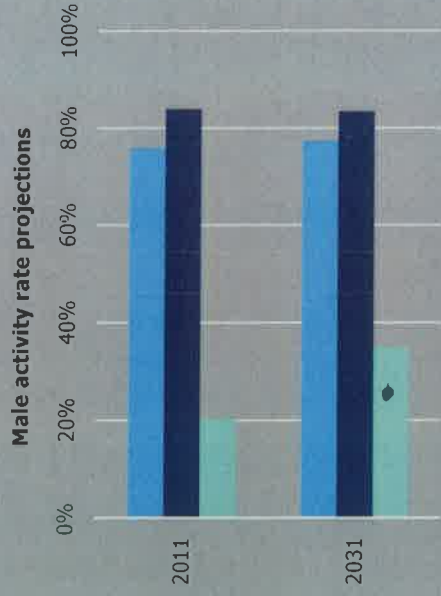
Leicestershire HMA Unemployment Rates - APS



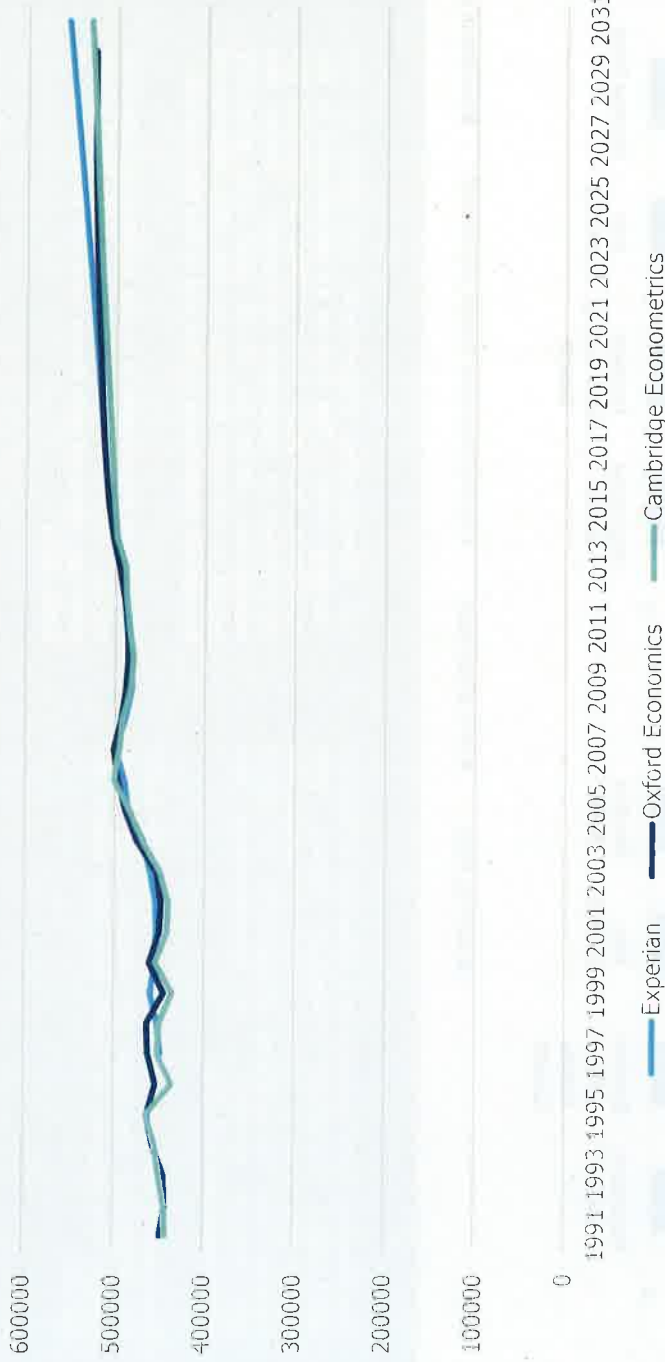
Source: ONS, 2011 Census Economic Activity projected using Kent County Council Activity Rate Forecasts to 2036, November 2014
ONS, Annual Population Survey Model Based Estimates of Unemployment

Male and Female Economic Activity

Economic activity rates are generally higher for males than females. However, between 2001 and 2011, female activity rates increased more rapidly than males as a result of increased participation of females in the labour market. Projections assume this pattern will continue. However, female rates are still expected to remain lower than males. The extension and equalisation of male and female SPA will increase future economic activity rates for both males and females aged 65+.



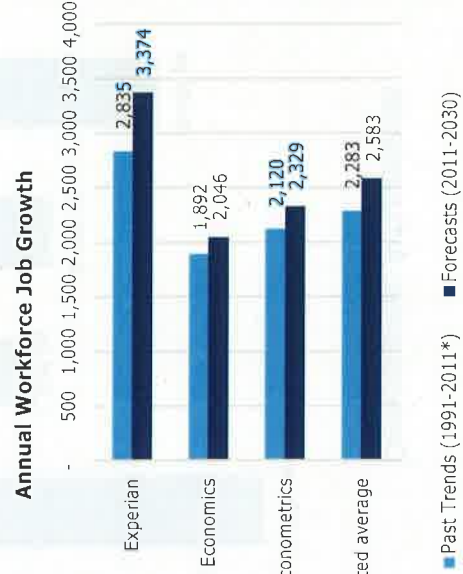
Workforce Job Growth: Leicestershire HMA



Leicestershire HMA has seen a steady increase in workforce jobs since 1991. Both the recessions of the late 1990s and 2000s led to a slight dip in job growth. Past trends show average growth of **2,283 jobs per annum**.

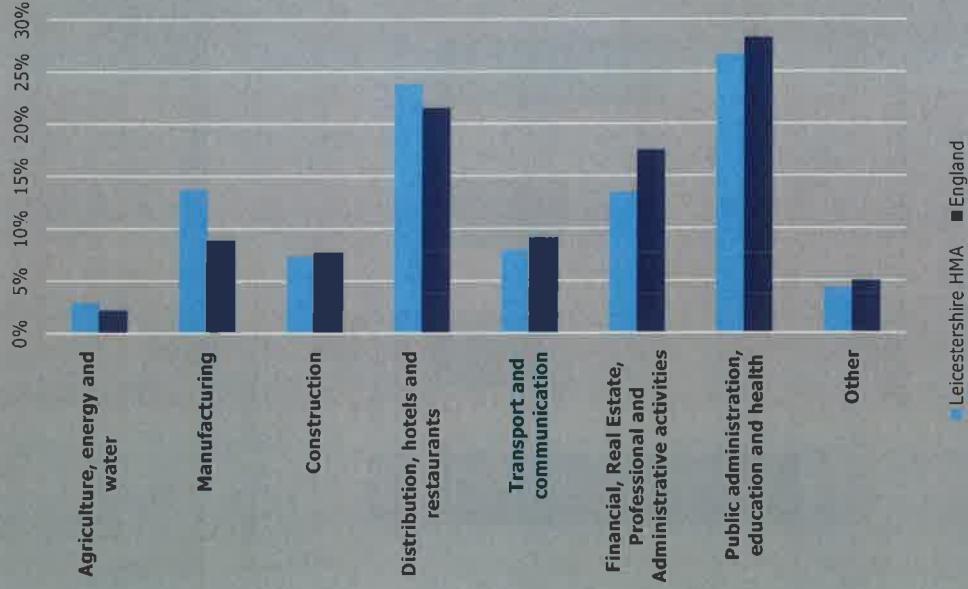
Forecasts project job growth to continue to rise over the plan period. Between 2011 and 2031 Leicestershire is projected to see a growth of **2,583 jobs per annum**.

Due to fluctuation between economic forecasts, a triangulated average of growth observed and projected by three independent economic forecasting houses has been taken. The assessment of housing need to support job growth in Leicestershire has been based on the ability to support 2,583 jobs per annum. In light of past trends this is considered to be a fair assumption.

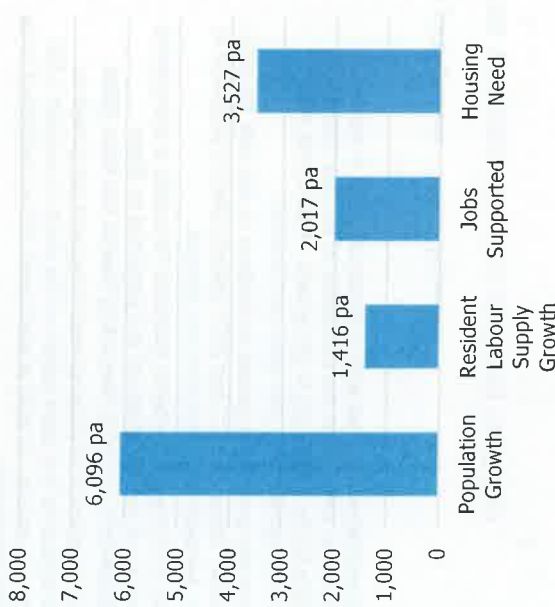


Key Industrial Sectors

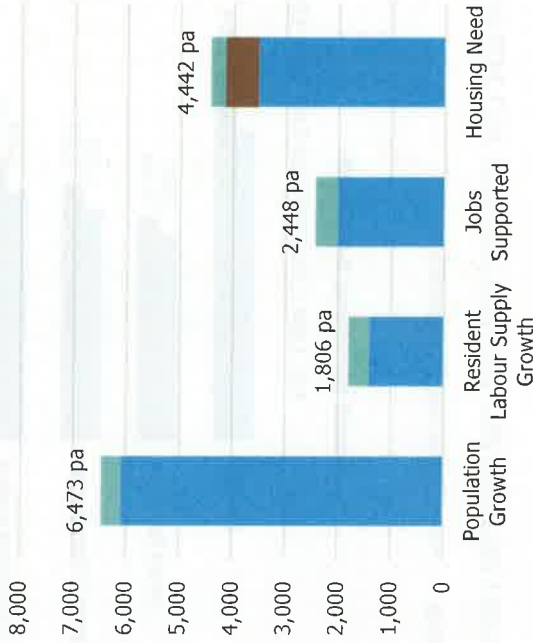
Leicestershire's employment base is diverse with people who work in Leicestershire working in a wide range of industries. The industrial sector which employs the most people is the Public administration, education and health sector (27%). Leicestershire has a higher reliance on Manufacturing and Distribution, Hotels & Restaurants than the national average.



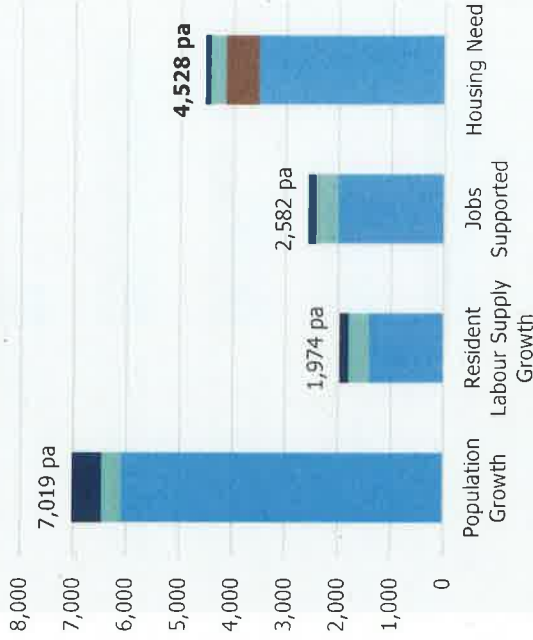
Starting Point



Demographic Adjustments



Supporting Job Growth



Starting Point ■ HFR adjustment ■ Further Migration Trends adjustment ■ Additional adjustment to meet job demand

The 'Starting Point' scenario is a reflection of the CLG 2012-based Household Projection Series, with adjustments made to convert household change into housing need (by applying adjustments for vacant and second homes). In Leicestershire this adjustment rate is 3.4%.

The Starting Point results in a housing need for 3,527 net additional dwellings per annum, and would support the delivery of 2,017 new jobs within the district.

