

Representor 75

75 / 1 / D110



LOCAL PLAN

Ref:
(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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

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

This form has two parts-

Part A – Personal Details

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

Part A

1. Personal Details

2. Agent Details

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

Title	Mr	Mr
First Name	George	Tim
Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
Organisation <i>(Where relevant)</i>	Persimmon Homes East Midlands	RPS Planning
Address Line 1	[REDACTED]	
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

- | | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input checked="" 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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The Council has presented a design led policy as part of the Local Plan, grounded against the Building for Life 12 (BfL 12) principles published by the Design Council. Persimmon Homes East Midlands (Persimmon) is supportive of this approach, which recognises a national set of design standards which can be used to evaluate the design of schemes against the context of functional sustainable development.

Relating back to the BfL indicators, the definitions for red and green scores are relatively straight forward to understand. The Design Council identifies amber scores as those where there is clear evidence of local constraints which prevents a green score from being achieved. The Council takes a different approach here, indicating that these can only be applied to indicators 1-4 of the BfL 12 criteria and indicator 5 related specifically to viability. This is a clear deviation from the BfL 12 assessment, which is not justified by the Council.

Though some of the BfL12 indicators relate to the wider location and sustainability of the area,

most of the indicators relate to detailed design of developments, which is often reserved until the principle of development is determined through outline applications. It is therefore sometimes difficult to use BfL12 to assess the impacts of development from the outset, which needs to be recognised within this policy. It is therefore often useful when schemes are tested against emerging policies which presents an opportunity to test the mechanics of implementing the policy.

In terms of a practical application, this is evident as part of application 14/00808/OUTM along Broom Leys Road, Coalville. Persimmon has recently submitted an addendum to the Design and Access Statement for this outline proposal for 250 dwellings on this site, including a BfL 12 assessment. This indicates that the outline proposal achieves one green score, with the remaining currently achieving amber scores. The Design and Access Statement addendum qualifies that a number of the amber scoring indicators have the potential to score green scores here, though this is subject to the submission of detailed designs.

It is therefore reasonable to expect that in order to achieve this objective, the Council should be flexible towards addressing these issues through conditions attached to outline schemes, which will enable the policy to be implemented from the conception of new developments, to the consenting of detailed proposals.

The Local Plan needs to be supportive of new developments in facilitating strong design and should be mindful of the evolving nature of design as applications progress. The most effective way of reconciling this is through the supporting text to the policy, which clarifies how Policy D1 (3) will be implemented. Clearly the Council should look towards the support of schemes.

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

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Persimmon proposes that text supporting Policy D1 is amended relating to the traffic light scoring system and what is expected from new developments (paragraph 6.12 refers). Many of the BfL objectives can only be realised once the detail of developments are submitted to the Council, presenting detailed design, mix and landscaping.

Developments should be given the opportunity to update BfL assessments as schemes progress. Clearly if any 'red' traffic lights cannot be mitigated from the outset, this presents difficulties however the Council should not rule out developments deemed to present amber scores at an outline stage.

The supporting text should be changed to reflect the Council's stance on accepting amber scores against this indicator, subject to either to local constraints or conditions to be attached to outline submissions.

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Matters related to the comments made in the above statement.

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| ii) Sound | Yes <input type="text"/> | No <input type="text" value="X"/> |
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Duty to co-operate | Yes <input type="text" value="X"/> | No <input type="text"/> |

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The area of separation at Coalville under policy EN5 is unsound. It is not supported by evidence, nor have strategic reasonable alternatives been considered for the introduction of this designation.

Policy EN5 is proposed by the Council to deal specifically with an area of separation between Coalville and Whitwick. This policy seeks to restrict development within this area and create a green gap between the settlements to the same extent as the existing Local Plan Green Wedge policy. The justification for this approach is helpfully detailed in the supporting Background Paper 12, published alongside the consultation Local Plan.

This provides a useful narrative of the manner in which the Council considered a new Area of Separation / Green Wedge policy framework through the evolution of the

previously withdrawn Local Plan on the basis that the existing Green Wedge policy of the adopted Local Plan is no longer justified (6.12 refers). It was concluded that the Green Wedge did not meet all the criteria for original purpose of the Green Wedge, and therefore could not be maintained.

Therefore the Council acknowledged as early as 2008 that the existing Green Wedge policy was no longer justified. Paragraph 6.13 (of Background Paper 12) then sets out that a range of options were considered for the future of the existing Green Wedge area. This included:

- Development on part of it;
- Retention as Green Wedge; or
- Retention as an area of separation.

The previous November 2008 and May 2012 Green Wedge Background Papers provide further information on these options.

The most recent Background Paper 12 now summarises the previous papers and provides narrative on the manner in which the above options were considered, including the potential for some of the Green Wedge to be developed on as a urban extension (paragraph 6.14 refers). Paragraph 6.16 goes on to outline in 2012 that although the Green Wedge designation cannot be justified, the area should be retained as an area of separation to prevent the merging of Coalville, Whitwick and Swannington.

This was proposed as part of the previous Local Plan. However, this the Core Strategy was withdrawn in October 2013, and with it the emerging proposal for an Area of Separation in Coalville.

Following the withdrawal of the Core Strategy the Council published a Local Plan consultation in 2014 outlining the range of policies areas to be considered as part of a new Core Strategy, one of which included the potential for a Green Wedge/Areas of Separation policy. Following this, in July 2015 the Council published a Draft Core Strategy that again included the proposed area of separation in Coalville, which was identical to the area that was previously identified as a Green Wedge in the adopted Local Plan (apart from the western area now covered by Policy S3 Countryside).

Unfortunately, the Council did not at this time look at options, or explore alternatives to

the extent of the area that the remaining area that should be designated as an area of separation. It simply replicated the exact area identified as the Green Wedge in the adopted plan.

No reasonable alternatives to introducing this Area of Separation were considered as was the case in the previously withdrawn Local Plan, particularly as to whether there were any areas that did not fulfil the function of separation. Evidence illustrated below demonstrates that such areas exist and should have been tested as reasonable alternatives to current approach. This is a failing of the current Plan in respect of the justification test of soundness, but also in respect of SA/SEA compliance.

Reasonable Alternatives

The Council has acknowledged that the existing adopted Green Wedge Policy, and the extent of it, is unjustified as a Green Wedge (Background Paper 12 paragraph 6.12 refers). Equally it also acknowledges that the criteria for an area of separation is different to that of a Green Wedge (Green Wedge Background Paper 2012, paragraph 8.9 refers).

The Green Wedge Background Paper 2012 sets out at paragraph 8.9 that an area of separation is ***“based on the function of the land combined with the landscape and topography with the primary purpose of Areas of Separation to maintain the separation of settlements. Therefore, criteria are less complex and prescriptive than the Green Wedge criteria”***.

Therefore Green Wedges and Areas of Separation perform different function, and are defined based upon different criteria.

On this basis, the Council cannot simply adopt the same area as Green Wedge and call it an Area of Separation without consideration of the new criteria or rationale for its designation. Given this, it is required to consider what extent of the previously defined Green Wedge area fulfils the function of separation, and as to whether any reasonable alternative exist, and subject those to Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA). It has not undertaken this. There is no record of this being undertaken as part of the latest Plan or its SA Report.

While it is acknowledged by Persimmon Homes that the Council is not required to test and appraise all alternatives, including unrealistic alternatives, it is required by SA/SEA to test all reasonable alternatives. Therefore the test is to whether reasonable

alternatives do exist, or not.

Persimmon Homes is of the opinion that they do and evidence is set out below to this effect.

On the basis that the Green Wedge policy is not justified and that the criteria of areas of separation is different and based upon the principle of maintaining the separation of settlements (based using **the function of the land, landscape and topography** referred to in paragraph 8.9 of Background Paper 12), it is these criteria / considerations that define the basis of whether reasonable alternatives exist or not.

Persimmon Homes has reviewed the evidence in respect of these criteria below.

In 2010 the Council published its Settlement Fringe Assessment. The purpose of which is set out on page 1 of the document which states:

“This study has assessed the landscape value of land around settlement fringes of Ashby de la Zouch, Castle Donington, Coalville, Ibstock, Kegworth and Measham. The study identifies help identify the most distinctive landscapes, and those which are important for the setting of settlements.

The second aspect of this study was to undertake a more detailed landscape assessment of the possible future development sites around the settlements identified in the Core Strategy consultation.

