

Representer 60  
60/1/Para 1.13 to 1.16



## LOCAL PLAN

Ref:

(For official use only)

### Publication Stage Representation Form

#### North West Leicestershire Local Plan Proposed Submission

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

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

This form has two parts-

**Part A** – Personal Details

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

#### Part A

##### 1. Personal Details

##### 2. Agent Details

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

Title		Mr
First Name	Robert	Tim
Last Name	Thorley	Evans
Job Title <i>(Where relevant)</i>	Land and Planning Manager	Associate
Organisation <i>(Where relevant)</i>	Jelson Limited	GVA
Address Line 1	370 Loughborough Road	3 Brindleyplace
Line 2	Leicester	Birmingham
Line 3		
Line 4		
Post Code	LE4 5PR	B1 2JB
Telephone Number		
Email Address <i>(Where relevant)</i>		

## Part B - Please use a separate sheet for each representation

### Name or Organisation:

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

Paragraph(s)  Policy  Policies Map

4. Do you Consider the Local Plan is:

*(Please tick as appropriate)*

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

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

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

Section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act, provides that local authorities and other bodies must co-operate with one another so as to address strategic issues relevant to their respective administrative areas and to maximise the effectiveness of the plan making process.

The strategic policies that local authorities should address through the local plan process are set out in paragraph 156 of the National Planning Policy Framework (NPPF). These include the number of new homes and jobs needed within the area. Paragraph 157 on the NPPF seeks to ensure that local plans will, amongst other things: be drawn up over an appropriate time scale...take account of longer term requirements and be kept up to date; and, be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations. The NPPF makes clear that local authorities should ensure that their local plans are based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. It goes on to say that LPAs should ensure that their assessments of, and strategic priorities for housing, employment and other uses are integrated and that they take full account of relevant market and economic signals.

In the light of the above, in June 2014 the Leicestershire and Leicestershire local planning authorities appointed GL Hearn to prepare a Strategic Housing Market Assessment (SHMA) for the housing market area. Following completion of the SHMA the Leicester and Leicestershire local planning authorities agreed, in July 2014, a Memorandum of Understanding which confirmed that each authority was able to accommodate the upper range of the new housing requirements contained within the SHMA within their own administrative boundaries up to 2028. In addition, because the SHMA concluded that after 2028, Leicester City Council would have insufficient land within its administrative boundary to enable it to meet its own housing need it was also agreed that part of the City's housing requirement would be met by other HMA local authorities and that the authorities would co-operate with one another to determine how and where this unmet need would be accommodated within each district.

It is widely acknowledged that the existing SHMA is out of date. For example Mr Justice Hickinbottom, in his ruling on the Oadby case ([2015] EWHC 1879 (Admin)), raised very considerable doubts regarding the adequacy of the GL Hearn SHMA for determining housing need. In addition the Borough Council will no doubt be familiar with the recent Greenhill Road appeal decision in North West Leicestershire (APP/G2435/W/15/3005052) in which the Inspector noted that in 2015, a number of other Leicestershire authorities wrote indicating that a new SHMA is required; and, concluded that the SHMA is clearly out of date given it was prepared using population, household projections and employment forecasts which have been superseded by the publication of more recent data.

In the light of the above, the Leicester and Leicestershire local planning authorities have recently appointed GL Hearn to prepare a new assessment of the housing and economic development needs for the HMA. This work is due to be completed in September 2016.

However, rather than wait for the publication of the new HEDNA work NWLDC has taken the decision to proceed with the preparation of its Local Plan on the back of an review of its housing requirements for the period 2011-2013, undertaken by JG Consulting in April 2016 (which itself is now out of date).

In our view, the Council's decision to proceed with the preparation of its Plan without first knowing what its and the HMAs housing requirements and economic objectives are and an agreement being reached with the other local authorities as to how this growth will be accommodated by the districts gives rises to serious duty to co-operate concerns.

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

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

Duty to co-operate issues are incapable of being dealt with by modification at Examination and therefore we would suggest that the Council hold fire with the preparation of its Local Plan until such time as the future growth requirements for the HMA and the District have been properly identified and agreed.

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

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

7. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

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

**Yes**, I wish to participate at the oral examination

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

So these matters are considered / debated in full.

**Please note** the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:

T Evans

Date:

11 August 2016

Representation 60  
6012/ENS/0



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### Part A

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First Name	Robert	Tim	<input type="text"/>
Last Name	Thorley	Evans	<input type="text"/>
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Telephone Number	<input type="text"/>	<input type="text"/>	<input type="text"/>
Email Address <i>(Where relevant)</i>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Part B - Please use a separate sheet for each representation**

**Name or Organisation:**

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

Paragraph(s)  Policy  Policies Map

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

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

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

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There is no specific support for the designation of Areas of Separation within national planning policy. Indeed, on the basis that the NPPF requires Plans to be positively prepared with sufficient flexibility to adapt to rapid change and meet not only the objectively assessed needs of the District but respond positively to wider opportunities for growth also, it must be right that such a negative and restrictive policy should only be adopted in the event that the evidence in its favour is compelling.