Two demographic adjustments are made to the 'Starting Point'. The first is an adjustment to the Household Formation Rates (HFRs) to address the suppression in household formation. Under this adjustment, HFRs for 25-44 year olds gradually return to the rates forecast by the CLG 2008-based household projections by the end of the plan period.

The second adjustment is to the underlying migration trends. Migration trends from the ONS 2012-based SNPP are replaced with those from the 10-year period 2004-2014.

The combined demographic adjustments result in an overall housing need for 4,442 net additional dwellings per annum. This scenario would also support the delivery of 2,448 new jobs.

The 'Supporting Job Growth' scenario models the population growth (and dwelling requirement) to meet an independent employment forecast – in this case a triangulated average from Experian Economics, Cambridge Econometrics and Oxford Economics. In order to provide the labour supply to meet projected job growth, it will be necessary to encourage a higher level of net in-migration than is anticipated by the official Sub-National Population Projections.

To meet the anticipated demand for 2,582 net additional jobs per annum, population growth would need to increase to 7,019 per annum. To house this additional population growth, 4,528 dwellings per annum would be required.

The affordability ratio measures the ratio between lower quartile house prices and lower quartile earnings. The chart to the right tracks the affordability ratio in Leicestershire between 1999 and 2013 based on a three year rolling average.

Historically Leicestershire has been less affordable than the national and regional average. However, affordability has improved slightly since 2007 and Leicestershire is now more affordable than the national average. This reduction in affordability is largely driven by stagnant house prices in the recession but inevitably house prices will rise again.

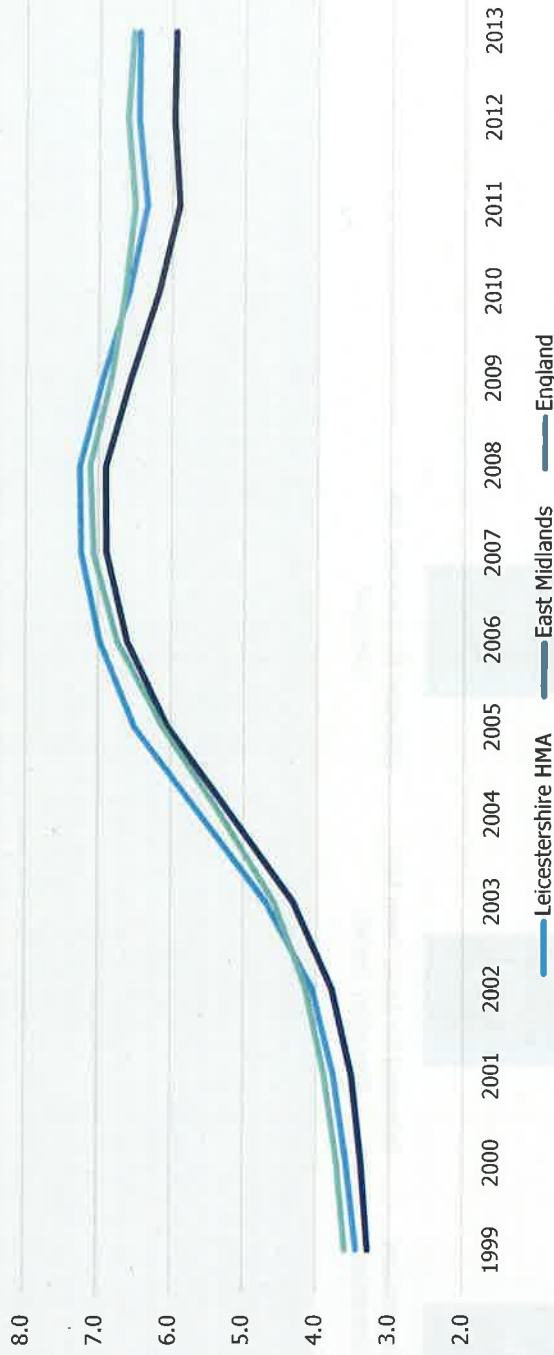
Despite this, the current affordability ratio for the Leicestershire HMA indicates that a lower quartile house costs 6.5 times more than lower quartile earnings. The typical mortgage borrowing multiplier is 3.41 indicating that the prospect of buying a property for many residents in the Leicestershire HMA is still unlikely.

Private housing market entry thresholds indicate that 61% of first time buyers in Leicestershire would not be able to afford a lower quartile house and 40% would not be able to afford lower quartile rents in the HMA.

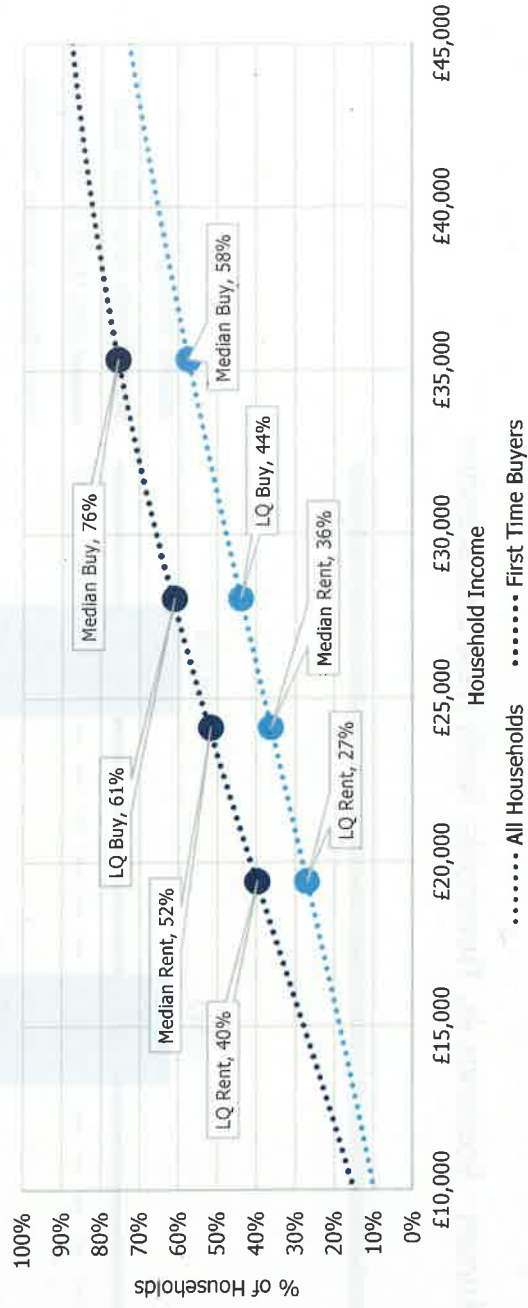
Affordability is just one of the six market signals that PPG identifies needs consideration when determining housing need, with a worsening trend in any of the indicators providing justification for an adjustment to the housing need number suggested by the household projections.

Further consideration of all of the market signals is deemed necessary in order to establish the full extent to which there are market signals issues within Leicestershire.

Lower Quartile Affordability Ratio: Leicestershire HMA

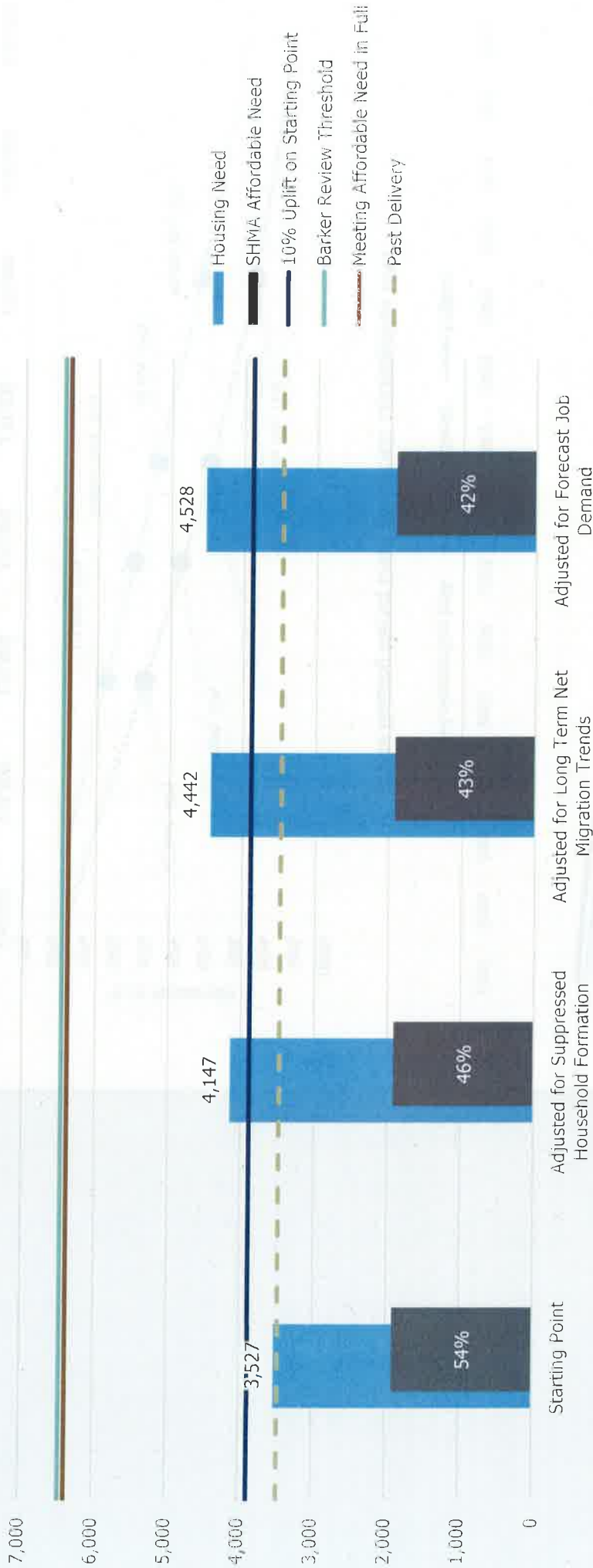


Private Housing Market Entry Thresholds: Leicestershire HMA



Source: Land Registry and Annual Survey of Hours and Earnings via CLG

Housing Need Per Annum - Scenarios vs. Thresholds: North West Leicestershire



The 'starting point estimate' of housing need in Leicestershire as indicated by the CLG 2012-based household projections is 3,527 dwellings per annum over the period 2011-2031. If a 10% uplift is applied to the 'starting point' estimate (in line with the uplift applied by inspectors in recent Examinations, for example Eastleigh) to address worsening market signals, then this would bring housing need in line with past delivery in North West Leicestershire (3,880 dwellings per annum compared to 3,472 dwellings per annum respectively).

However, the 'starting point estimate' is considered to provide an underestimate of future housing need as it projects suppressed household formation particularly in the younger age groups (25-44 years) and is underpinned by a population projection which is based on migration trends drawn from a recessionary period. Adjustments to address both of these issues results in a housing need requirement for 4,442 dwellings per annum in the Leicestershire HMA. This level of housing growth will support growth of 2,448 jobs per annum in the Leicestershire HMA which although is higher than past trends of employment growth (2,283 jobs per annum), it is slightly lower than current employment forecasts (2,583 jobs per annum). To provide the resident labour supply to support growth of 2,583 jobs per annum in the Leicestershire HMA there is a requirement for 4,528 dwellings per annum.

4,528 dwellings per annum represents a 30% uplift on past delivery in Leicestershire HMA therefore falling short of the Barker Review Threshold which identified an 86% increase in supply would help to alleviate affordability problems.

The Leicester and Leicestershire SHMA (GL Hearn, June 2014) identified net affordable need of 1,913 dwellings per annum. The number of dwellings required to accommodate affordable need in full, assuming that all new affordable housing is delivered at a rate of 30%, equals 6,377 per annum. Housing need of 4,528 dwellings per annum would meet 42% of affordable need identified by the SHMA.

The Leicestershire Housing Market Area consists of Blaby, Charnwood, Harborough, Hinckley and Bosworth, Leicestershire, Melton, North West Leicestershire and Oadby and Wigston.