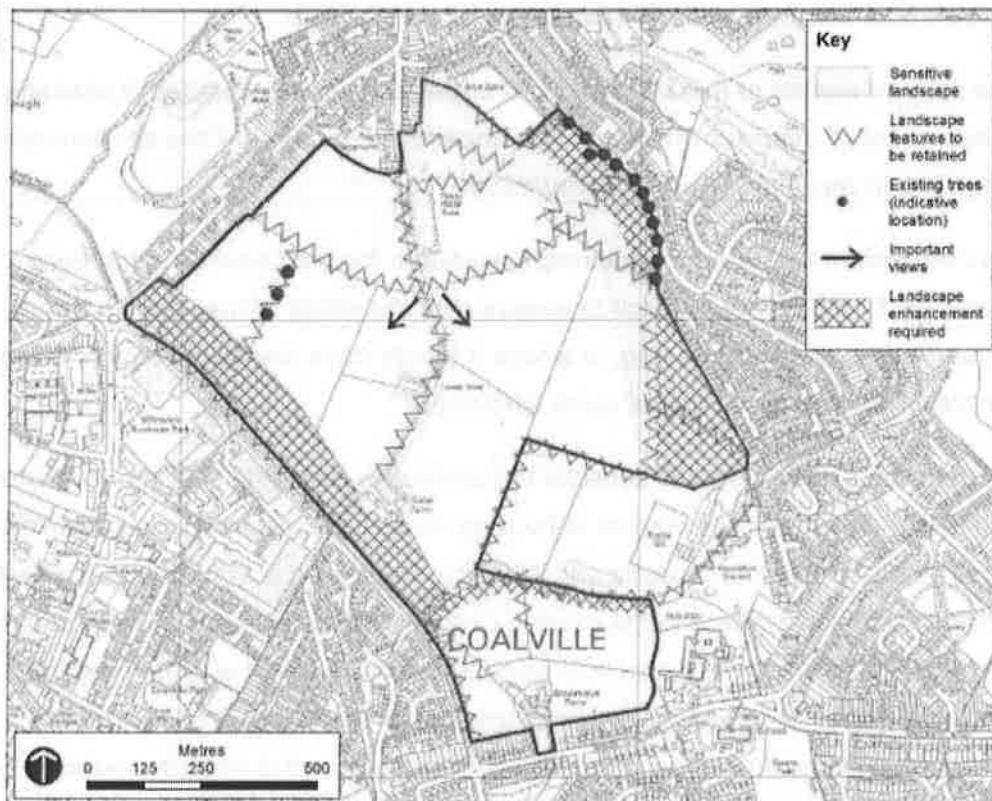
This document will provide landscape evidence for the Local Development Framework to help the Council to ensure that the siting of new development, primarily focusing on housing, is where it would have the least adverse effects on the landscape or setting of each settlement”.

In other words, the study is to consider the landscape value and setting of settlements and to identify where development of housing would have least adverse effects on these aspects, including Coalville and Whitwick. Paragraph 5.11 to 5.14 of the study provide context specifically to the existing Green Wedge area, concluding in paragraph 5.14 that the Green Wedge area is to be considered in respect **of balancing the landscape against the needs for new housing in Coalville**. Thus, the study acknowledged that the Green Wedge is not sacrosanct, nor a restrictive policy in respect of footnote 9 of paragraph 14 of the NPPF, and should be explored for development.

Coalville Alternatives

The Settlement Fringe Assessment considered the area below between Coalville and Whitwick, which is part of the current Green Wedge and proposed Area of Separation. Its conclusions are very pertinent for the land that Persimmon is promoting (south of the disused railway line) and are repeated below.

“Development along the roads between Whitwick and Coalville prevents a sense of separation between the settlements due to the suburban character and density of development, and the limited views of significant open areas from these roads. Development would need careful siting to retain channelled views, however a sense of separation could be created through incorporation of open space and woodland to the east and west of the site. Development on land to the south of the railway would be relatively easy to integrate without altering the character of the land or sense of separation”. (No paragraph numbers or page numbers are provided in the document – it is referenced Urban Fringe 3: Fringe between Hermitage Road, Broom Leys Road and Whitwick (Hall Lane)).



The study is conclusive in that development south of the railway line which is the land promoted by Persimmon would be ***“easy to integrate without altering the character***

of the land or sense of separation". This clearly identifies the areas as a potential option for development, as illustrated below which is Persimmon Homes' current planning application submission.



Importantly, this conclusion was recognised by the Council in the 2012 Green Wedge Background Paper at paragraph 9.21 that repeats the quote above. In its conclusion the 2012 Green Wedge Background Paper sets out at that ***“The area to the south of the dismantled railway line does have a different characteristic in that it has a more enclosed nature compared to the rest of the area this is partly due to mature trees and hedgerows which run alongside the footpath (dismantled railway) which limit the views across the area”***.

The Council therefore has acknowledged that there are areas within the existing Green Wedge area that do not function or meet the criteria for separation. As such reasonable alternatives do exist for the purpose of considering the areas that should / should not be included within the area of separation designation.

On this basis, the Council has failed to test a reasonable alternative to the extents of the definition of the area of separation designation.

This is a serious flaw to the Plan and failing of compliance with the SA/SEA legislation that requires all reasonable alternatives to be tested to the same level as the preferred approach. Indeed, it is not observed that there is any testing of the extent of this designation in the Council's SA/SEA Report.

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

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The land north of Broom Leys Road and south of the disused railway line should not be included within the proposed area of separation. There is no evidence to support this.

As indicated by the Council's own evidence, it does not share the same characteristics as the wider parcel to the north in maintaining an area of green space between Coalville and Whitwick and can be developed without altering the character or the sense of separation.

The Council should also ensure that it has properly conducted an assessment of alternatives for the extent of the designation of the area of separation in Coalville and complied with the SA/SEA legislation.

The Area of Separation at Coalville should be tested and consulted on with the extents as they are proposed, compared to that with them reduced excluding the area to the south of the railway line, consistent with the findings of the Council's own evidence.

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Part B - Please use a separate sheet for each representation

Name or Organisation:

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Paragraph(s) Policy Policies Map

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| i) Legally Compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
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Policy H1 is unsound as it simply records facts in respect of those sites that already have planning consent and sets out that planning permission will be renewed on these sites, should the current position lapse subject to the provision of the Local Plan and other material considerations. The policy is superfluous in that it provides no additional basis for decision making, that is not already contained within the statutory planning process.

Paragraph 010 of the National Planning Policy Guidance sets out that while the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area, including its development needs and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.

In the context of the above, and pertinently, the same paragraph sets out that:

“In drafting policies the local planning authority should avoid undue repetition, for example by using generic policies to set out principles that may be common to different types of development. There should be no need to reiterate policies that are already set out in the National Planning Policy Framework”.

By the same token, Local Plan policies should avoid replicating other processes that are already part of the statutory planning process.

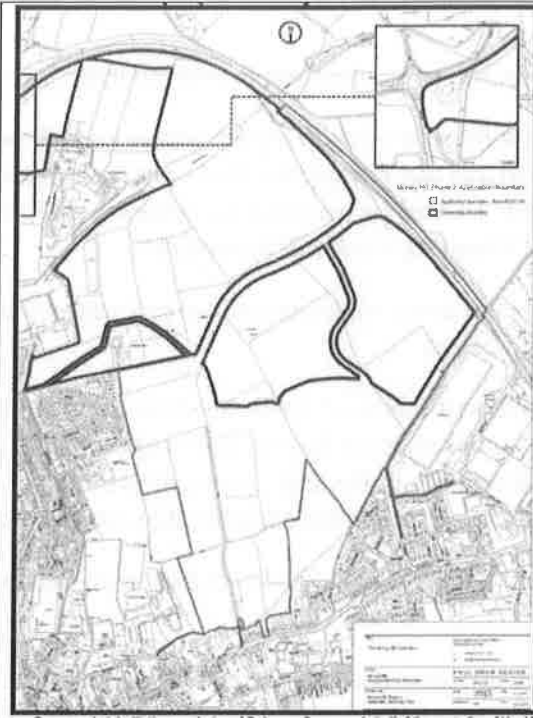
Policy H1 simply records planning consents at the time of the draft of the document and is already out of date and in need of modification as further planning consents have been granted since June 2016. Furthermore, it also fails to record planning consents granted prior to June 2016. The table is therefore considerably out of date.

There is also an interrelationship between Policy H2 and Policy H3 that is unclear and unworkable.

Given that Policy H1 is already out of date and in order to be sound on adoption it is required to be up to date and relevant. If for examples, sites come forward from within Policy H3 in development phases with separate planning applications they will be required to be included in Policy H1 (or H2) accordingly and annotated as such on the proposals map. Therefore requiring modifications to the policies and the proposals map annotations.

A clear example of this is the recent resolution at planning committee for application 15/00512/OUTM for 605 dwellings as part of the allocation contained within Policy H3a (which the allocation is for 1,750 in total). The area of the recent planning consent is illustrated below and will now fall within either Policy H1 or H2 (with an updated proposals map), but is also still covered within Policy H3a.

Therefore in an updated Plan on adoption it would be required to be either covered by two separate development plan policies, or Policy H3 would need to be amended to remove that aspect that is now subject to Policy H1, or H2.



The above plan illustrates the area of Policy H3 that now has a resolution to grant consent and would fall within either Policy H1 or H2 in an updated adoption Local Plan.

The plan should avoid such issues and delete policy H1 and defer this to background evidence. This would permit Policy H3 to remain unmodified and also manage any issues in respect of renewal of planning consents (through the statutory planning process) covered by H1 for example.

All other aspects of Policy H1 are accommodated either within the statutory planning process in respect of renewals and decision making, or other policies of the Local Plan in respect of discharging waste water.

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

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Modification sought

Policy H1 should be deleted and the recording of facts associated with planning consents granted be deferred to background evidence such as the Strategic Housing Land Availability Assessment (SHLAA).

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Similar to objections made to Policy H1, Policy H2 also simply records facts, repeats statutory planning processes and duplicates other aspects of the Plan. However, notwithstanding this, Policy H2 is ineffective as a Local Plan policy.