Perhaps more importantly, the Council's justification for the designation (as set out in its Green Wedge Background Paper 2012 and Policy EN5 Background Paper) is woefully inadequate. For the case for the designation to be compelling it must be underpinned by a thorough analysis of the land itself and the development that surrounds it (focusing, in particular on form, function, character and settlement identity). At the very least the analysis should present clear evidence on:

- i) where Coalville ends and Whitwick begins;
- ii) how the character and identity of the two settlements differ;
- iii) precisely where the separation is required and why; and,
- iv) what specific harm would be caused by developing land that the Council believes should be open.

Moreover, in the light of the overarching need to provide for sustainable growth in line with the NPPF, it should be necessary also to weigh in the balance the development

potential of the land, the sustainability of the location and the benefits that would flow from allowing its release for residential development.

However, neither the Green Wedge Background Paper nor the Policy EN5 Background Paper contains such analysis. Instead, they contain superfluous information on the history of the Green Wedge and the Secretary of State's findings on the impact of the Stephenson Green scheme for it; the Council's assessment of it; irrelevant references to NPPF policy on Local Green Spaces; a biased and incomplete summary of the Council's Green Spaces Consultation; no reference at all to the Regeneration Strategy for Coalville produced for the Council by the Prince's Foundation for the Built Environment (discussed below) or the Council's Sustainability Appraisal; and incomplete summary of the Settlement Fringe Assessment (see below also) and conclusions, at paragraph 10.26 and 10.27 that do not flow either from the information that precedes or follows them and are not underpinned by relevant evidence. Indeed, the evidence base compiled by the Council demonstrates that the designation is inappropriate and, unnecessary and, if adopted, would prevent much needed sustainable development and impact adversely on the Plan's flexibility and ability to achieve the most sustainable pattern of development. The evidence base confirms that:

- a) the land is the most sustainable for new housing in the Whitwick urban area;
- b) the land has been assessed for its contribution to the urban fringe and its ability to accommodate growth in the context of the need to respect the setting of settlements and has been found to be the most suitable for development of all the sites in and around the Coalville Urban Area (see the Settlement Fringe Assessment);
- c) it has been specifically assessed for its ability to accommodate development that maintains an appropriate degree of separation between Coalville and Whitwick and which complements the wider urban form and has found to be suitable. This analysis, contained within the Coalville Regeneration Strategy, contemplated a Settlement Structure Plan which was drawn to reinforce the centres of Thringstone, Whitwick, Swannington, Ravenstone and Ellistown, with new centres based on an existing and proposed network of streets. Of particular relevance to the Area of Separation designation is the fact that the Foundations' Plan defined the extent of the settlements of Coalville and Whitwick and identified also where separation needs to be maintained. The conclusions reached by the Foundation were accepted / endorsed by the Council's Cabinet in October 2009 when Officers reported that "*accommodating growth in Greater Coalville can still be achieved whilst also preserving the physical identity and character of the separate villages*" and went on to emphasise that "*to achieve this, a policy for any development in that part of the Green Wedge between Stephenson Way and Hall Lane (in effect the eastern part of the Green Wedge / proposed Area of Separation) would need to require the provision of an open area to the east of Hermitage Road and south of Hall lane to preserve the physical separation of Whitwick from Coalville.*" (see Prince's Foundation Regeneration Strategy for Coalville (pages 25-27) and NWLDC Cabinet Report of 20 October 2009 (paragraph 5.4.23))

With regard to (c) it will be noted that our Client made an application for planning permission for the development of part of the land adjacent to Hall Lane, which was subsequently refused by the Council in March 2016. Our Client has appealed against

the Council's refusal to grant planning permission for the proposed development. The appeal is due to be heard at a public inquiry which will commence on 17 January 2017. Through that application, our Client has looked closely at the issue of settlement separation. Moreover, it has designed proposals that would, in its view, retain a significant green buffer between Whitwick and Coalville that is entirely consistent with the Council's evidence of separation and could be constructed without prejudicing the Council's proposals to designate the land as an Area of Separation. Our Client's proposals are shown on the attached illustrative masterplan.

As things stand, the Council's Area of Separation proposal has not been positively prepared, is not justified, impacts adversely on the ability of the Plan to be effective, and is at odds with the NPPF. As a consequence, Policy EN5 is not sound.

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

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The Policy should be deleted or amended to take into account the above.

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

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Yes, I wish to participate at the oral examination

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So these matters are considered / debated in full.

*Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

9. Signature:

T Evans

Date:

11 August 2016



## LOCAL PLAN

Representer 60  
60/3/W110

Ref:

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| ii) Sound                                    | Yes | <input type="text"/> | No | <input checked="" type="text" value="X"/> |
| iii) Complies with the<br>Duty to co-operate | Yes | <input type="text"/> | No | <input type="text"/>                      |

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The authority's sites with planning permission contained within Policy H1 forms part of the evidence base which underpins and informs the Plan's housing policies. These sites are the Council's 'commitments' not its 'allocations'. There is, therefore, no need for the Plan to contain a policy listing those sites within the District which benefit from planning permission and which provides that planning permission will be renewed for development on these sites in the event that it lapses.

Moreover, the data contained in the policy will be out of date very quickly (for example, it doesn't include the planning permissions that were recently granted for housing development on land south of Greenhill Road in Coalville and Money Hill, Ashby de la Zouch.

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The policy should be deleted.

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