The 2012-based Household Projections indicate a starting point of 3,527 dwellings per annum, including a vacant dwelling adjustment of 3.4%

The 25-34 age group shows clear signs of suppressed household formation. Making an adjustment for this results in an increase in housing need to 4,147 dpa.

The migration trends observed over the 2012-based SNPP's trend period (2007-12) are significantly lower than the 10 year average. Making and adjustment for this increases housing need to 4,442 dpa.

It is reasonable to conclude that an average of 2,283 to 2583 jobs per annum will be created within the district over the plan period. The demographic-led housing need figure would supply enough homes to support 2,448 jobs. Making an adjustment to support 2,583 jobs increases housing need to 4,528 dpa.

Affordability has worsened significantly since 2001, and 44% of households are unable to afford to buy a lower quartile priced-house. The Jobs-led Modelled housing need would make a good contribution, but a much greater supply response would be needed to meet affordable need in full.

The Full Objectively Assessed Housing Need for the Leicestershire HMA between 2011 and 2031 is between 4,442 and 4,528 dpa. This is a range between the demographic-led and economic-led assessment of need.

Appendix 4

**Land South of Greenhill Road, Coalville – Decision
Letter 5th January 2016
(APP/G2435/W/15/3005052)**

Appeal Decision

Inquiry held on 4, 5, 6 and 10-12 November 2015

Site visits made on 12 and 13 November 2015

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 January 2016

Appeal Ref: APP/G2435/W/15/3005052

Land South of Greenhill Road, Coalville, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of North West Leicestershire District Council.
 - The application Ref 14/00614/OUTM, dated 27 June 2014, was refused by notice dated 4 November 2014.
 - The development proposed is described as 'Development of up to 180 dwellings, including a retail unit, access and associated infrastructure (outline-all matters reserved apart from part access) at Land South of Greenhill Road, Coalville Leicestershire'.
-

Decision

1. The appeal is allowed and planning permission is granted for a development of up to 180 dwellings, including a retail unit, access and associated infrastructure (outline – all matters reserved apart from part access) at Land South of Greenhill Road, Coalville, Leicestershire in accordance with the terms of the application, Ref 14/00614/OUTM, dated 27 June 2014, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The Council's decision notice listed 5 Reasons for Refusal (RFR). However, RFR3 (highways and transportation) and RFR4 (Air Quality) were not pursued at the Inquiry.
3. At the Inquiry a S106 Unilateral Planning Obligation (UU) was submitted by the Appellant. This addresses all of the requested off-site infrastructure contributions. The UU is signed and dated 11 November 2015 and is a material consideration in this case. I return to the UU later in this decision.

Main Issues

4. In the light of the above I consider the main issues are:-
 - (i) whether the Council is able to demonstrate a five year supply of deliverable housing sites sufficient to meet the full objectively assessed need (FOAN) for housing;
 - (ii) the effect of the proposed development on the character and appearance of the area;
 - (iii) whether the proposal comprises sustainable development; and
-

- (iv) whether the proposal makes adequate provision for mitigating any adverse impact it would have upon local services and infrastructure.

Reasons

5. The appeal site is situated to the east of Coalville. It measures some 7.22 hectares and it comprises 4 fields, currently in agricultural use. These are traversed by dry stone walls, in varying states of repair.

The development plan

6. The development plan comprises the North West Leicestershire Local Plan 2002 (NWLLP), the Leicestershire Minerals Development Framework: Core Strategy and Development Control Policies up to 2021 and the Leicestershire and Leicester Waste Development Framework: Core Strategy and Development Control Policies up to 2021. The main parties agree that policies in the Leicestershire Minerals Development Framework and the Leicestershire Waste Development Framework are not relevant to this appeal proposal. The main parties agree that the emerging North West Leicestershire Local Plan carries limited weight.¹
7. The weight to be attached to the policies in the development plan should be determined according to their degree of consistency with the National Planning Policy Framework (NPPF).² The policies of the NWLLP were formulated in the early 1990's in the context of the Leicestershire Structure Plan (SP) adopted in 1994 based on demographic evidence from the 1980's. The NWLLP was adopted in August 2002, with subsequent Alterations adopted in 2004 and 2005. In September 2007, the SoS issued a 'Saving Direction' with regard to various policies contained within the NWLLP. The NWLLP sets out the Council's land-use planning policies for 1991-2006. It is therefore time expired and significantly out of date.
8. The main parties agree that relevant policies for the supply of housing - Policies S1, S2, S3, H4 and H4/1 in the NWLLP - are out of date. It is also agreed that Policy E22 (Areas of Particularly Attractive Countryside) (APAC) is not a policy for the supply of housing. It follows that the settlement boundaries are significantly out of date, as they sought only to meet housing needs in the SP (1994), which has been revoked and replaced by another SP (2005) and RS (2009), which has itself been revoked. The NWLLP only sought to guide development to 2006.
9. The appeal site is outside the Limits to Development as defined in the NWLLP (Policy S2) and within an APAC (Policy E22). In the Council's view the proposal does not comply with Policy S3 of the NWLLP which sets out circumstances in which development outside of Limits to Development would be acceptable. It is argued that Policy S3 is partly consistent with the NPPF. However, Policy S3 is out of date and inconsistent with paragraph 47 of the NPPF. It is intrinsically linked with Policy S2, it does not seek to boost significantly the supply of housing in

¹ INQ3 paragraph 5.1.4

² NPPF paragraph 215

NWL,³ it does not add choice and competition in the market for land and it does not assist the Council in providing a realistic prospect of achieving the planned supply. In my view a housing policy which constrains new housing development to settlement boundaries formulated in the 1990's and which expired in 2006 cannot be consistent with the NPPF which seeks to boost the supply of housing in order to meet current objectively assessed needs. Further, Policy S3 seeks to protect the whole of the countryside rather than valued landscapes within it. It is therefore inconsistent with paragraph 109 of the NPPF.

10. Accordingly, it is clear that the policies relevant to the supply of housing are out of date and can be given very little weight. There is no suggestion that footnote 9 of the NPPF applies. The default position of paragraph 14 of the NPPF is therefore engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 14 of the NPPF can also be engaged where there is the absence of a 5 year supply by applying paragraph 49 of the NPPF. I turn first to the housing need/land supply issue.

Issue (i) Full objectively assessed need (FOAN)

11. It is common ground that the Housing Market Area for assessment is the Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) with apportionment to NWL District; and the 5-year land supply period is 1 April 2015 to 31 March 2020.
12. The Council's position is that the SHMA (June 2014) assessed housing need across the HMA as required by the NPPF and the Planning Practice Guidance (PPG). It adopted the approach recommended in the PPG – starting with the latest demographic projections and official data, and then considered whether there was a case to adjust the assessment of housing to take account of trends/forecasts for employment growth and evidence from market signals to support improved affordability.
13. The Council's starting point was the 2012 based household projections released by DCLG in February 2015 and which project forward to 2037. In the 2011-31 period, the new projections show a need for 3,532 dwellings per annum (dpa) in the HMA with 262 of these being in NWL. These figures are agreed between the parties. In terms of migration and population change the Council makes no upward adjustment to the 2012 based SNPP starting point. It is argued that the 2012 household projections are robust and based upon nationally consistent assumptions. They broadly confirm the level of need set out in the SHMA. Moreover, it is the Council's case that there are no specific local circumstances that justify alternative assumptions such as the use of long term migration trends (PPG 2a-017).
14. Whilst the use of long term trends is unobjectionable in principle, the Council says it would result in an inconsistent approach to the assessment of need across the HMA. Further, the Council maintains that the report on the examination of the Charnwood Local Plan in September

³ North West Leicestershire

2015⁴ provides an up to date and robust assessment of housing needs across the HMA.

15. As the rate of household formation amongst younger cohorts declined over the period 2001-2011 the Council therefore increased headship rates across the HMA using a blended rate (mid-point between 2008 and 2011 HFRs) resulting in an uplift in NWL to 284dpa. This accords with best practice set out in PAS⁵ and was the approach adopted in the SHMA. However, no specific adjustment was made for past delivery and market signals. Market signals evidence indicated suppression of household formation between 2001 to 2011 and therefore adjustment for market signals was combined with that for headship rates.
16. PPG2a-018 requires an assessment to be made of the balance between job growth and working age population across the HMA. Where the working age population is lower than projected job growth the location of new housing should avoid unsustainable commuting patterns. The Council took account of the Experian (2013) forecast of future jobs. This indicated a need to uplift the HMA to 3,850 dpa (9% on the starting point) to secure a balance between jobs and the working age population. In NWL housing need rises to 372dpa if job growth is distributed between districts in proportion to the size of each district's workforce compared to the HMA as a whole.⁶ This balances out past trends which are unlikely to continue into the forecast period and planned investment that will not be included in historic trends.
17. A consistent approach was used in the SHMA to derive figures for individual local authorities on a "policy off" basis. This resulted in a need for 285-350 dpa in NWL. The Council adopted the higher end of this range i.e. 350 dpa on an interim basis as the requirement against which 5-year land supply can be assessed which is an uplift of 34% in NWL on the starting point. The assessment specifically excludes strategic employments such as the MIRA Enterprise Zone and the East Midlands Gateway (EMG). In the Council's view a slightly more modest uplift in NWL to 350dpa is justified but a higher level of growth reflecting EMG⁷, would represent a "policy on" approach which is unnecessary.
18. In terms of housing land supply the Council has calculated the position at 1 April 2015. Housing completions in the previous 5 years were 1,892. Given the housing requirement during the same period was 1,788, this leaves a surplus of 104. In the case of an undersupply in housing the 'Sedgefield' methodology would be used. This requires the Council to front load any shortfall over the next 5 years rather than later in the plan period. However, in the Council's view there is currently no undersupply in housing. Therefore, the housing requirement over the next 5 years is $350 \times 5 = 1,750$ dwellings.
19. It is common ground that NWL has a persistent under-delivery of housing and is a 20% authority in the context of paragraph 47 of the NPPF so a 20% buffer is added to the total housing requirement over the

⁴ JG Appendix 2

⁵ Planning Advisory Service Objectively Assessed Need and Housing Targets - Technical advice note July 2015 paragraph 6.40

⁶ CD9.4 page 97 Table 23

⁷ East Midlands Gateway

next 5 years until March 2020 (1,750) equating to 2,100 dwellings or 420 dpa. The total estimated housing completions 1 April 2015 to 31 March 2020 is 3,693 dwellings and applying a 10% discount to allow for the possibility of non-implementation results in projected completions 1 April 2015 to 31 March 2020 of 3,324. The Council claims that the housing land supply for the next 5 years is calculated at **7.91 years**.⁸

20. I cannot agree with this assessment for several reasons. First, the PPG confirms that *'establishing future need for housing is not an exact science – no single approach will provide a definitive answer'*. It goes on to clarify that *'Household projections ... should provide the starting point ...; plan makers should make an assessment of the likely change in job numbers ...; [and] the housing need number suggested by household projections should be adjusted to reflect appropriate market signals.'*⁹
21. Secondly, it is confirmed in the decision of Dove J's in Kings Lynn,¹⁰ that there is no set FOAN methodology. Rather it involves a series of judgments which permit a range of possible outcomes. Judgment is required in respect of: (a) the interpretation and application of the empirical material available; (b) taking account of economic projections; and (c) whether an adjustment for market signals is required. The appropriate figure is for the judgment of the Council in the first instance, to be assessed by the Inspector in the light of the evidence.¹¹
22. Thirdly, I must consider the Council's resolved position. Although limited weight can be attached to policies in the emerging Local Plan, weight can be given to the evidence base which underpins it including: the 2014 SHMA,¹² the PACEC Report¹³ and the judgments which the Council has exercised in the light of those documents. Although the 2014 SHMA produced a range for NWL of 285-350 dpa, this is the view of the Council's consultant but it is not the resolved position of the Council.
23. Moreover, it was evident at the Charnwood EiP in January 2015 that NWL was considering a higher level of housing provision than set out in the 2014 SHMA. The issue was further debated at meetings of the Local Plan Advisory Committee (LPAC) in June 2015¹⁴ and July 2015.¹⁵ From those meetings it is clear that the LPAC was considering the FOAN as the proposed "housing requirement", that the PACEC Report was a robust basis for decision making and that the SHMA should be adjusted in order to accord with the economic forecast of PACEC. Plainly, the SHMA needed to be adjusted so that the emerging Local Plan was internally consistent and the FOAN was to be used as the housing requirement for the purposes of paragraph 47 of the NPPF. Although this was a deviation from the MoU¹⁶ and further DtC¹⁷ discussions were required, it was not

⁸ AM proof at paragraph 6.2 and NWL10 Position Statement as amended

⁹ PPG 2a-014 -2a-019

¹⁰ JG Appendix 6 paragraph 34

¹¹ JG Appendix 6 paragraph 37

¹² CD9.4

¹³ CD9.3 PACEC (Public and Corporate Economic Consultants) Leicester and Leicestershire HMA Employment Land Study January 2013

¹⁴ CD8.4 and CD8.8

¹⁵ CD8.5 and CD8.9

¹⁶ Memorandum of Understanding

¹⁷ Duty to Co-operate

anticipated that there would be any significant issues as a result with the FOAN at 10,700 or 535 dpa.