Policy H2 contains a list of resolutions to grant planning consent, subject to a legal agreement. The Policy has been prepared on the basis that the authority will work as efficiently as possible to complete legal agreements following the resolution at committee and issue planning consent unless there is a delay in signing the legal agreement and a material change in circumstances that require the application to be referred back to planning committee. Aside from the fact that this is already a lawful requirement from the *Kides*, the policy, nor the Local Plan as a whole provides a policy basis upon which to reconsider these planning applications.

This is a failing of the Plan, and Policy H2.

The following outlines why this is the case and critical to the unsoundness of the Plan as it stands.

In respect of the sites contained within Policy H2 the following is observed. From this it can be seen that sites H2a, H2d and H2f have now had their decision issued and should not be included within this policy. Thus should be removed.

Ref	Site	Dwellings	Committee Date	Period since resolution to August 2016	Comments
H2a	Off Jackson Close	129	-	-	This is actually a commitment that should fall in the table in Policy H1. <u>Decision was issued in July 2014</u>
H2b	Off Kane Close	21	6 January 2015	19 months	
H2c	North and South of Grange Road	2,700	December 2014	20 months	
H2d	Slack & Parr, Long Lane	188	August 2015		Decision issued June 2016 and so should appear in table contained in Policy H1
H2e	West of High Street	450	September 2014	23 months	
H2f	Land at Blackfordy Lane	18	-		Decision made July 2014

Of the remaining sites H2b, H2c and H2e, these are sites that have significant longstanding resolutions to grant of between 19 to 23 months since their original committee resolution. This is despite Policy H2 setting out that the Council will work effectively to issue decisions following the Committee resolutions.

Since the resolutions to grant for these sites it is noted that there have been significant material change in circumstances since that decision. Not least the submission of a Local Plan and accompanying Infrastructure Delivery Plan which changes the entire basis upon which the applications were considered.

While this representation does not stray beyond the remit of the Local Plan and into development control matters, it is pertinent to the consideration of the Local Plan as to whether it contains a sound plan-led strategy to enable development control decisions to be made. At present it does not.

For example, site H2c for 2,700 dwellings received a resolution at committee following the withdrawal of the previous Core Strategy, and was determined on the basis of the adopted 2002 Local Plan and as a departure to that. It was therefore considered against an entirely different policy framework to that which exists today, which is a significant material consideration. Equally, there is no guarantee that these applications will be free from challenge once consent is given.

The issue here is not a debate on whether these specific applications should be referred back to committee or not, it is one of whether the Local Plan provides a sound plan-led policy basis for the applications to be considered, should this situation occur or any of the applications be successfully challenged and quashed and revised applications brought forward. At present it provides nothing.

The Local Plan Policy H2 contains nothing to guide the consideration of site H2c other than to say that it has a resolution to grant planning consent. Thus the position is circular.

Neither does the plan contain an allocation to guide the reconsideration of an application. The absence of an allocation policy for sites of such significance of 2,700 dwellings or 450 dwellings as are contained in Policy H2 is a deficiency of the Plan.

Furthermore, as the application is a departure from the current adopted development plan, and until the new plan is adopted, the application for site H2c would have to be referred to the Secretary of State for his consideration on whether to call in the application. Should the Secretary of State choose to do this, there is no policy framework by way of a strategic allocation contained within the emerging Local Plan upon which the Secretary of State could make a decision. The Plan is therefore ineffective.

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

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Change sought

Policy H2 should be deleted and any site that has not yet received full planning consent included as a draft allocation in the plan.

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

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9. Signature:

Tim Watton

- Date:

15 August 2016

Representor 75

75/5/1F4.10



LOCAL PLAN

Ref:
(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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

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

This form has two parts-

Part A – Personal Details

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

Part A

1. Personal Details

2. Agent Details

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

Title	Mr	Mr
First Name	George	Tim
Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
Organisation <i>(Where relevant)</i>	Persimmon Homes East Midlands	RPS Planning
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

i) Legally Compliant

Yes

No

ii) Sound

Yes

No

iii) Complies with the
Duty to co-operate

Yes

No

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

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.

Draft Policy IF4 of the Publication Local Plan identifies the importance of working with the highways authorities to promote schemes which contribute towards the improvement of the local highways network. The Council suggest that new developments should do this thought he preparation of Transport Assessments/Statements which measure the potential impact of development and make relevant contributions towards local schemes or services.

Persimmon Homes East Midlands (Persimmon) has long been promoting Land at Broom Leys Road to the Council as a sustainable and accessible development at the District's largest settlement, Coalville. An outline planning application was submitted to the Council in 2014 (14/00808/OUTM) for 250 dwellings, supported by a comprehensive Transport Assessment evaluating the impacts of development. The Council has yet to determine this scheme, however this included a number of improvements to the local highways network in line with emerging Policy IF4.

In addition to enhancing local sustainable transport corridors, including the Public Rights of

Way and pedestrian/cycle connectivity, the Transport Assessment the creation of a link road proposed within the south east corner of the scheme. This link road would alleviate capacity and queuing concerns at the existing Broom Leys Road signalled crossroads along the A511/Stephenson Way, which is known to experience high levels of congestion and queuing. In their response to the application, Leicestershire County Council (as the Local Highways Authority) confirmed their acceptance of the scheme, which noted the reductions in traffic at this interchange.

This measure directly responds to clause (e) of draft Policy IF4 which seeks the improvement to the A511 corridor between J22 of the M1 Motorway and J13 of the A42. This is the only local transport scheme identified through the Publication Local Plan and Persimmon's site is ideally placed to assist in mitigating the impacts on this road in the short term.

The Leicestershire Local Transport Plan 3 (LTP3) identifies the A511 as a road of significance, noting that it serves as a prominent route for Heavy Goods Vehicles (HGVs), which along with other forms of traffic are expected to increase (paragraph 3.53 refers). It is clear that the Council has correctly identified the A511 as an area which should be targeted through the Local Plan, though no firm implementation strategy is in place to meet this objective.

The Council has not outlined how the proposed allocations will contribute towards local highways projects, both in funding and in timing. The most recent Local Development Scheme dated May 2016 indicates that there is no immediate timeframe to introduce a Community Infrastructure Levy (CIL) Charging Schedule in the District, which would leave the Council without a mechanism to collect funds for strategic infrastructure projects.

This creates significant uncertainty over who will actually fund the upgrades and at what point they can be expected within the plan period. In the background to this, conditions will worsen along the A511 and the Council will move further away from this objective.

(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.

Land proposed by Persimmon at Broom Leys Road makes a direct and important contribution towards offsetting the existing and future highways impact along the A511 within the short term. As indicated elsewhere as part of the consultation process, Persimmon is of the view that Land at Broom Leys Road should be reconsidered for allocation as a deliverable allocation in the short-term. Land at Broom Leys Road is suitably located to encourage sustainable modes of transport into the town and the proposed link road as part of the scheme directly addresses deficiencies on the A511, identified within this emerging policy as an area for

targeted investment as part of the Local Plan.

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

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Matters related to the comments made in the above statement.

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9. Signature: Tim Watton

Date: 15 August 2016



LOCAL PLAN

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Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
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Address Line 1	[Redacted Address and Contact Information]	
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

4. Do you Consider the Local Plan is:

(Please tick as appropriate)

- | | | | | |
|--|-----|-------------------------------------|----|-------------------------------------|
| i) Legally Compliant | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| ii) Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| iii) Complies with the
Duty to co-operate | Yes | <input checked="" 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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Persimmon Homes East Midlands (Persimmon) has a number of concerns with the Council's approach to identifying the Objectively Assessed Need for Housing (OAN).

This is not helped by the fact that the Council are presenting a number of evidence base studies on this issue which do not follow a clear chronology.

The principal form of evidence that the Council relies upon for its OAN is the June 2014 Leicestershire Strategic Housing Market Assessment (2014 SHMA). This study, underpinned by the interim 2011 Sub-National Population Projections (SNPP), modelled the expected growth between the period 2011 and 2031. These interim projections only operated up to 2021 and as such, the SHMA used assumptions from the 2010 SNPP to fill in the gaps between the period 2021 and 2031.

The SHMA includes a clear disclaimer as part of the Executive Summary which recognises that at the time of publication, new population projections had just been published, however the

SHMA could not account for the 2012 SNPP at this time. The 2014 SHMA determines an OAN range for North West Leicestershire (NWL) between 285 and 350 dwellings per annum (dpa). As established in a Memorandum of Understanding between authorities in Leicestershire, it was agreed that all authorities would commit to the higher figures within the range, which would place NWL at 350 dpa.

The Council has since published a Review of Housing Requirements, made available in April 2016 (April 2016 Review). This sought to reconcile the robustness of the base projections, by updating the modelling to reflect the 2012 SNPP. The Council has also used this opportunity to make adjustments to the OAN to reflect the likely employment growth arising from the East Midlands Gateway Rail Freight Interchange (EMGRFI). The April 2016 Review determines that under the revised assumptions the baseline economic modelling forecasts 401dpa, which is increased to 519dpa when considering the implications of the EMGRFI, presenting the Council with an OAN of 10,400 (520dpa) over the period 2011-2031.