24. Fourthly, the FOAN was the subject of emails from other LPA's in August 2015, pursuant to the MoU. The content of those emails made it clear that there had been a deviation from the MoU and that a new SHMA was required.¹⁸ In full knowledge of these emails, on 15th September 2015, the Council endorsed a FOAN of 535dpa noting the consideration of the LPAC. It was quite clear to the Council that this was a departure from the SHMA and would raise DtC issues.¹⁹
25. Fifthly, significant weight must be given to the Council's position on several matters: that the SHMA is **not** the FOAN; that the SHMA does not adequately address the PACEC economic forecast; that PACEC is a robust economic forecast, which should inform the FOAN; that the FOAN must include an allowance for EMG on top of PACEC; and the resolved position that the FOAN must be higher than 350 dpa whereas only limited weight can be attached to the Council's conclusion that the FOAN should be 535 dpa because the methodology is not robust.
26. In summary, it is clear that the SHMA is out of date and should be recalculated to take account of the latest economic projections; the housing requirement must be more than 350 dpa; the figure of 535 dpa has not been robustly derived; the Council does not have a robust position on what its housing requirement should be and thus the Council cannot demonstrate (on that basis) that it has a 5-year housing supply.
27. Accordingly, on the basis of the Council's case alone, I conclude that the Council's FOAN is 535 dpa, in which case there is **4.45** years supply;²⁰ or alternatively the Council does not have a FOAN, in which case it does not have a housing requirement and cannot demonstrate that it has a 5 year housing supply which was the position in the Fairford decision.²¹
28. The Appellant has submitted its own analysis of the FOAN which in my view is reasonable and robust. In the absence of any clarity on the Council's position it must be preferred. It demonstrates that for the purposes of this Inquiry the FOAN should be a mid-point of 637 dpa, resulting in a supply of **3.44 years**. The Appellant's starting position for the FOAN is the 2012 DCLG projections. Thereafter, there are differences with the Council but it is the economic forecasts which are central.
29. Firstly, I accept that the PPG allows for an adjustment to the household projection-based estimate of housing need (PPG 2a-015). I consider an adjustment to this is justified because of (i) worsening affordability and (ii) the level of concealed households. There cannot be any reasonable disagreement that there has been worsening affordability.²² It is also appropriate to make an adjustment for concealed households, solely in the age group 25-44. The Appellant has used a blended approach which is entirely in accordance with the PPG, PAS²³ and the Inspector's

¹⁸ NWL2 at CD 13.5.5

¹⁹ CD8.6 at paragraph 4.19 and 4.20

²⁰ CD13.12

²¹ CD10.3

²² JG Appendix 1 at Figure 7.6 (page 52), Fig 7.8 (page 51) and Table 7.2 (page 53)

²³ JG Appendix 10 paragraphs 6.36 to 6.43

approach at Cornwall.²⁴ The 2012 rates may still embed some recessionary effect and on the basis of the evidence an adjustment of + 31dpa is required raising the annual need from 262 to 293 dpa.

30. Secondly, the PPG allows adjustment to household projections based on demographic trends including migration levels (PPG 2a-017). There can be no dispute that there has been a rapid growth in net migration in NWL in the last 5 years. The Appellant has used a 10 year trend to take a more stable long term view which I consider is not unreasonable given the recession has led to atypical net migration patterns in NWL. An adjustment of +39 dpa is required raising the cumulative average annual need from 293 dpa to 332dpa.
31. Thirdly, the PPG allows economic forecasts to be taken into account in the FOAN (PPG2a-018). This is also clear from PAS²⁵ and from the Council's own evidence from the express statements of the Head of Planning to the July and September meetings. The Council must take into account PACEC otherwise the emerging Local Plan is irreconcilably inconsistent and unsound. PACEC is relied upon by the Council and the Appellant as an economic forecast. As such it does not take into account EMG. Rather, EMG is assessed as a component of supply.²⁶
32. PACEC projects growth of 505 jobs per annum in NWL over the period 2012 -2031. Applying the PACEC forecast ensures consistency with the emerging Local Plan, which has relied upon the level of job growth projected by PACEC plus an allowance for jobs created at EMG. Accounting for the additional jobs that the Council says would be created at EMG would increase projected job growth of 505 per annum to 844 per annum over the period 2012-2031. EMG is past the EIP²⁷ stage of the Development Consent Order. EMG is planned to be operational by 2017. Accordingly, an adjustment is required to the FOAN to take account of PACEC (+ 202dpa) and PACEC + economic forecast (+407dpa) raising the cumulative average annual need to 534 -739 dpa.
33. Fourthly, at 535-739 dpa I consider that no adjustment is required for market signals. However, at 350 dpa, an adjustment would be required on the basis of the evidence provided by the Appellant.²⁸ The Council's approach would not make any material impact on affordability. The SHMA should be revised to take account of the economic forecasts. On this basis, it cannot be relied upon as the FOAN and (thereby) the housing requirement. On the first issue I conclude that the Council is unable to demonstrate a 5-year supply of deliverable housing sites.

Issue (ii) effect on character and appearance of the area

34. In the Council's view the appeal site is outside the defined Limits to Development and the proposed development is not of a category which the NWLLP states would be permitted in the countryside contrary to Policy S3. The site also falls within an APAC. It is argued that the proposed development would adversely affect and diminish the present

²⁴ JG Appendix 14 paragraph 3.8

²⁵ Figure 4.1and paragraph 4.5

²⁶ CD9.3 table 4.91 and paragraph 4.9.9

²⁷ Examination in Public

²⁸ JD Appendix 1 page 13 and JD 6.61 to 6.64

open character of the site and surrounding area and would also have significant adverse effects on the character of the surrounding rural landscape. The Council, supported by GRAG and local residents, considers the site and the area around it to be a valued landscape which the proposed development would serve to neither protect nor enhance it, in conflict with Policy E22 of the NWLLP.

35. However, it is noteworthy that RFR2 is a 'policy' based RFR and not one based on a technical assessment of the Appellant's LAVIA.²⁹ This raises doubts in my mind whether the Council has correctly applied Policy E22. The application of the policy in this way makes housing in principle unacceptable in the APAC. On the basis of the analysis of the Committee Report this is not the correct application of Policy E22.
36. Further, from the evidence that is before me, it is clear that Policy E22 is out of date and inconsistent with the NPPF. The APAC was designated after an appraisal in 1976 which no party has been able to find and there is no analysis of how the landscape value has changed since 1976. The NWLLP was adopted in 2002. The APAC was referred to in Policies SP3 and SP4 of the adopted SP (1994). However, the APAC designation was deleted from the revised SP (2005) and the draft Core Strategy (withdrawn in 2013) removed the APAC designation. The APAC has also been withdrawn from the Regulation 18 draft of the emerging Local Plan.
37. The APAC was deleted from the SP because of a concern over there being too many local designations. The reason for the concern was that such local designations "unduly restrict acceptable development and economic activity without identifying the particular features of the local countryside which need to be respected".³⁰ PPG7 required LPAs to rigorously consider the function and justification of local designations and ensure they are soundly based on formal assessment of the qualities of the countryside. This guidance is reflected in the current guidance in GLVIA.³¹ Contrary to extant national guidance, the NWLLP did not produce any landscape character appraisal analysis to support the APAC designation. Rather, the 1976 designation was simply rolled forward. Accordingly, the adoption of the APAC did not accord with PPG7.
38. National policy has fundamentally changed since the NWLLP was adopted. The NWLLP reasoned justification refers to the need to protect the countryside "for its own sake". This was guidance in PPG7 and PPS7 which has now been revoked and replaced by the NPPF. Although the NPPF recognises "the intrinsic character and beauty of the countryside at paragraph 17, it only protects "valued landscapes" at paragraph 109.
39. I note that built development is acceptable under Policy E22 where "it is appropriate to the established character" of the APAC. However, the NWLLP does not provide any information on what comprises the established baseline character of the APAC. Policy E22 is inconsistent with paragraph 113 of the NPPF because it fails to provide any criteria against which the development can be assessed. Moreover, the APAC is a very large area and it is not homogenous because landscape value

²⁹ Landscape and Visual Impact Assessment

³⁰ CD6.4 paragraph 2.88 and CD 6.5 at paragraph 4.16

³¹ JB Appendix 3 at paragraph 5.25 – GLVIA (3)

varies across it. The APAC does not differentiate between such different landscape values. It certainly does not differentiate between "valued" and "non-valued" landscapes. Accordingly, Policy E22 is inconsistent with paragraph 109 of the NPPF. Policy E22 is therefore out of date and inconsistent with the NPPF. I consider little weight can be attached to Policy E22 and the APAC designation in terms of a "valued landscape".

40. In terms of its application, Policy E22 must be applied lawfully to have any material weight.³² Policy E20 is a policy on Green Wedges and Policy E21 addresses coalescence/separation of settlements but neither of these policies refers to the appeal site. GRAG is concerned that the development would merge the existing urban settlement boundary with the southern boundary of Abbots Oak House and therefore Abbots Oak hamlet. However, I disagree with that view. To the east of the site there is a significant block of woodland extending to the south west from the junction of Greenhill Road with Warren Hills Road which would maintain separation of settlements. The Council has no concern about coalescence and does not allege conflict with these policies.
41. Policy E22 permits built development where it is appropriate to the established character of the area. The Council accepts this requires a robust assessment of the baseline landscape character appraisals and a site specific LAVIA and not just the reduction of the open character of a greenfield site. If housing is consistent with the "established character" of the area, then it complies with the second part of the policy. The two parts of the policy must be applied in a manner which is mutually consistent and which allows an applicant to comply. Indeed, this was the approach of the Council in granting planning permission for DWH site.³³ The site was a greenfield site in the APAC. The Council granted planning permission and did not consider there was any conflict with Policy E22. Overall I consider little weight can be attributed to Policy E22.
42. Turning to the *visual impact* of the proposed development, the site lies to the east of the urban edge of Coalville and comprises 4 broadly rectangular fields of pasture. The western boundary is the existing urban area. The northern boundary is Greenhill Road, opposite the DWH site, and Greenhill Farm. The eastern boundary runs along a significant block of mixed woodland. The southern boundary is a belt of tall trees with holly understorey, up to 20m in height and 12m in depth.
43. At my site visit I saw that the appeal site is visually contained and has logical and defensible boundaries. The current visibility of the site is limited by vegetation along Greenhill Road; the landscape to the north of the road; the block of woodland to the east; and the tall trees to the south and the urban edge to the west. In my view, the development would only be visible from a relatively restricted area. The field-verified visual envelope is agreed to be relatively restricted.
44. From the west there would be views from about 5 properties, as few are orientated towards the site. The Development Framework Plan proposes a green buffer along this edge that would ensure an appropriate distance for the new development. There is no objection from the Council in

³² Per Lord Reid in Dundee at paragraphs 18 and 19

³³ David Wilson Homes

terms of design and/or residential amenity. From the east there are no views due to the adjacent screen of the woodland. The Council accepts there is physical and visual separation with the hamlet of Abbots Oak.

45. From the south there would be "limited and filtered views" in winter through the existing 12m depth of boundary vegetation. From the north there may be views from dwellings on the DWH site but there is nothing objectionable about housing fronting housing across a main road. In essence, visibility would be limited to two discrete sections of Greenhill Road on either side of mature boundary vegetation at Greenhill Farm. However, it is inevitable that housing development would be visible from the road from which the main access is taken. Local residents consider Greenhill Road to be a busy main road, as the access to Coalville from the south. Overall the visual impact is tightly constrained and is no more than the inevitable impact of any greenfield urban extension.
46. From Warren Hills viewpoints would be experienced as part of a recreational experience. A number of house roofs would be visible in winter but they would be seen in the context of the existing urban area beyond them. This would be an expansive 360 degree view of a settled landscape, from an elevated viewpoint some 600-800m away. I consider the view from Warren Hills would not be materially altered.
47. There would be no views from the wooded lower slopes of Bardon Hill but there would be some viewpoints from the top of the hill about 700m-900m away experienced by recreational walkers. This is an expansive 360 degree view of a settled landscape, from an elevated viewpoint. The impact would be marginal and a fractional component of the view. There are many different land uses which are visible, especially the crater of the adjacent quarry. The recreational experience of the view would not be materially altered. The visual impact of the development would be tightly constrained to the central portion in Mr Etchells' Figure 3. This is all but the immediate confines of the appeal site.
48. Turning to the *landscape impact* of the proposed development, I note that the main parties agree that the landscape effects would be felt over a 'limited geographical area' and that area is the site itself and the immediately surrounding area.³⁴ However, the significance of the landscape effect is a matter of dispute. The area of assessment is central to a consideration of significance. The Council examines the landscape impact on the "immediate area", an area defined by the extent of the landscape impact and tightly around the site. It is self-evident that the significance of impact would be high for the site alone and the same applies to the area immediately adjacent to it.
49. The Charnwood Forest Landscape and Settlement Character Assessment (2008) is the most up-to-date LCA³⁵, at the most detailed scale. The site is located in the Bardon LCA. In my view the key characteristics of the Bardon LCA apply to the area of the site. The appeal site is plainly an urban fringe landscape adjacent to the urban area of Coalville; from the top of Warren Hills, looking back towards the site, you are aware of an engineered landscape at Bardon Hill; bare ground, new planting and

³⁴ JE proof at paragraph 6.3.4

³⁵ Landscape Character Area

restored land, with exposed rock faces, are part of the recreational experience as you climb up Bardon Hill, together with intermittent machine noise; the site comprises mixed farmland and/or rough grassland; there are long distance views of urban fringes and industry from higher ground and the site borders Coalville, the largest settlement in the district. In the Bardon LCA, the strength of landscape character is considered to be "weak". The landscape condition is "low". Landscape quality is therefore considered to be "poor". Therefore the site lies in an LCA which has a high-capacity to accommodate built development to meet a need for housing in the plan period. This has been confirmed by the Appellant's site-specific analysis.

50. Both the Council and GRAG consider that the site displays the key characteristics of the Charley LCA. I disagree. The Charley LCA states that built form is minimal in this character area with only a scattering of farmsteads, large individual properties and small hamlets. Buildings are not generally visible on the skyline but appear nestled amongst trees. Glimpsed views of the pitched roof line of buildings are often all that is visible in the landscape.³⁶ This key characteristic cannot be attributed to the appeal site and its immediate surroundings. Plainly, the LCA boundary is correctly drawn north east of Warren Hills Road. The Council's analysis is inconsistent with an analysis of landscape character as experienced on-site and it overstates the landscape impact.
51. The NPPF protects only "valued landscapes". The Appellant has applied an objective methodology endorsed in GLVIA. It concludes that the appeal site does not form part of a valued landscape. The site is valued locally. GRAG considers it to be "attractive" for recreational amenity. However, scenic quality is just one criterion in the overall judgment and a valued landscape must have "demonstrable physical attributes".³⁷ It is not sufficient that it is valued locally because every greenfield site adjacent to an urban area will be valued by local residents.
52. The Council's analysis of the landscape accepts that there are no significant cultural associations, the appeal site does not contain any public rights of way and the site could not be called wild. On this basis the landscape cannot be described as valued. The Council, supported by GRAG, considers the landscape is valued because there is the APAC designation; there are a number of significantly intrusive elements in the wider landscape; the site forms part of an attractive gateway and there are views across the site to Bardon Hill.
53. However, I disagree with this analysis as it over-inflates the value of the local landscape. Firstly, it fails to examine adequately the weight to be attached to the APAC designation. Secondly, the site may be more valuable in landscape terms than the urban area which it abuts but this does not mean that it is a valued landscape. The appeal site is not rare. The area immediately to the east in the Charley LCA is extensive, accessible and of a demonstrably higher value. Thirdly, the LCA is clear that it is Abbots Oak which is the gateway to Coalville from the south. This hamlet would not be affected. The attractive gateway and rural approach into the settlement at Abbots Oak identified in the objective

³⁶ JB Appendix 6 page 95 middle column

³⁷ Ouseley J in the Stroud case CD11.5 paragraph 14

assessment would be maintained.³⁸ Fourthly, there are views across the site from Greenhill Road. However, such views have not previously been identified as being of any importance (despite the gateway to Agar Nook being specifically considered). Whenever a site is developed on the edge of a settlement, views across it will be lost. This is inevitable. However, the view to Bardon Hill would not be lost. Overall I consider that the Council's evidence fails to demonstrate that the site is a valued landscape for the purposes of the NPPF.

54. Although the site is located outside the Limits to Development in Policy S3 for the reasons set out at paragraphs 9-10 above I attach very little weight to this conflict. I consider that the proposal accords with Policy E22 of the NWLLP which is out of date and inconsistent with the NPPF. Little weight can be attached to Policy E22 or the APAC designation. The site is not a valued landscape and there is compliance with paragraph 109 of the NPPF. I conclude that the proposal would not cause material harm to the character and appearance of the area.

Issue (iii) whether the proposal comprises sustainable development

55. The 3 dimensions of sustainable development consist of economic, social and environmental roles. The 3 roles of sustainable development are mutually dependent and require the application of a planning balance. However, it is a planning balance, which is heavily weighted in favour of the grant of planning permission. The application of the balance requires a robust identification of all of the benefits of the development and the weight to be attached before a consideration of any alleged harm.

The economic role

56. The NPPF explains that the economic role includes the availability of sufficient land of the right type, in the right places and at the right time to support growth; and building a strong, competitive economy is a cornerstone of Government policy. In this regard I note that the application was accompanied by a report by Regeneris Consulting which demonstrated the socio-economic benefits of the proposals.³⁹
57. The economic benefits of the proposal are summarised as: £19.5m spend on construction works supporting 120 FTE jobs p.a. for 3 years; 250-300 employed people would live on the site, of whom 70-80 would be in higher managerial and professional positions which supports the Council's policy objective to bolster regeneration and diversify the local economy; £1.42m household spend in NWL and £1.28m in Coalville; 27 FTE retail and related jobs, comprising 48 posts (20 FT and 28 PT); 8 jobs supported by demand for public services; £1.65m revenue to NWL through New Homes Bonus; and increased Council Tax payments.
58. It is said that the £1.42m spend in NWL would reduce spending elsewhere in the HMA and therefore the net effect should be taken into account. However, there is no evidence that a change in spending pattern in the HMA would lead to job losses elsewhere. Further, given

³⁸ JB Appendix 6 page 98

³⁹ See CD 1.18

the dispersed location of future occupants, it cannot reasonably be assumed that this would follow. In my view the indirect job creation in the retail and public sectors all fall to be considered as net benefits. I accept that the retail unit might only employ as few as 5 jobs and the New Homes Bonus may be worth about £1.3m. However, overall these economic benefits are important material considerations in support of the proposal. They should be afforded significant weight individually and cumulatively in terms of paragraphs 18 and 19 of the NPPF.

The social role

59. In terms of the social role this is a proposal for up to 180 dwellings, 20% of which would be affordable. The dwellings would make a contribution to housing land supply in the short term i.e. in the next 5 years. The contribution of 144 market homes which the appeal site could make to the Council's housing land supply can be afforded great weight given the national policy imperative to boost significantly the supply of homes in paragraph 47 of the NPPF and in the absence of a 5 year supply.
60. In terms of affordable housing there is a significant need for 209 dpa, which can only be delivered by market housing. Significant weight should be attached to the delivery of 36 affordable homes, without public subsidy, in full accordance with the Council's policy.⁴⁰
61. There is no dispute that Council is dependent on greenfield SUE⁴¹ sites in sustainable settlements in order to meet its minimum requirements. Coalville lies at the top of the settlement hierarchy and is a sustainable location to deliver housing in the plan period.⁴² Further, the appeal site lies in an accessible location, adjacent to this sustainable settlement,⁴³ and the DWH site was permitted as a sustainable location. GRAG's contrary submissions are untenable. There is a reasonable level of employment, services and facilities within an acceptable walk, cycle or bus journey. The opportunities for sustainable transport modes have been taken up taking into account the nature and location of the site. Moreover, there is no need for major transport infrastructure.⁴⁴
62. The site would deliver a retail unit, which would assist in meeting local needs for top-up shopping. Interest has been expressed in the unit, subject to consent being obtained. Whilst doubt is cast on this by GRAG, a highly experienced retail developer⁴⁵ has said there would be operator demand and interest in the site. The retail unit would therefore add to community facilities and to choice and competition in local retail.⁴⁶

The environmental role

63. In terms of the environmental role the reality is that this development would be accommodated with no more than the inevitable environmental

⁴⁰ SoCG at paragraph 6.5.1 and NPPF paragraphs 50 and 55

⁴¹ Sustainable Urban Extension

⁴² SoCG at paragraph 6.2.1

⁴³ SoCG at paragraph 6.2.1

⁴⁴ NPPF paragraph 32 a

⁴⁵ Morbaine

⁴⁶ Paragraph 70 of the NPPF

impact of any greenfield development. Given the Council is significantly dependent on greenfield SUEs this is a significant locational positive.

64. There is no alleged harm to the environment in terms of heritage. It is clear from local residents' letters that the existing flooding risk posed by the site is a significant concern. If planning permission is granted, a bespoke drainage strategy would be implemented and thus significant weight can be attached to this environmental benefit. The main parties agree that there would be a net gain in biodiversity, subject to detailed design.⁴⁷ The Leicestershire and Rutland Wildlife Trust objected to the development of the site in terms of the wildlife corridor it offers and the benefits to species mobility. However, these matters were addressed comprehensively in the evidence of the Appellant.⁴⁸
65. There would be a loss of 4.7 hectares of Best and Most Versatile land (BMV).⁴⁹ However, this land does not make any material economic contribution to agricultural production. No agricultural unit would be severed and/or become unviable as a result. The Council has not considered this and has failed to apply paragraph 112 of the NPPF adequately. It is accepted that the magnitude of loss is "low" where less than 20ha of BMV would be lost. On this basis, there is no conflict with the NPPF and the Council has not raised this as a RFR. This is not a matter which weighs materially in the planning balance.
66. Mr Murphy accepted that any harm concerning landscape and visual impacts must be so severe that it would significantly and demonstrably outweigh the significant weight which must be attached to the identified social, economic and environmental benefits of the development. In this case the landscape and visual impacts are acceptable and they cannot significantly and demonstrably outweigh the very significant benefits of this development. I conclude on the third issue that on balance the proposal comprises sustainable development.