Demographic Starting Point

Since the April 2016 Review was published, the Office of National Statistics (ONS) has published new baseline data on housing and population, taken from the 2014 starting point. Whilst it is perhaps unfortunate that the Council undertook the review of the requirement when they did, the work undertaken to date is based on now outmoded information however the Planning Practice Guidance (PPG) advises that assessments should be based on the most up to date information available which, for the purposes of this assessment, should be the 2014 population and household projections. Though it could be argued that it is not possible for an authority to continue to update projections, Persimmon would not consider this to be an appropriate response. The recently published 2014 housing and population projections will be in place until they are updated in the summer 2018, in line with current ONS practice. The new projections would therefore hold throughout the Examination process for the Local Plan and should be used to establish the demographic baseline of population and household growth.

Some further observations are made on the Council's approach, which should be accounted for in a refresh of the OAN work, which should be undertaken and implications considered prior to the submission of the Local Plan.

Implications of Migration

The April 2016 Review does model a number of variances from the demographic starting point, using past trends of internal and international migration, taken from the Mid-Year Estimates (MYEs). Persimmon welcome this level of interrogation, however find that this testing suffers from the same flaws surrounding the robustness of the data as previously mentioned; the information is out of data and cannot be relied upon.

Attempts have been made to establish whether uplifts to the demographic base are needed by reflecting on levels of internal and international migration. Since this analysis was published, ONS have released data on the 2014/15 MYEs, which indicate that internal migration was +1,095 population and international migration increased by +159 residents. This growth for

the 2014/15 period indicates an increase of 1,365 residents, placing the 2015 population at 97,247. This is a significant population boost, which already exceeds the 2014 SNPP position for this year (96,400).

The 2015 MYEs indicate stronger levels of net migration, which should be fed into the calculation of demographic projections, which will invariably lead to an increase in the overall population growth. The Council should therefore update the migration based calculations to take account of the 2015 MYE data.

Suppression of Household Formation

The April 2016 Review undertook a review of household formation and found that there had been suppression in the 25-34 age cohort. Adjustments were made to this cohort to reflect that suppression had been observed since 2001 and the headship rates were uplifted to return gradually back to this rate.

Persimmon agrees with this approach, though recommends that the Council update their approach to reflect the published 2014 Sub-National Household Projections (2014 SNHP) which may indicate further evidence of suppression. Additionally, the Council should look to revisit its assumptions in relation to the 35-44 age cohort if the new evidence indicates that the suppression extends further than previously considered.

Aligning Employment Growth with Housing Need

There are a number of flaws in way the Council's evidence has approached this particular area of OAN calculation.

The Council's evidence in relation to Economic Activity Rates (EARs) has not robustly accounted for likely changes in economic activity within the plan period. The Council's evidence considers the use of two models, proposed by Kent County Council (KCC) and the Office for Budget Responsibility (OBR) as methodologies for forecasting EARs in NWL. Despite the fact that these methods have been credibly used elsewhere, the Council's evidence indicates that these rates would not be specific to NWL and at best be guess work. The Council then goes on to suggest a method which relies on the 2014-based National Population Projections (paragraph 4.27 of the April 2016 Review refers). This methodology is not locally specific to NWL and does not accurately reflect likely changes in EARs and as a consequence, cannot determine whether the housing provision planned will be sufficient to house the working age population in the District.

Market Signals

The NPPG requires that the OAN is considered in the context of local market signals, which may indicate grounds for adjusting the housing need. Six market signals are identified in the NPPG (paragraph 2a-019-20140306 refers), including land prices; house prices; rents; affordability; rates of development and overcrowding.

The Council's analysis of Market Signals, illustrated in Section 5 of the April 2016 Review takes the view that of the 6 market signals considered, the Council had only under-performed

against past rates of development. Persimmon would disagree with this assessment.

The Council's assessment, particularly in relation to changes in rental prices, house prices and affordability downplays the impact of these local market signals and the uplifts that should be attributed to the OAN. The Council's information would be further contrasted if it were brought up to date with the most recently published data, for instance, for affordability (included within Figure 5.11 of the April 2016 Review) the Council indicated a rate of 6.43 in 2013, indicating that lower quartile house prices were 6.43 times that of the lower quartile earnings. The 2015 data, which is now available indicates that for NWL, this figure has increased to 7.03, showing that this indicator is indeed worsening over time.

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

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- Need to update OAN to account for latest projections (2014 Sub-National Population and 2014 Sub-National Household Projections);
- Update model to account for updated Mid-Year Estimates;
- Model to be updated to account for latest headship rates and using this evidence re-exploring whether other age cohorts such as the 35-44 group also need to be reappraised;
- Undertake a more thorough analysis of the working age population and economic activity rates using tested and respected forecasts such as those produced by the Office of Budget Responsibility (OBR);
- Reappraise the impact of the Market Signals information, with an up to date assessment of whether there are worsening conditions for NWL.

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

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9. Signature:

Date:

AVIAN JORDAN

From: Tim Watton [tim.watton@rpsgroup.com]
Sent: 12 August 2016 14:34
To: PLANNING POLICY
Cc: Breed, George (george.breed@persimmonhomes.com); Cameron Austin-Fell; KATIE MILLS; JIM NEWTON; CHRIS ELSTON
Subject: North West Leicestershire - Local Plan Response - Persimmon Homes
Attachments: ~~D1~~ Design of New Development_tw.pdf; EN5 Area of Separation_tw.pdf; H1 Housing Provision Resolutions and New Allocations_tw.pdf; ~~H1~~~~H2~~ Housing Provision Resolutions and New Allocations_tw.pdf; ~~H1~~~~H2~~.SEA Housing Provision Resolutions and New Allocations_tw.pdf; H2 Housing Provision Resolutions and New Allocations_tw.pdf; ~~H3~~ Housing Provision New Allocations_tw.pdf; ~~H4~~ Transport Infrastructure and New Development_tw.pdf; ~~S1~~ Future Housing and Economic Development Needs_tw.pdf; SA-SustainabilityAppraisal_BroomLesy_(Site46)_Appendix A_tw.pdf; SA-SustainabilityAppraisal_BroomLesy_(Site46)_tw.pdf; SA-SustainabilityAppraisal_BroomLesy_tw.pdf

Categories: Purple Category

Please find attached a copy of Persimmon Homes' representations to the NWL Local Plan.

Jim/Chris/Katie – George Breed has asked me to copy you in for information in respect of the Broom Leys application.

Best regards

Tim

Tim Watton BA (Hons) DipTP MRTPI
Technical Director - RPS Planning & Development
Highfield House, 5 Ridgeway, Quinton Business Park,
Birmingham, B32 1AF.
United Kingdom
Tel: +44 (0) 121 213 5500
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Mobile: 07795811241
Email: tim.watton@rpsgroup.com
www: www.rpsgroup.com

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RPS Planning and Development Limited, company number: 02947164 (England). Registered office: 20 Western Avenue Milton Park Abingdon Oxfordshire OX14 4SH.

RPS Group Plc web link: <http://www.rpsgroup.com>



REVISED OBSERVATIONS

DETAILS OF APPLICATION

Planning Ref No:	2014/0808/07/HCON/REVOBS1
CE/EN Ref:	See related info tab (Consultations and Agreements)
Application Address:	BROOM LEYS FARM, BROOM LEYS ROAD, COALVILLE, LE67 4DD
Parish:	Coalville
Applicant:	Persimmon Homes North Midlands
Brief Description of Development:	Residential development for up to 250 units (outline - all matters other than part access reserved)

GENERAL INFORMATION

County Council Member: Mr. M. B. Wyatt

Road Class: Adopted - Class C

Other Information: District Planning Officer: James Knightley

Broom Leys Road - C7207 Classified

Footpaths and Bridleway O6. Footpath from O19A to O5

SCHEMES:

NW14SS60, NW14SS62, NW14SS58 Proposed (Not Approved) Slurry sealing.

NW12NC09 Approved for Construction. Carriageway resurfacing.

NW13PC16 Approved for Construction Drainage works.

LTG8417 Firm Bulk col replacement 14/15 (Internal brackets).

3196.00 Constructed (Under Monit) A511 Coalville stephenson way / broom leys road LSS junction improvements.

3790.00 Constructed (Under Monit) Local Safety Scheme PHASE 2.

3977.00 Coalville Network Cycle Signing.

3910.071 Firm - Cycle Link.

SCHEME REF TM4219 Approved for construction A511 Coalville resign.

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

- The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.

ADVICE TO LOCAL PLANNING AUTHORITY

Background

The application site is located to the east of the A511 and Coalville town centre occupying a suitable location in transport terms with most community facilities, shops, public transport, employment areas and the town centre within walking or cycling distance of the site. As such, the proposal is in general accordance with the thrust of national and local transport policy which seeks to locate development in areas where the need to travel by car is minimised.

Site Access

The site would be accessed from a new priority junction with a ghost right turn lane. This would be constructed within a new link road, enabling an alternative route between Stephenson Way (A511) and Broom Leys Road, bypassing the Broom Leys Crossroads as shown on Figure 1 below. While the access onto the A511 is contrary to policy IN5 of the 6C's Design Guide, in this instance it is considered it would provide a highway betterment as outlined within this report.



Figure 1: Proposed site access and link road (Milestone Transport Planning).