Issue (iv) Contributions towards infrastructure

67. The Appellant has produced a UU, which addresses all of the requested off-site infrastructure contributions and the Council accepts that it addresses RFR5.⁵⁰ The matters contained in the UU are set out in detail in a CIL Compliance Statement and were discussed at the Inquiry.⁵¹
68. The affordable housing obligations respond to identified needs and are supported by Policy 15 of the NWLLP and the Council's Affordable Housing SPD⁵² (2011). The education contributions are also justified given the forecast deficits in pupil places. The contributions would be spent on improving the existing facilities at Warren Hills Primary School and Castle Rock High School. The health contribution would be spent on extending Broom Leys Surgery to add another consulting room to manage the increased demand plus more storage and it is supported by

⁴⁷ SoCG at paragraph 6.11

⁴⁸ CD 13.9

⁴⁹ SoCG at paragraph 6.12

⁵⁰ INQ4

⁵¹ CD13.8

⁵² Supplementary Planning Document

the NHS. As the new development falls within the boundaries of the National Forest I am satisfied that it is necessary for an appropriate off site contribution to be made for landscaping and tree planting in accordance with Policy F1 and Policy F2 of the NWLLP.

69. The contribution to Leicestershire Police (LP) has been justified following a close and careful analysis of the current levels of policing demand and deployment in the beat area.⁵³ The financial contribution would be spent on start-up equipment, vehicles, additional radio call capacity, PND⁵⁴ additions, additional call handling, ANPR⁵⁵, Mobile CCTV, additional premises and hub equipment.⁵⁶ No part of the LP contribution provides for funding towards any infrastructure project that would offend the restriction on pooling. In my view, the LP contribution is fully compliant with Regulations 122 and 123 of the CIL Regulations.
70. The UU provides for the management of all open spaces as well as National Forest planting within those areas on site which is supported by Policy L21 and L22 of the NWLLP, the Council's Open Space Sport and Recreation Study (2008) and the Play Area Design Guidance SPG.
71. In support of the sustainable transport, civic amenity and library contributions the County Council provides a clear and detailed analysis of capacity and requirements to justify the amounts sought. The evidence pinpoints the specific facilities to which the contributions would be directed.⁵⁷ The contributions to the County Council are supported by the recently revised Leicestershire Planning Obligations Policy (2014). The Appellant does not consider the contribution towards libraries to be CIL compliant. It is said that a book, daily newspaper or periodical does not comprise infrastructure for the purposes of the CIL Regulations 2010.⁵⁸
72. Paragraph 204 of the NPPF and CIL Regulation 122(2) set out the 3 tests for seeking planning obligations: that they must be "*necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development*". The PPG also makes it clear that "*Planning obligations must be fully justified and evidenced*" and that they "*should not be sought where they are clearly not necessary to make the development acceptable in planning terms*".⁵⁹
73. However, there is no requirement as part of these tests for the contributions to be spent on infrastructure. The question is whether the tests have been met, and it is common for obligations to secure contributions towards things other than infrastructure – including capital works, increasing stock, computer resources and new furniture. So long as the contributions meet the statutory tests, they can be acceptable.

⁵³ Whitwick, Ellistown, the south and eastern suburbs of Coalville and countryside beyond

⁵⁴ Police National Database

⁵⁵ Automatic Number Plate Recognition

⁵⁶ Mr Lambert's Proof and Appendices LP1

⁵⁷ LCC1, LCC2 and CD13.8

⁵⁸ CD13.9

⁵⁹ Paragraph :004 Reference ID: 23b -004-20150326

74. CIL Regulation 123(2) prevents planning obligations from securing contributions towards infrastructure which is included on the Council's CIL list (or, if they do not have one, towards any infrastructure). However, this does not restrict the use of obligations to secure anything which does not fall within the definition of infrastructure.
75. CIL Regulation 123(3) prevents planning obligations being used towards infrastructure where there have already been 5 or more obligations relating to that infrastructure. However, it has no effect on obligations which do not relate to infrastructure.
76. There is no requirement for planning obligations to be put towards infrastructure, so the fact that books or periodicals might be disposable is not relevant. Instead, the key issue is whether the Regulation 122(2) tests are met. The County Council has clearly set out the need for the library contribution in this case and it is fully compliant with Regulations 122 and 123 of the CIL Regulations and paragraph 204 of the NPPF.
77. Indeed all of the obligations in the UU are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore they all meet the tests with CIL Regulations 122 and 123 and should be taken into account in the decision. I conclude on this issue that the proposal makes adequate provision for mitigating any adverse impact it would have upon local services and infrastructure.

Other Material Considerations

78. I have taken into account all other matters raised including the Design and Access Statement and the numerous appeal decisions referred to at the Inquiry including those at Lower Packington Road, Ashby-de-la-Zouch and Feniton, Devon. I have considered this appeal on its own merits and in the light of all the evidence submitted to the Inquiry. This includes the objections from local residents who appeared at the Inquiry.
79. In terms of the housing stock it is said that NWL already makes a disproportionately high contribution to the national requirement. However, the housing policies in the development plan are out-of date and, as a result provide insufficient housing land to meet identified needs. Therefore, pending adoption of a 'new' plan further housing land will have to be provided on a site by site basis and outside the plan making process.
80. A history of surface water flooding in the locality is well documented but the technical evidence supporting the application and scrutinised by the Environment Agency indicates that there are no objections to the proposed development subject to planning conditions.
81. Access is a further concern notably the junction capacity assessments at Greenhill Road/Warren Hills Road and at Broom Leys Road/Greenhill Road. However, the Local Highway Authority (LHA), Leicestershire County Council is of the view that the residual cumulative impacts of the

development can be mitigated and are not considered severe in the context of paragraph 32 of the NPPF subject to conditions.

82. I note that a junction mitigation scheme has been designed for the DWH site opposite which involves widening the Greenhill Road approach to Warren Hills Road to provide additional stacking capacity for right turning vehicles. The mitigation scheme has also been modelled to address the additional impact of the appeal site's development traffic. Subject to this scheme being delivered, the impact of the development at the Greenhill Road/Warren Hills Road junction is not considered to be severe and is acceptable in transport terms.⁶⁰ The modelling work also shows that a scheme for the Broom Leys crossroads is not required.
83. Concern has been expressed about various residential amenity issues such as noise pollution and overlooking. I accept that the Noise Assessment identifies the areas of the site closest to Greenhill Road as being susceptible to existing noise (from road traffic) but it would be possible to mitigate this impact on occupiers of the proposed dwellings through the use of planning conditions. Insofar as the noise impacts on neighbouring occupiers arising from the proposed development are concerned, the Noise Assessment identifies these as including construction noise and potential impacts associated with the operation of the proposed retail unit. I consider that both of these matters can be controlled by conditions. I note that no objections are raised in this regard by the Council's Environmental Protection team.
84. Other residential amenity matters such as privacy can be appropriately considered at the reserved matters stage. Although there is concern about a loss of green space amenity the illustrative master plan shows a significant proportion of the site given over to landscaping, retained and proposed tree/hedgerow planting and other open space. None of these concerns are sufficient to warrant refusal of permission.

Conclusion

85. Returning to the main issues identified at the beginning of this decision I conclude that: the Council is unable to demonstrate a five year supply of deliverable housing sites sufficient to meet the full objectively assessed need (FOAN) for housing; that the effect of the proposed development on the character and appearance of the area would be acceptable; the proposed development can be considered sustainable and there is no impact on any local services or infrastructure which cannot be addressed by a lawful contribution via the UU. The proposal is generally consistent with the development plan when read as a whole. In terms of paragraph 14 of the NPPF relevant policies are out-of-date and any adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. I shall therefore allow the appeal.

Planning Conditions

86. I have considered the conditions suggested by the Council in the light of the advice in paragraphs 203 and 206 of the NPPF, the model conditions

⁶⁰ Condition 23 refers

retained at Appendix A of the cancelled Circular 11/95 and the Government's PPG on the use of planning conditions.

87. As this is an outline application, Condition 1 is necessary to secure reserved matters. Conditions 2-4 are necessary to determine the scope of the application and for the avoidance of doubt. The development is not to exceed 180 dwellings. It is to be carried out in accordance with the Development Framework Plan, the Design and Access Statement and the submitted access drawing. Condition 5 is necessary to comply with statutory timescales. Conditions 6 and 7 are necessary to ensure a properly planned and co-ordinated development having regard to the size of the site, the number of houses to be built and the related facilities to be provided.
88. Conditions 8 and 9 are necessary to ensure satisfactory disposal of surface and foul drainage and to minimise the risk of surface water flooding arising from the development. Further investigation of the site is necessary in relation to ground contamination and any remedial works that are required should be undertaken in accordance with Conditions 10 and 11. Conditions 12-15 are required to safeguard the biodiversity interest within the site; the protection of the nearby Holly Rock Fields Site of Special Scientific Interest and the existing off-site ash tree shown to the north western corner of the site on the amended Arboricultural Constraints plan (Drg No 101).
89. Condition 16 relating to noise is required in the interests of residential amenity. Conditions 17-21 are required to ensure that the retail unit is developed and operated in an appropriate manner with safeguards for the occupiers of nearby dwellings. Conditions 22-25 are required in the interests of highway and pedestrian safety. The travel plan, with the measures for monitoring and regular review, reflects the national policy aim of achieving the fullest possible use of public transport, walking and cycling. Condition 26 which relates to a construction method statement is necessary given the size of the site, the proximity of nearby dwellings and the duration of construction works. Conditions 27 and 28 are necessary to safeguard any archaeological finds that might be revealed.

Conclusion

90. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached schedule.

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-28)

APPROVAL OF DETAILS

- 1) Save for the details of vehicular access into the application site from Greenhill Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.
- 2) The development hereby approved shall be for no more than 180 dwellings.
- 3) The development shall be carried out in general accordance with the details shown on the Development Framework Plan, drawing number GLA 03 Rev 011 and the Design and Access Statement – June 2014.
- 4) Access to and within the development shall be carried out in full accordance with the details shown on the Access Plan C13526 009 Rev A before the occupation of the first dwelling on the site.

TIMING OF IMPLEMENTATION

- 5) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

PHASING

- 6) Should the first reserved matters application be for two or more phases of development, the application shall include a masterplan for the whole of the site, setting out details of access (both to and within the site), site layout, areas of open space/children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

DESIGN CODE

- 7) No reserved matters application(s) shall be made until such time as a Design Code for the entirety of the site has been submitted to and

agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement. All subsequently submitted reserved matters applications shall accord with the agreed Design Code.

SUSTAINABLE DRAINAGE

- 8) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include:
- (a) a timetable for its implementation;
 - (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime; and
 - (c) measures to protect any features of archaeological interest in accordance with condition 27.

FOUL DRAINAGE

- 9) No dwelling shall be occupied until such time as a scheme of foul drainage connecting the relevant dwelling to the public sewer has been implemented in full.

GROUND CONTAMINATION

- 10) No part of the development shall be commenced on site unless and until:
- (a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Phase 1 Desk Study) DS-18158A-13-167 Rev A – April 2014. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on site;
 - (b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
 - (c) a method statement and remediation strategy, based on the information obtained from (b) above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

VERIFICATION PLAN

- 11) No dwelling shall be occupied until such time as a verification investigation has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development, and the report showing the findings of the verification investigation has been submitted to and agreed in writing by the Local Planning Authority. The verification report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement permits of all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain test certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

ECOLOGY

- 12) No development shall take place until such time as details of all mitigation measures as recommended within Section 6 of the submitted Preliminary Ecological Assessment have been submitted to and agreed in writing by the Local Planning Authority. The details of mitigation measures shall include:
- (a) timetables for their implementation;
 - (b) details of ongoing maintenance and management; and
 - (c) a programme for the undertaking of updated surveys in relation to commencement of development on site (or relevant phase)
- The programme for surveys shall include the specification of maximum periods between undertaking of surveys and commencement development on site (or relevant phase).
- 13) No development shall take place until such time as a biodiversity management plan for all created and retained habitats (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the agreed management plan.
- 14) No development shall take place until such time as a construction management plan designed to ensure the prevention of damage to the

Holly Rock Fields Site of Special Scientific Interest during construction works (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. No construction works shall be carried out on the site at any time other than in accordance with the agreed management plan and timetable.

TREES

- 15) No site works of any description in respect of the formation of the vehicular access and footway to Greenhill Road shall take place on the site unless the existing off-site ash tree shown to the north western corner of the site on the amended Arboricultural Constraints plan (drawing no. 101, deposited with the Local Planning Authority on 7 October 2014) is securely fenced off in accordance with measures for its protection first submitted to and agreed in writing by the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

NOISE

- 16) No development shall take place until such time as a scheme of mitigation of noise to proposed dwellings as indicated generally in the submitted Noise Assessment Report has been submitted to and agreed in writing by the Local Planning Authority. No individual dwelling hereby permitted shall be occupied at any time unless all agreed mitigation measures relevant to that dwelling have been implemented in full.

RETAIL UNIT

- 17) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the total gross floor space of uses falling within Class A1 of that Order shall not exceed 400 square metres.
- 18) Notwithstanding the submitted details, the retail unit hereby permitted shall not be brought into use until such time as a minimum of 50 dwellings within the application site are occupied.
- 19) No work shall commence on site in respect of the retail unit until such time as a scheme of mitigation of noise to existing and proposed dwellings as indicated generally in the submitted Noise Assessment Report has been submitted to and agreed in writing by the Local Planning Authority. The retail unit shall not be occupied at any time unless all agreed mitigation measures relevant to that dwelling have been implemented in full (and including in respect of any agreed limitations on externally located plant and machinery).

- 20) No work shall commence on site in respect of the retail unit until such time as a deliveries and management plan has been submitted to and agreed in writing by the Local Planning Authority.
- 21) The use of the retail unit hereby approved shall not be open to the public outside of the hours of 0700 and 2300 daily.

HIGHWAYS AND TRANSPORTATION

- 22) Save for any works required in respect of providing the access itself, no development shall commence on the site until the works have been carried out in accordance with details shown on the Access Plan C13526 009 Rev A (and including the measures recommended in the Stage 1 Road Safety Audit dated 3rd July 2015 and the extension of street lighting 175m east from the existing 30mph gateway on Greenhill Road (adjacent to Agar Nook Lane)).
- 23) No development shall take place until such time as a scheme of off-site highway works, together with a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include:
 - (a) additional speed management measures on Greenhill Road between and including the junctions with Romans Crescent and Warren Hills Road (and including appropriate signing and lining measures to support the introduction of the additional 30 and 40mph sections of Greenhill Road, as well as warning signs on each of the side roads exiting onto Greenhill Road in the vicinity of the proposed junction table and zebra crossing);
 - (b) unless already implemented by David Wilson Homes, improvements to the Greenhill Road/Warren Hills Road junction (as shown generally on BWB drawing no. NTT/2180/002 rev P1)
 - (c) improvements to the Copt Oak Crossroads (as shown generally on Hydrock Drawing C13526 SK001 Revision P4

No development shall take place at any time, nor shall any proposed dwelling be occupied unless the relevant works have been implemented in full in accordance with the agreed scheme and timetable.

- 24) The first reserved matters application submitted in respect of layout shall include details to demonstrate the suitability of the development to enable bus services to route into and through the site.
- 25) No dwelling shall be occupied until a Full Travel Plan, broadly in accordance with the Hydrock Framework Travel Plan dated September 2014, has been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall include a programme for implementation, monitoring, regular review and improvement and shall subsequently be implemented, maintained and developed as approved.

CONSTRUCTION METHOD STATEMENT

- 26) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- (a) the hours of work;
 - (b) the parking of vehicles of site operatives and visitors;
 - (c) loading and unloading of plant and materials;
 - (d) storage of plant and materials used in constructing the development;
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) wheel washing facilities;
 - (g) measures to control the emission of dust and dirt during construction;
 - (h) a scheme for recycling/disposing of waste resulting from construction works;
 - (i) means of protection of trees and hedgerows during site preparation and construction; and
 - (j) access arrangements for emergency vehicles during the construction phase.

ARCHAEOLOGY

- 27) No development shall take place within the application site until a written scheme of archaeological investigation, including the methodology of further investigation works and a programme for the works to be undertaken (the 'archaeological scheme'), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological scheme.
- 28) No development shall take place within the application site until an archaeological management plan, including measures for the ongoing protection of any archaeological features identified under the archaeological scheme and a programme for their implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological management plan.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Timothy Leader (of Counsel) Instructed by Anthea Lowe, Principal
Solicitor North West Leicestershire District
Council

He called

Justin Gardner BSc MSc Principal Justin Gardner Consulting

Jon Etchells MA BPhil CMLI Director Jon Etchells Consulting Limited

Andrew Murphy Director Stansgate Planning
BA (Hons) MSc MRTPI

FOR THE APPELLANT

Giles Cannock (of Counsel) Instructed by Gladman Developments Ltd

He called

Steve Lucas BSc MSc Director Development Economics

James Donagh Director Barton Wilmore
BA (Hons) MCD MIED

Andrew Baker BSc (Hons) Director Baker Consultants Ltd
FCIEEM

Jonathan Berry Partner of Tyler Grange LLP
BA (Hons) DipLA CMLI
AIEMA M.Arbor.A

Laurie Lane Planning Manager Gladman Developments
BSc (Hons) MRTPI

FOR GREENHILL RESIDENTS ACTION GROUP: (Rule 6 party)

Jane Tebbatt CGeol FGS Advocate and Local Resident

She called:

Stuart Moffat DipTP MRTPI Local Resident

INTERESTED PERSONS

Neil Pilcher Leicestershire and Rutland Wildlife Trust

Malcolm Allsop Local Resident

Jonathan Ball Local Resident

Simon Peck Local Resident

Graham Read Local Resident

Yvonne Willars Local Resident

Anthony Cross for Leicestershire County Council and Thea Osmund-Smith for Leicestershire Police introduced themselves as Rule 6 parties at the opening of the Inquiry but did not call witnesses and both authorities submitted their evidence in writing.

DOCUMENTS SUBMITTED AT THE INQUIRY

Document Ref. No.	Title of Document
INQ1	Notification letter
INQ2	Letters of representations
INQ3	Statement of Common Ground
INQ4	Unilateral Undertaking
NWL 1	Opening Statement on behalf of the Local Planning Authority
NWL 2	List of Additional Core Documents
NWL 3	Local Planning Authority e-mail correspondence with Leicestershire County Council and the National Forest Company
NWL 4	Instructing letter from the District Council's Solicitor to Counsel
NWL 5	Appeal decision - Land off Willesley Lane, Ashby de la Zouch, Leicestershire (APP/G2435/W/15/3027396)
NWL 6	Leicester and Leicestershire LLEP Strategic Economic Plan 2014 to 2020
NWL 7	Appeal decision - Land South of Mallory Road, Bishops Tachbrook, Warwickshire (APP/T/14/2216200)
NWL 8	Appeal decision - Land South of Markfield Road, Ratby, Leicestershire (APP/K2420/W/15/3003301)
NWL 9	Planning Application 15/00227/OUTM Submitted Framework Plan
NWL 10	Closing Statement on behalf of the Local Planning Authority
NWL 11	List of Appearances on Behalf of the Local Planning Authority
NWL 12	Local Planning Authority's Witness Time Estimates
CD 13.1 -	LHA Revised Consultation Response
CD 13.2 -	Email confirmation ref Wider Highway Network Contribution
CD 13.3	STW and EA emails ref condition not required
CD 13.4	Highways Plan NTT2180002 rev P1
CD 13.5	DWH Decision Notice 14-00050-FULM
CD 13.6	Email from Neil Pilcher of Wildlife Trust
CD 13.7	AJB Ecology Technical Note
CD 13.8	CIL Compliance Statement
CD 13.9	Appellant CIL Statement for Civic Amenity and Libraries
CD 13.10	Archaeologist Consultation Response for the Second Application
CD 13.11	Supplementary SOCG ref Planning
CD 13.12	Housing Land Supply SOCG

CD 13.13	GRAG Survey Letter
CD 13.14	Drainage Strategy Drawing 301-004 Rev B
CD 13.15	Appellant's Opening Statement
CD 13.16	Closing Submission
GRAG01	Opening comments
GRAG02	Proof of Evidence – Mr Moffat
GRAG03	View from Hough Hill
GRAG04	Charnwood Forest Challenge Walk
GRAG05	House selling price information
GRAG06	Packington Nook Appeal Notice APP/G2435/A/14/2217036
GRAG07	Feniton Devon Appeal Notice APP/U1105/A/13/2191905
GRAG08	Plan of walking tracks
GRAG09	Email from Mr Moffat to Morbaine
GRAG10	Obsolete - Hough Hill Location plan – was not required, circulated or used
GRAG11	Leicestershire CC Highway Authority Revised Observations
GRAG12	Closing Submissions

DOCUMENTS SUBMITTED BY LEICESTERSHIRE COUNTY COUNCIL

- LCC1 Proof of evidence of Andrew Tyrer with Appendices
- LCC2 Supplementary Proof of evidence of Andrew Tyrer

DOCUMENTS SUBMITTED BY LEICESTERSHIRE POLICE

- LP1 Mr Lambert's Proof of evidence and Appendices
- LP2 Closing Submissions

DOCUMENTS SUBMITTED BY LEICESTERSHIRE AND RUTLAND WILDLIFE TRUST

- LRWT1 Mr Pilcher's Proof of evidence and Appendices

INTERESTED PERSONS' DOCUMENTS

- IP1 Statement by Malcolm Allsop
- IP2 Statement by Jonathan Ball
- IP3 Statement by Simon Peck
- IP4 Statement by Graham Read
- IP5 Statement by Yvonne Willars

Representer 58

58/2/52/10

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
4.2 <i>Sustainability Appraisal</i>	9
5 Objectively Assessed Housing Need	11
5.1 <i>Background</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1)</i>	15
6 North West Leicestershire Local Plan Publication Version	19
6.1 <i>Strategy</i>	19
6.2 <i>Design</i>	21
6.3 <i>Housing</i>	21
6.4 <i>Economic</i>	24
6.5 <i>Infrastructure and Facilities</i>	25
6.6 <i>Environment</i>	25
6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
7 Conclusions	28

APPENDICES

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- Appendix 4 - Land South of Greenhill Road, Coalville – Decision Letter 5th January 2016 (APP/G2435/W/15/3005052)

EXECUTIVE SUMMARY

- i. This submission provides Gladman Development's written representations on the North West Leicestershire Local Plan Publication Version (NWLLP)
- ii. Gladman specialise in the promotion of strategic land for residential development, with associated community infrastructure and has previously been involved in schemes within North West Leicestershire.
- iii. These representations concern the following matters.
 - Duty to Cooperate
 - Sustainability Appraisal
 - Objectively Assessed Housing Needs
 - Strategy
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- iv. Gladman question whether the Council has engaged in an active and effective manner on cross boundary strategic issues particularly in relation to Leicester City's potential unmet need.
- v. Having considered the Council's evidence on OAN for housing, Gladman has concerns that an NPPF and PPG compliant methodology has not been used to derive the OAN for Leicester and Leicestershire (See Appendix 2). In order to consider these issues in more detail, Barton Willmore were appointed to undertake a critical review of the Council's work. They have noted a number of flaws in the Council's approach to deriving its OAN and believe that the OAN arrived at is a significant under estimation of what the OAN for North West Leicestershire actually is.
- vi. The Barton Willmore work, based on a Framework and PPG compliant assessment of OAN for North West Leicestershire, suggests a range of 534-739 dwellings per annum. In order to ensure that the OAN is both aspirational but realistic (para 154 Framework) **a mid-point 637 dwellings per annum** is suggested as the OAN for North West Leicestershire.
- vii. The Inspector, in his recent Decision Letter for Land south of Greenhill Road, Coalville, concludes that the 2014 SHMA is out-of-date, has a number of significant flaws and as a result is not robust. He also concludes that the average annual requirement for housing is between 534 and 739 dwellings per annum and for the purposes of the Inquiry, the mid-point figure of 637 dwellings per annum is not considered unreasonable.

- viii. In light of the above issues and the content of our submission, it is the conclusion of Gladman that the Local Plan is contrary to national policy, not justified, effective or positively prepared and is as such unsound. Due to the significant issues raised through this submission and summarised in Table 1 below.