To make way for the site access, two existing bus stops must be relocated further along Broom Leys Road to cater for the No. 11 bus service, which continues across Stephenson Way and along Broom Leys Road west. The route of the No. 155 bus service would be affected by the turning bans and as a result could potentially be diverted along the link road. Two bus stops have been proposed on the link road to cater for this service if required.

To access the link road, a signalled priority junction would be provided on Stephenson Way approximately 220 metres north of the Broom Leys Crossroads, along with a priority junction and ghost right turn lane on Broom Leys Road, approximately 140 metres east of the crossroads. The new signalled junction on Stephenson Way would be synchronised with those at Broom Leys Crossroads to provide a 'green wave' maintaining free-flow of traffic on Stephenson Way and controlling queuing on all approach arms.

A Stage 1 Road Safety Audit has been undertaken for the preliminary drawings and all issues have either been addressed by Milestone during preliminary design, have been adequately explained by Milestone why no further action is required or can be designed out at the detailed design stage.

The CHA has undertaken preliminary design checks to all site access drawings and junction modelling files. Subject to detailed design, it is satisfied the proposals can be designed to an adoptable standard, and that junctions will operate sufficiently.

To facilitate the access to the site, the link road and alterations to Broom Leys Crossroads would need to be delivered as a single package of works. The CHA consider the whole package of works is required as part of the site access and should therefore be constructed as part of the Section 278 agreement. The CHA understand North West Leicestershire District Councils position regarding the contribution strategy, however in light of the substantial works required to deliver the link road and alterations to Broom Leys Crossroads along with the highway benefits which these would bring, it is considered a contribution from this site is not necessary.

Consideration of Link Road Junction Options

A priority junction with ghosted right turn lane and a roundabout were also considered by Milestone as options for the Stephenson Way access. The CHA agree these are inappropriate, as they would either cause significant queueing on the proposed link road due to drivers waiting to turning right onto Stephenson Way, leading to safety concerns, or would interrupt the flow of traffic on Stephenson Way. The options would provide either uncontrolled or no pedestrian/cycle crossing facilities.

At the Broom Leys Road/ link road junction, Milestone considered a simple priority junction and a signalised priority junction. The CHA agree these options are inappropriate due to the delays they would cause on Broom Leys Road. Existing driveways would also cause difficulties for a signalised junction, as some would be located within the centre of the junction and others would be in conflict with signal head locations, along with existing highway trees. Pedestrian crossing facilities would not be ideal or cause additional delay.

Milestone also considered a roundabout for the Broom Leys Road junction, and the CHA requested a preliminary design drawing for this option. Due to the difficulties in providing a fully design compliant roundabout in line with the Design Manual for Roads and Bridges TD 16/07 and also within the existing highway boundary however, it was agreed not to pursue this option further than the initial preliminary design. Furthermore a service road lay-by (similar to the Bardon Road/ Stephenson's Way Roundabout) designed to help residents south of the roundabout access their properties and/or pedestrian refuges across Broom Leys Road would not be possible without loss of highway trees and may further compromise deflection and vehicle manoeuvrability.

Trip generation and distribution

AM and PM peak trips to and from the site were obtained from the TRICS database, which is one of the standard methods of calculating trip generation for new developments. The proposed development is anticipated to generate the level of light vehicle trips as identified in Table 1 below:

	Arrivals	Departures	Total
AM Peak	45	106	151
PM Peak	104	67	171

Table 1: AM & PM Peak hourly predicted vehicle trips.

The distribution of trips within the TA was originally based on 2001 Census Journey to Work data, however Milestone updated this to use the latest 2011 data. The distribution was verified

by the CHA and the main highway impact will be along the A511, south of the Broom Leys Crossroads (35% of the total traffic generated) and the A511 north of the crossroads (28%).

Background Growth and Committed Development

To account for background traffic growth and additional traffic associated with committed developments in the area, TEMPRO growth factors have been applied to the forecast assessment year of 2024. To avoid development traffic from Broom Leys Farm being double counted, the growth factors have been discounted so as to take account of the traffic associated with the development.

The trip generation and associated distribution for the approved 800 dwellings at Bardon Grange under planning application ref: 12/00376/OUTM was considered in addition to the 2024 growthed traffic to form the base traffic flows within the original TA. This did not consider the approved South East Coalville (Ref No. 13/00956/OUTM) and Greenhill Road (Ref No. 14/00050/FULM) development flows however, which were added to the base flows and considered as part of a Transport Assessment Addendum Note dated December 2014.

The base flows therefore represent a robust case as local developments have been considered and the 2024 growth factor will take into account traffic growth associated with local increases in housing stock.

Impact on the Highway Network

The impact on the highway has been investigated within the TA for the following locations:

- A511 Stephenson Way / Thornborough Road Roundabout
- A511 Stephenson Way / Hermitage Road / Whitwick Road Roundabout
- A511 Stephenson Way / Broom Leys Crossroads
- A511 Stephenson Way / Broom Leys Road / Link Road / Site Access
- A511 Stephenson Way / A511 Bardon Road/ Bardon Road Roundabout

A511 Stephenson Way / Thornborough Road

Capacity analysis has demonstrated the roundabout will continue to work within capacity both with and without the development in 2024.

A511 Stephenson Way / Hermitage Road / Whitwick Road

Capacity analysis has demonstrated that the roundabout would operate close to, but not exceed capacity both with and without the development in 2024. The most affected routes would be Stephenson Way (East), where queue lengths would increase from 14 to 21 vehicles in the AM peak and Stephenson Way (West) where queues would increase from 11 to 15 vehicles in the PM peak. The impact of the development at the roundabout is not considered severe and is therefore acceptable in transport terms.

A511 Stephenson Way / Broom Leys Crossroads

Without the proposed development in 2024 the crossroads would operate over capacity, with significant levels of queueing in both the AM and PM peaks. This indicates under the existing layout, the junction is not capable of absorbing the traffic associated with future development in the Coalville area. Queue lengths would increase further as a result of the development. Milestone have produced queue mapping diagrams, illustrating the queue lengths for the existing junction layout, in the AM and PM peaks in 2024, both with and without the development as shown in figures 2 and 3 below. For the purposes of figures 2 & 3, it was assumed the development would be no more than 70 dwellings and accessed off Broom Leys Road only.

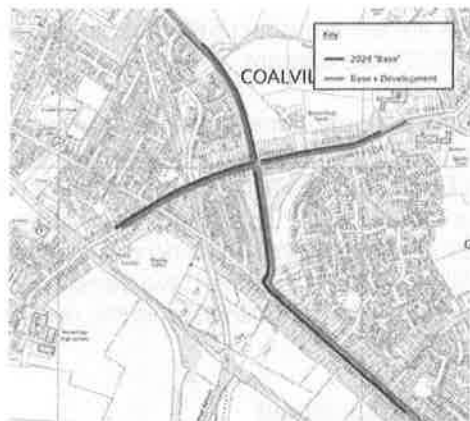


Figure 2: Queue mapping under existing layout conditions AM peak (Milestone Transport Planning)

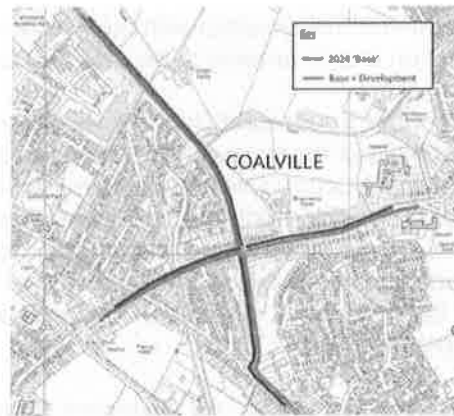


Figure 3: Queue mapping under existing layout conditions PM peak (Milestone Transport Planning)

As a result of the above, and due to the site fronting both Broom Leys Road and Stephenson Way, the applicant considered this presented an opportunity to explore the provision of a link road through the site to link the two roads.

As stated in the site access description above, the link road would be accessed by a new signalised junction on Stephenson Way and from a priority junction and ghost right turn lane off Broom Leys Road. Turning bans have been proposed to reduce the volume of traffic at the crossroads and maximise the use of the link road. These consist of a left turn ban from Stephenson Way (Southbound) to Broom Leys Road (Eastbound) and a right turn ban from Broom Leys Road (westbound) to Stephenson Way (Northbound). The bans would also eliminate a situation where drivers may potentially view one route as quicker than the other by driving at speed to beat the traffic signals. Traffic Regulation Orders and public consultation will be required prior to implementation of the turning bans.

Milestone have demonstrated the proposed new link road would alleviate a significant amount of the queueing indicated above, as illustrated in Figures 4 & 5. The proposed link road junctions with Stephenson Way and Broom Leys Road would operate within capacity, as would the site access junction with the link road.



Figure 4: Queue mapping under Broom Leys Farm Mitigation Scheme AM Peak (Milestone Transport Planning)



Figure 5: Queue mapping under Broom Leys Farm Mitigation Scheme PM Peak (Milestone Transport Planning)

Due to the interrelationship with the site access, the CHA advise a preoccupation condition for the junction improvements to be delivered as part of the S278 agreement.

As part of the South East Coalville development a possible mitigation measure was proposed at the Broom Leys crossroads. However, as we understood that your Council was seeking to secure Infrastructure Contributions as part of the South East Coalville application to mitigate the impacts of development, the possible mitigation was not conditioned. The improvements to Broom Leys crossroads as now proposed by this current application therefore do not conflict with conclusions drawn on the South East Coalville application as Milestone have sensitivity tested their proposed scheme using forecast South East Coalville traffic flows and the results are acceptable to the CHA.

A511 Stephenson Way / A511 Bardon Road/ Bardon Road Roundabout

There is a long-term aspiration for a Bardon Link Road, which would potentially replace the Bardon Road/ Stephenson Way roundabout with a signalised crossroads.

Results of the junction modelling for the crossroads as part of the Coalville Transport Study 2011 indicate with development in 2026, delays on the existing approaches to the junction are expected to be lower or similar to the 2026 without development scenario with the roundabout still in place. The junction would operate within 100% of its theoretical capacity in both peak hours. It is considered the additional traffic generated by the Broom Leys Farm scheme that would travel through this junction (a maximum of 60 two-way movements in the PM peak hour period) would not have a severe impact on the junction's operational capacity and queuing levels in accordance with National Planning Policy Framework Paragraph 32.

Internal Layout

The residential road layout and parking arrangements have not been checked in detail. This is to be determined at Reserved Matters in accordance with 6C's Design Guide (6CsDG). The link road will require adoption, due to it diverting a proportion of traffic away from the Broom Leys Crossroads.

Signing Strategy

In order to reflect the new road layout, construction of the link road and introduction of turning bans would require a number of directional road signs in the vicinity of Broom Leys Crossroads to be replaced. A preliminary signing strategy has been provided by Milestone and reviewed by the CHA. The CHA is happy for further work to be undertaken at the detailed design stage. As Broom Leys Road is subject to a 7.5 Tonne weight restriction, this will also need to be relocated to an appropriate location on the link road.

Transport Sustainability

As stated in the background section above, the site is generally in a suitable location. Bus stops provided on the link road would be within an approximate 400m walk from the extents of the site, while relocated bus stops on Broom Leys Road would be within an approximate 600m walk. The existing stops are served by a 10 minute bus service linking Agar Nook to the town centre and an hourly service linking Agar nook to East Midlands Airport. Due to the proposed turning bans, the hourly service has potential to be re-routed along the new link road, this service is provided by LCC and in principle there would be no concerns.

A Travel Plan (TP) was submitted with the application and has been reviewed by the CHA. The CHA is satisfied that the TP meets minimum requirements. Within the TP, the applicant has agreed to provide a package of bus travel improvements and incentives, these are detailed in the Section 106 contributions section below.

LCC's Travel Choice & Access Team is satisfied with the layout of the new path and with the improvement to 3m shared use standard of the northern and southern sections. A diversion will be necessary, and the Developer's plan PROW01-RevC is not strictly accurate as regards the existing public right of way.

S106 Contributions

1. To comply with Government guidance in NPPF the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:
 - a. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
 - b. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass (to be confirmed) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
 - c. STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
2. A contribution to implementing the turning bans at Broom Leys Crossroads and 7.5 tonne weight restriction on the new link road at a total of £8,000.
3. Details of the routeing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.

Conditions

1. Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed link road/ site access, as shown on Milestone Transport Planning Drawing No's 13042-TA01-RevD, 13042-TA02-RevD, 13042-TA03-RevF, 3042-TA04-RevD, 13042-TA05-RevE, 13042-06, 13042-TA07-RevA & 13042-TA08 and Signing Strategy Drawing No. 13042/06 shall be submitted and approved in writing by the Local Planning Authority. Apart from the works associated with these plans, no development shall commence on site until the approved link road/ site access has been provided in full and available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

2. Notwithstanding Condition 1 above, unless any alternative timescale is first agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until such time as the two proposed bus stops on the proposed Link Road are provided (including provision of raised and dropped kerbs, installation of information display cases, shelters and real time information display) and implemented in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the close proximity of bus stops for existing residents within the vicinity of Broom Leys Crossroads.

3. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until such time as the two existing bus stops on Broom Leys Road which will be removed by the new link road are relocated (including provision of raised and dropped kerbs, installation of information display cases, shelters and real time information display) and implemented in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the close proximity of bus stops for existing residents within the vicinity of Broom Leys Crossroads.

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

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

5. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason: In the interest of pedestrian safety.

6. The gradient of all access drives shall not exceed 1:12 for first 5 metres behind the highway boundary.

Reason: To enable a vehicle to enter and the highway in a slow and controlled manner and in the interests of general highway safety.

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

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

8. Notwithstanding the submitted Travel Plan, a revised Residential Travel Plan, including a scheme of measures to reduce the amount of single occupancy car journeys to/from the site, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the submitted details prior to occupation of the development.

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site.

Notes to Applicant

1. This is an Outline application with all matters (except access) reserved. Therefore, the suitability of the proposed indicative internal layout has not been checked in terms of its suitability for adoption by the Highway Authority.

The Applicant should be advised to refer to Leicestershire County Council's adopted highway design guidance 'The 6C's Design Guide'. Table DG1 of that Guide provides details of the general geometry of internal residential roads, including design speed, and the criteria for shared surfaces.

2. Should the applicant wish for LCC to provide the improvements to the bus stops they can be provided at the estimated costs as follows, excluding staff fees:
 - a. New/Improvements to bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop.
 - b. Information display cases; to inform new employees of the nearest bus services in the area. At £120 per display.
 - c. Bus shelters; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
 - d. Real Time Information (RTI); to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At £5150 per display.
3. Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.
4. Notwithstanding the conditions above, a public footpath crosses the site and a separate application for a diversion should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to undertake any works directly affecting the legal line of the Public rights of Way until a diversion order has been confirmed and become operative. Contact highwayscustomerservices@leics.gov.uk or by telephoning 0116 305 0001. The applicant will otherwise be responsible for ensuring that the legal line of footpath O6 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

Any damage that may be caused to the surface of the footpath which is directly attributable to works associated with the development will be the responsibility of the applicant to repair at its own expense to the satisfaction of the Highway Authority.

5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
6. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

7. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
8. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
9. The Applicant shall be advised that a minimum of 6 months' notice is required by Leicestershire County Council for the making of a Traffic Regulation Order. This is to allow all statutory processes to be completed. Further information can be found in the 6C's Design Guide available at: <http://www.leics.gov.uk/index/6csdg.htm> or by contacting the Network Management Team via 0116 305001.
10. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
11. If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.
12. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
13. To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.
14. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

15. If it is the developer's intention to seek either; the adoption of roads which incorporate non-standard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at www.leics.gov.uk/index/6csdg.htm for more information.

Date Received	Inspector	Signed Off
1 September 2014	Ben Dutton	23 March 2016

Note: Response provided by the Local Highway Authority under the delegated authority of the Director of Environment and Transport.

Representor 75

75/7/H3/0



LOCAL PLAN

Ref:
(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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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	Mr
First Name	George	Tim
Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
Organisation <i>(Where relevant)</i>	Persimmon Homes East Midlands	RPS Planning
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

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

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

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

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

Persimmon Homes East Midlands (Persimmon) objects to the proposed allocations as part of this policy. The Council is proposing a disproportionate level of growth to lower order settlements within the identified hierarchy, without appropriate justification or evidence to support their inclusion.

Additionally, Persimmon contends that the Council has not undertaken a fair and transparent process of selecting site allocations. The Council's Background Paper 4 identifies (paragraph 6.15 refers) that Land at Broom Leys Farm (site C46) was considered as part of the options generating process, noting that there was little difference in the Sustainability Appraisal of the site compared with the Council's preferred site at Waterworks Road (site C67).

Table 9.1 of the Council's Sustainability Appraisal indicates that the Council's preferred option at Waterworks Road actually attracts more 'red' scores against the Council's sustainability framework than the site at Broom Leys Farm. The Council has however taken the decision that, whilst not a sustainability consideration, land at Broom Leys Farm would result in coalescence between Coalville and Whitwick. The Council appears to be ignoring its own evidence here and rather than considering a potentially smaller site at Broom Leys Farm, has opted for a site which according to the Council's own scoring, performs less well than Broom Leys Farm.

Specific comments on the Council's other preferred allocations are included below:

H3a - Land North of Ashby de la Zouch

The Council is proposing a further allocation for 1,750 dwellings in Ashby, which has already seen considerable growth within the plan period to date. The Council's topic paper on housing allocations (Background Paper 4) presents no evidence to suggest that this site can be delivered, in full, as indicated in the Publication Local Plan.

A scoping application for 605 dwellings has been undertaken (12/00953/EAS) on this proposed allocation by the Money Hill Consortium, who has controlling interests in the site. A developer has yet to be identified against the scheme and there is uncertainty as to whether the development will come forward as the Council intend. For the allocation to proceed soundly through examination, a greater level of evidence would be needed to justify the site's location and preference over other sites through a comparative analysis.

H2c – Land off Ashby Road/Leicestre Road, Measham

The Council, by their own omission, is taking a very illogical approach to the proposed allocation of this site for 420 dwellings. Within the Council's evidence, the Council indicates (Paragraph 4.9 of Background Paper 4) that this site falls within the preferred route for HS2 and that it is quite possible that none of the site will be developed. There is no evidence to suggest that the HS2 proposals will not go ahead and indeed, this section of the HS2 route is planned within the first phase.