Table 1 – Summary of policy soundness

Policy	Sound/Unsound	Test of Soundness	Reason	Evidence
Policy S1	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Plan does not set a housing requirement that reflects the Full OAN for housing. The current iteration of the Plan is based on a SHMA that is out-of-date.	NPPF, PPG.
Policy S2	Unsound	Positively Prepared Justified Effective Consistent with National Policy	A meaningful level of development should be directed towards the smaller sustainable settlements in the rural area to deliver their housing needs and support local services and facilities.	NPPF, PPG
Policy S3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Policy arbitrarily restricts development in sustainable urban and rural settlements.	NPPF, PPG.
Policy D1	Comment		The provisions of Policy D1 should be set within the context of development viability to accord with the provisions of the Framework	
Policy H1	Unsound	Justified	Policy H1 does not include Land south of Greenhill Road, Coaville as a site with Planning Permission. The site was granted permission on appeal (APP/G2435/W/15/3005052) on 5th January 2016 for 180 dwellings and therefore it should be included as a commitment under Policy H1.	
Policy H3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The allocations do not deliver the full OAN for North West Leicestershire and further allocations need to be sought.	NPPF, PPG.

Policy H4	Unsound	Positively Prepared Justified Effective Consistent with National Policy	Gladman object to Policy H4 in that criterion 4 is not required. Affordable housing can be dealt with by way of a condition.	NPPF, PPG
Policy H6	Comment		The housing mix to be included on a site should be dealt with on a site-by-site basis to ensure that flexibility is maintained in order to deliver the right mix of unit size and tenure to suit the prevailing local circumstances at the time.	PPG
Policy IF1	Comment	Positively Prepared Justified Effective Consistent with National Policy	Policy should be tested against the cumulative impacts of all Plan requirements for viability.	NPPF, PPG
Policy IF4	Comment	Positively Prepared Justified Effective Consistent with National Policy	Policy should be tested against the cumulative impacts of all Plan requirements for viability.	NPPF, PPG
Policy En5	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Policy arbitrarily restricts development in sustainable urban and rural settlements contrary to the Presumption in Favour of Sustainable Development.	NPPF, PPG
Policy En6	Unsound	Consistent with National Policy	Paragraph 109 of the Framework states that the planning system should prevent development causing unacceptable levels of air pollution. It is clear that Policy En6 seeks to avoid <u>any</u> adverse impacts on air quality which is therefore not framework compliant.	NPPF
Policy He1	Unsound	Consistent with National Policy	Policy He1 part d requires that development should not result in harm to a heritage asset or its setting. This criterion is not Framework compliant as the Framework states that if the harm to a heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that	

			<p>harm. If the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal including securing its optimum viable use.</p>	
<p>Policy IM1</p>	<p>Unsound</p>	<p>Positively Prepared Justified Effective Consistent with National Policy</p>	<p>It is suggested that Policy IM1 Criterion 3 is amended to include triggers which set out when the Council consider delivery rates to be falling short.</p> <p>Criterion 4 of Policy IM1 is unsound as it introduces a sequential element to bringing sites forward when additional housing sites are needed to meet or exceed the housing requirement. Introducing a sequential test may introduce significant delay into addressing the housing shortfall as sites that are included in the SHLAA may not be available at that particular time.</p>	<p>NPPF, PPG</p>

Representer 58

5813/S310

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016

 **GLADMAN**

August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
4.2 <i>Sustainability Appraisal</i>	9
5 Objectively Assessed Housing Need	11
5.1 <i>Background</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1)</i>	15
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6.1 <i>Strategy</i>	19
6.2 <i>Design</i>	21
6.3 <i>Housing</i>	21
6.4 <i>Economic</i>	24
6.5 <i>Infrastructure and Facilities</i>	25
6.6 <i>Environment</i>	25
6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
7 Conclusions	28

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- vi. The Barton Willmore work, based on a Framework and PPG compliant assessment of OAN for North West Leicestershire, suggests a range of 534-739 dwellings per annum. In order to ensure that the OAN is both aspirational but realistic (para 154 Framework) **a mid-point 637 dwellings per annum** is suggested as the OAN for North West Leicestershire.
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Policy H6	Comment		The housing mix to be included on a site should be dealt with on a site-by-site basis to ensure that flexibility is maintained in order to deliver the right mix of unit size and tenure to suit the prevailing local circumstances at the time.	PPG
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Representation 58.
58/4/D1

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



GLADMAN

August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
4.2 <i>Sustainability Appraisal</i>	9
5 Objectively Assessed Housing Need	11
5.1 <i>Background</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1)</i>	15
6 North West Leicestershire Local Plan Publication Version	19
6.1 <i>Strategy</i>	19
6.2 <i>Design</i>	21
6.3 <i>Housing</i>	21
6.4 <i>Economic</i>	24
6.5 <i>Infrastructure and Facilities</i>	25
6.6 <i>Environment</i>	25
6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
7 Conclusions	28

APPENDICES

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Representations 58

58/5/H1/O.

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 Context.....	5
3 National Planning Policy	6
3.1 National Planning Policy Framework and Planning Practice Guidance.....	6
4 Legal Compliance.....	8
4.1 Duty to Cooperate.....	8
4.2 Sustainability Appraisal.....	9
5 Objectively Assessed Housing Need.....	11
5.1 Background.....	11
5.2 Objective Assessment of Housing Needs (Policy S1)	15
6 North West Leicestershire Local Plan Publication Version.....	19
6.1 Strategy.....	19
6.2 Design.....	21
6.3 Housing.....	21
6.4 Economic	24
6.5 Infrastructure and Facilities	25
6.6 Environment	25
6.7 Historic Environment.....	26
6.8 Implementation and Monitoring.....	26
7 Conclusions	28

APPENDICES

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Representor 58
58/6/43/0.

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
4.2 <i>Sustainability Appraisal</i>	9
5 Objectively Assessed Housing Need	11
5.1 <i>Background</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1)</i>	15
6 North West Leicestershire Local Plan Publication Version	19
6.1 <i>Strategy</i>	19
6.2 <i>Design</i>	21
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6.4 <i>Economic</i>	24
6.5 <i>Infrastructure and Facilities</i>	25
6.6 <i>Environment</i>	25
6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
7 Conclusions	28

APPENDICES

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Representor 58.

58/7/H4/0

Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016



GLADMAN

August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
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6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
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Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016

 **GLADMAN**

August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context.....</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance.....</i>	6
4 Legal Compliance.....	8
4.1 <i>Duty to Cooperate.....</i>	8
4.2 <i>Sustainability Appraisal.....</i>	9
5 Objectively Assessed Housing Need.....	11
5.1 <i>Background.....</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1).....</i>	15
6 North West Leicestershire Local Plan Publication Version.....	19
6.1 <i>Strategy.....</i>	19
6.2 <i>Design.....</i>	21
6.3 <i>Housing.....</i>	21
6.4 <i>Economic.....</i>	24
6.5 <i>Infrastructure and Facilities.....</i>	25
6.6 <i>Environment.....</i>	25
6.7 <i>Historic Environment.....</i>	26
6.8 <i>Implementation and Monitoring.....</i>	26
7 Conclusions	28

APPENDICES

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Table 1 – Summary of policy soundness

Policy	Sound/Unsound	Test of Soundness	Reason	Evidence
Policy S1	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Plan does not set a housing requirement that reflects the Full OAN for housing. The current iteration of the Plan is based on a SHMA that is out-of-date.	NPPF, PPG.
Policy S2	Unsound	Positively Prepared Justified Effective Consistent with National Policy	A meaningful level of development should be directed towards the smaller sustainable settlements in the rural area to deliver their housing needs and support local services and facilities.	NPPF, PPG
Policy S3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The Policy arbitrarily restricts development in sustainable urban and rural settlements.	NPPF, PPG.
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Policy H1	Unsound	Justified	Policy H1 does not include Land south of Greenhill Road, Coaville as a site with Planning Permission. The site was granted permission on appeal (APP/G2435/W/15/3005052) on 5th January 2016 for 180 dwellings and therefore it should be included as a commitment under Policy H1.	
Policy H3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The allocations do not deliver the full OAN for North West Leicestershire and further allocations need to be sought.	NPPF, PPG.

Policy H4	Unsound	Positively Prepared Justified Effective Consistent with National Policy	Gladman object to Policy H4 in that criterion 4 is not required. Affordable housing can be dealt with by way of a condition.	NPPF, PPG
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CONTENTS

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3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
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6.3 <i>Housing</i>	21
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Representor 58
58/10/1F4/0.

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Representations on North West Leicestershire Local Plan

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CONTENTS

Executive Summary	1
2 Introduction	5
2.1 Context.....	5
3 National Planning Policy	6
3.1 National Planning Policy Framework and Planning Practice Guidance.....	6
4 Legal Compliance.....	8
4.1 Duty to Cooperate.....	8
4.2 Sustainability Appraisal.....	9
5 Objectively Assessed Housing Need.....	11
5.1 Background.....	11
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6.1 Strategy.....	19
6.2 Design.....	21
6.3 Housing.....	21
6.4 Economic	24
6.5 Infrastructure and Facilities	25
6.6 Environment	25
6.7 Historic Environment.....	26
6.8 Implementation and Monitoring.....	26
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CONTENTS

Executive Summary	1
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CONTENTS

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- viii. In light of the above issues and the content of our submission, it is the conclusion of Gladman that the Local Plan is contrary to national policy, not justified, effective or positively prepared and is as such unsound. Due to the significant issues raised through this submission and summarised in Table 1 below.

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Policy H3	Unsound	Positively Prepared Justified Effective Consistent with National Policy	The allocations do not deliver the full OAN for North West Leicestershire and further allocations need to be sought.	NPPF, PPG.

Policy H4	Unsound	Positively Prepared Justified Effective Consistent with National Policy	Gladman object to Policy H4 in that criterion 4 is not required. Affordable housing can be dealt with by way of a condition.	NPPF, PPG
Policy H6	Comment		The housing mix to be included on a site should be dealt with on a site-by-site basis to ensure that flexibility is maintained in order to deliver the right mix of unit size and tenure to suit the prevailing local circumstances at the time.	PPG
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Policy He1	Unsound	Consistent with National Policy	Policy He1 part d requires that development should not result in harm to a heritage asset or its setting. This criterion is not Framework compliant as the Framework states that if the harm to a heritage asset is deemed to be substantial then the proposal needs to achieve substantial public benefits to outweigh that	

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Policy IM1	Unsound	Positively Prepared Justified Effective Consistent with National Policy	<p>It is suggested that Policy IM1 Criterion 3 is amended to include triggers which set out when the Council consider delivery rates to be falling short.</p> <p>Criterion 4 of Policy IM1 is unsound as it introduces a sequential element to bringing sites forward when additional housing sites are needed to meet or exceed the housing requirement. Introducing a sequential test may introduce significant delay into addressing the housing shortfall as sites that are included in the SHLAA may not be available at that particular time.</p>	NPPF, PPG

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Gladman Developments Ltd

Representations on North West Leicestershire Local Plan

Publication Version

June 2016

 **GLADMAN**

August 2016

CONTENTS

Executive Summary	1
2 Introduction	5
2.1 <i>Context</i>	5
3 National Planning Policy	6
3.1 <i>National Planning Policy Framework and Planning Practice Guidance</i>	6
4 Legal Compliance	8
4.1 <i>Duty to Cooperate</i>	8
4.2 <i>Sustainability Appraisal</i>	9
5 Objectively Assessed Housing Need	11
5.1 <i>Background</i>	11
5.2 <i>Objective Assessment of Housing Needs (Policy S1)</i>	15
6 North West Leicestershire Local Plan Publication Version	19
6.1 <i>Strategy</i>	19
6.2 <i>Design</i>	21
6.3 <i>Housing</i>	21
6.4 <i>Economic</i>	24
6.5 <i>Infrastructure and Facilities</i>	25
6.6 <i>Environment</i>	25
6.7 <i>Historic Environment</i>	26
6.8 <i>Implementation and Monitoring</i>	26
7 Conclusions	28

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CONTENTS

Executive Summary	1
2 Introduction	5
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