Quite why the Council is persisting on including this as a preferred allocation is baffling and the site should be removed from future iterations of the plan.

Persimmon also objects to the supporting text to this allocation (paragraph 7.18 of the Publication Local Plan) which suggests that if this site is not considered to be deliverable, alternative sites should be found in Measham. If this site is not considered to be deliverable, the Council should revisit its sequential approach to the settlement hierarchy, first considering developments within North West Leicestershire's more sustainable locations, such as Coalville.

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

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

The Council's strategy seems reliant on a small number of significant urban extensions, highlighting the fragility of the housing supply should any of the allocations fail to come forward. The Council should reconsider all deliverable land parcels within the District to determine whether there are other suitable sites that could be delivered for housing within the plan period.

Persimmon has long advocated land at Broom Leys Lane as a sustainable site for allocation within Coalville, identified as the most sustainable location within North West

Leicestershire. It is proposed that this site, as a smaller parcel of land than recorded (as part of site C46) is reconsidered against the context of wider allocations in the District.

In terms of sustainability, the smaller site also has the potential to increase the current air quality in the area, through the creation of a link road (indicated as part of application 14/00808/OUTM) to alleviate traffic concerns along the A511. This could increase the sustainability of the site, which should be reflected in a revised sustainability appraisal.

(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:

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

9. Signature:

Date:

Representor 75 75/8 / HZ/0



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First Name	George	Tim
Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
Organisation <i>(Where relevant)</i>	Persimmon Homes East Midlands	RPS Planning
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

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

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

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Persimmon Homes East Midlands (Persimmon) expresses objection over the sites identified within Policies H2 and H3 of the Publication Local Plan. These policies contain a list of permitted housing sites and those resolved to grant approval by the Council.

As part of this decision, the Council does not appear to have taken into account issues relating to deliverability and the potential for sites to lapse or stall. This aspect of deliverability is not discussed in Background Paper 4, where consideration of lapse rates would be expected to be seen, and the Council has taken the decision that all of the sites identified (ranging from 10 dwellings to 2,700 dwellings) will come forward as consented. This is an overly optimistic approach which belies established principles of

planning for a supply of housing and leaves little in the way of contingency should any of the sites fail to come forward as anticipated.

Particular concern is raised in reference to site H2c, North and South of Grange Road, Hugglescote. The Council has included resolved to grant site for 2,700 dwellings, though it is unclear what contribution the Council believe the site can make within the plan period.

What is known is that this site was allocated for around 450 dwellings as part of the previous 1991-2006 North Leicestershire Local Plan, adopted in 2002. Despite an allocation, the site, then referenced as H4g, has yet to be delivered which casts doubt over the legitimacy over the legitimacy of a delivery of this scale at this site.

An application has also been submitted for a wider development of 2,700 dwellings and supporting infrastructure (13/00956/OUTM) which remains to be determined by the Council. The applicant Bloor Homes, also have control over the adjacent site to the north for 800 dwellings (13/00415/VCUM), included within the Council's list of consented dwellings (Policy H1).

For the purposes of estimating delivery of these sites, the Council has considered them collectively, as land to South East Coalville (table at rear of Background Paper 4). This trajectory assumes delivery from 2017/18, completing 2,178 dwellings in the next 14 years out of the total 3,500. Though annual rates fluctuate, this expects an average delivery of 156 dwellings per annum across the plan period in South East Coalville. Currently there is only one housebuilder identified, which will limit the capacity for development. Persimmon considers that the estimated output and the date from which completions can be expected from this development have been overestimated.

On this basis, Persimmon has serious concerns over the approach to delivery with a focus on growth at South East Coalville and considers that the Council need to revisit both the phasing strategy for the site and subsequently additional land which may be required due to shortfalls in overall provision.

(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.

Persimmon is concerned that the Council's treatment of committed development and applications with resolution to grant consent has not been given correct treatment through the Local Plan.

As part of this assessment, more detail is expected to justify the inclusion of site H2c: North and South of Grange road, Hugglescote. This site has yet to come forward as part of the previous Local Plan and Persimmon remain unconvinced that the current rates of development for this proposed allocation can be expected as part of this plan period.

Whether it is applied to an overall figure across the plan, or individual sites, the application of a lapse rate should be applied to committed sites in the Council's trajectory in order to present a robust representation of how sites may not deliver as expected through the plan period. The Council should undertake further work in this regard to determine a figure guided by evidence of past permissions and completions.

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

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

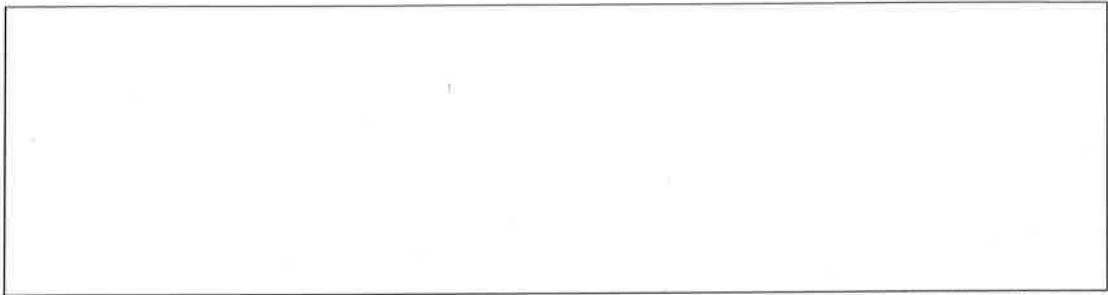
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9. Signature: Date:

75/9/ H1, H2, H3/0
SEA

chapter 7?



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

i) Legally Compliant	Yes	<input type="text"/>	No	<input type="text" value="x"/>
ii) Sound	Yes	<input type="text"/>	No	<input type="text" value="X"/>
iii) Complies with the Duty to co-operate	Yes	<input type="text" value="X"/>	No	<input type="text"/>

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

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

Retrospective Plan Making not subject to SA/SEA

Objection

Sustainability Appraisal (SA) requires plan makers to appraise reasonable alternatives to the proposals within the plan on a fair, open and equitable basis. The approach contained within the NWL is not consistent with this requirement on a number of counts.

Policy H1 contains a list of sites that have the benefit of planning permission and as such are commitments in the plan. Policy H3 contains sites that do not have planning permission and are therefore draft allocations. Policy H2, however, contains a suite of

sites whose status is neither a commitment nor allocation.

Persimmon Homes has set out elsewhere that it considers that two of these (H2c and H2e) are most likely to require reporting back to committee before a planning consent can be issued given the change in material circumstances. Alternatively, should the Council not refer them back to Planning Committee, there may be circumstances where the applicant may seek to vary or submit an entirely new application for part of the site in the future where the Plan at present with no allocation for these areas provides no strategic guidance to determine or reconsider an application in those circumstances.

There may even be more extreme circumstances whereby the application is successfully challenged post issuing of the decision. Under this situation, which cannot be predicted to not occur, the applicant would be required to resubmit a revised application. However, at present the Plan provides a weak policy basis for any potential resubmission as there is no allocation in the Plan.

The Plan must provide this policy framework. Without it, it is ineffective and therefore unsound.

The above arguments are advanced separately elsewhere and not repeated here. However, the outcome of those arguments is that Policy H2 is unsound and should be deleted, and allocations included clearly within Policy H3 for sites H2c and H2e, and any other site not in receipt of planning permission and beyond the challenge period.

This unavoidable circumstance, however, gives rise to another failing of the Plan in that it this action would be creating allocations retrospectively and circumventing the testing of options to determine if they are the most appropriate. As such, Policy H2 is simply an attempt to drive through a process whereby the policy framework for the Local Plan is pre-determined by circumstance, rather than the statutory requirement for testing and appraising alternatives. Indeed, if the sites remain without a full resolution until post completion of the examination and adoption of the Plan, the Council will have entirely circumvented the statutory requirement of testing and appraising alternatives to them.

In this context, it is common for Local Plans to have planning applications submitted and not taken to committee for a resolution until the Local Plan process has progressed through the examination, so that the application reflects the policy evolution

of the plan. It is also common for a Local Plan to set out draft allocations but the local plan process gets overtaken by a planning application being decided. However, in such circumstances the Local Plan allocation is retained in case for example the planning application lapses, is sought to be varied, or another application is submitted for a smaller parcel of land within the allocation. Indeed in the recent South Worcestershire Examination, many of the allocations had planning consent, but the Inspector still examined the soundness of the allocation in case the application lapsed, stalled, was resubmitted or successfully challenged.

Equally, it is entirely realistic for a Local Plan Inspector to find that a potential allocation within the Plan is unsound, despite the application for the allocation having been reported to committee and having a resolution to grant, similar to the position of those sites listed in Policy H2.

For example, in the ongoing Gloucester, Cheltenham and Tewkesbury Local Plan Examination, the Inspector has declared in her Interim Conclusions that she is minded to find part of an allocation at South Cheltenham unsound and proposes to remove the unsound part from the overall allocation, even though an planning application was reported to the authority's Planning Committee for this unsound component and has since received its planning consent. Despite this, and in light of the challenge to this particular application in the courts, the Inspector has set out that the allocation remains unsound, even though it benefits from a planning consent and should be removed.

Therefore the plan making process must still consider the merits of sites identified in the Plan, irrespective of planning consent.

Therefore it is important to separate the development management process from the plan making process and ensure that the content of the Plan is appropriately prepared, examined and tested. On this basis, proposals in the Plan must be tested on their merits. Unfortunately North West Leicestershire District Council has conflated the plan making process with the development management process and therein circumventing certain safeguards that the plan making process installs, even for draft allocations with the benefit of planning consents.

For those sites listed in H2 there is no policy basis/allocation for reconsidering the applications, or further applications should this arise. The Plan is therefore not flexible to deal with changing circumstances.

More pertinently though, the insertion of an allocation at this stage cannot be done

without the full testing of other reasonable alternatives as part of the SA/SEA process, undertaken with an open mind and without pre-determination. Indeed, the Inspector's for the Redditch Borough and Birmingham City Local Plans were clear that any SA/SEA undertaken post submission of the Plan to examination, must be undertaken with an open mind and must not pre-determine the result.

Thus the Plan has significant flaws.

Thus the Council are in the unfortunate position that they have omitted to include a strategic policies for the above sites on the presumption that they:

- a) will gain planning consent without the pre-submission Local Plan's policy framework and evidence being a material change in circumstance for their original consent;
- b) Will not be subject to legal challenge that is successful in quashing the decision; and
- c) Will not be subject to any variation in consent, or be subject to further planning applications for smaller parcels of land that will require determination against a new adopted development plan.

In the extreme circumstance above, where the application for sites within H2 may be successfully challenged in the courts and the permission quashed, there is no allocation within the Plan against which a revised planning application can be made, as Policy H2 simply states that these sites have a resolution to grant, which would be erroneous, if the application was quashed by the courts. The position of Policy H2 is therefore circular.

There is therefore the necessity for these sites to also be included within the Plan as allocations to ensure that there is a policy framework for them. However, an allocation cannot be parachuted into the Plan at this stage, simply because it has a resolution to grant and as a safety net in case one of the above should occur, as this again circumvents the SA/SEA appraisal process that should support a Local Plan strategy.

The inclusion of any site within Policy H3 as an allocation requires them to be tested comprehensively through the SA process to demonstrate that the Plan has been informed by a robust SA/SEA process. Parachuting allocations into the Plan at this stage runs counter to this requirement.

The Council's SEA/SA Report

The current SA/SEA Report published in April 2016 is the location to which the reader should be able to identify the range of alternatives that have been tested and understand the reasons for the preferred choices and the reasons for those options not taken forward. The reader should be able to understand from this the testing that has taken place and should not have to refer to previous documentation.

The Council's SA/SEA Report commences the narrative on the approach to considering alternatives at Section 5. Section 6 then explains how the authority considered reasonable alternatives in respect of various levels of housing growth (section 6.2, page 23 refers). It also outlines what it considers unreasonable alternatives are in this context and why the preferred level of housing growth of 10,400 dwellings has been taken forward (section 6.4, page 24 refers). This is all logical and appropriate.

From this, the SA/SEA Report then looks to explore Housing Distribution options for 10,400 dwellings in Section 7.

The introductory paragraphs of Section 7.1 explain that although there is a requirement for 10,400 dwellings, although the SA Report then sets out that 9,600 of this is already committed and that the residual requirement is only 800 dwellings (paragraph 7.1.2 refers).

Paragraph then 7.2.2 sets out what the reasonable spatial alternatives have been tested for the distribution of this 800 dwelling residual figure. Five alternatives are presented:

- Focus on Coalville Urban Area;
- Focus on Ashby de la Zouch;
- Focus on the main towns;
- Dispersal option; and
- Coalville and Ashby de la Zouch.

The unreasonable alternatives are identified in Section 7.3 with the preferred choice for distributing this residual 800 dwellings being focusing on Ashby de la Zouch being set out in Section 7.4.

From this, it is clear that the Council's SA/SEA testing process has started from the incorrect assumption that there are only 800 dwellings to find as it has been led by the development management process and the assumption that those sites contained within Policy H2 will be granted planning consent free from challenge.

The SA/SEA Report contains no testing or justification for those sites included within Policy H2 because there has not been any testing of them and the assumption from the outset of including them in committed supply is erroneous for the above reasons.

Therefore in summary, the Council has failed set off from the outset on an erroneous path based on assumption that the sites contained within Policy H2 do not require specific allocation status in the Plan and are consents.

(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.

Change Sought

A comprehensive and lawful testing of all sites and alternatives that are to be included as draft allocations, which should include sites contained within Policy H2 and omission sites that have been unlawfully discounted on the assumption that they do not need to be tested.

The Council's site selection process and SA/SEA process needs to be reviewed comprehensively and consulted on again.

(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:

Due to the nature and extent of the objection to the Plan

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

9. Signature:

Date:

Representor 75

75/10/H3/0

SA/SEA



LOCAL PLAN

Ref:

(For official use only)

Publication Stage Representation Form

North West Leicestershire Local Plan Proposed Submission

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

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

This form has two parts-

Part A – Personal Details

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

Part A

1. Personal Details

2. Agent Details

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

Title	Mr	Mr
First Name	George	Tim
Last Name	Breed	Watton
Job Title <i>(Where relevant)</i>	Planner	Technical Director
Organisation <i>(Where relevant)</i>	Persimmon Homes East Midlands	RPS Planning
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address <i>(Where relevant)</i>		

Part B - Please use a separate sheet for each representation

Name or Organisation:

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

Paragraph(s) Policy Policies Map

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

i) Legally Compliant	Yes <input type="text"/>	No <input type="text" value="x"/>
ii) Sound	Yes <input type="text"/>	No <input type="text" value="x"/>
iii) Complies with the Duty to co-operate	Yes <input type="text" value="x"/>	No <input type="text"/>

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

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

Persimmon Homes object to the Local Plan and H3 allocations on the basis that the Sustainability/Strategic Environmental Assessment (SA/SEA) process is erroneous.

The assessment of Site C46 Broom Leys is erroneous and flawed in the 2016 SA/SEA Report, and so is the resultant selection of the preferred option C67 Waterworks Road.

Persimmon Homes acknowledges that the SA/SEA process is not tested for soundness, but as to whether it has actively informed the development plan process consistent with the legislative processes. It is also acknowledged that in undertaking SA/SEA, the decision maker is permitted to make judgements based upon evidence, and that two decision makers may not reach the same judgement, where a judgement is required.

However, two decision makers cannot reach different judgements on matters of fact, and therefore where there are errors based upon fact, or wrong interpretation of policy within the SA/SEA process, the SA/SEA is erroneous. Equally, while decision makers are entitled to reach separate outcomes on judgements, the decision maker (in this case the Local Planning Authority) must ensure that decisions are consistent. Where inconsistent decision making occurs, this is erroneous and undermines the SA/SEA process.

On the basis of the above, Persimmon Homes does not make comment on those aspects of the SA/SEA scoring between Site C46 and C67 where the decision maker is entitled to make a judgement that differs with a judgement made by Persimmon Homes, and instead focuses on areas of **error, inconsistency, incorrect reporting/interpretation of policy and factual errors**. These are the material considerations in SA/SEA.

The objection to the SA/SEA process is as set out below

Assessment of the Broom Leys Site (C46)

The concern in respect of the errors in the SA relate to the assessment of Site C46 at Broom Leys. The Council has selected its own land at Waterworks Road (H3b) for 95 dwellings over the consideration of Persimmon Homes' interest at Site C46.

The assessment in the SA Report is, however, erroneous.

The Council's 2016 SA Report sets out a SA Framework for assessing sites in Appendix C. The summary of the findings are presented on page 32 in Table 9.1.

This illustrates the comparative between C46 at Broom Leys and C67 at Waterworks Road (the preferred site). One can observe from this summary that the two sites are exactly the same for fifteen of the objectives and differ only on four. In respect of the four that they differ on:

Broom Leys (C46) out performs Waterworks Road (C67) on two and Waterworks Road out performs Broom Leys on two. Thus comparatively they are relatively identical.

The statement at paragraph 9.4.3 states that site C46 (as well as C19) are adjudged to have negative impacts upon biodiversity and geodiversity and also the loss of higher grade of agricultural land when compared to the Council's preferred site C67.

The conclusion is though is erroneous as set out below.

- **Impacts on biodiversity of the site:** Persimmon Homes has submitted to the Council a planning application that demonstrates that there are no detrimental effects on biodiversity on this site with full mitigation and enhancements detailed within this. SA/SEA must consider the mitigation of alternatives in its assessment and this has not been done when the Council has the evidence before it in the submission made by Persimmon Homes. This is not a matter of judgement. This is a matter of the evidence being ignored and is erroneous
- **Impacts on geodiversity:** The statement in paragraph 9.4.3 of the SA report is incorrect. The two sites C67 and C46 are given the same weighting. The Council's statement that C67 performs better is incorrect. In fact in assessing the detail in Appendix C one can observe that C46 significantly out performs C67 in respect of this criteria and the conclusion is in correct.

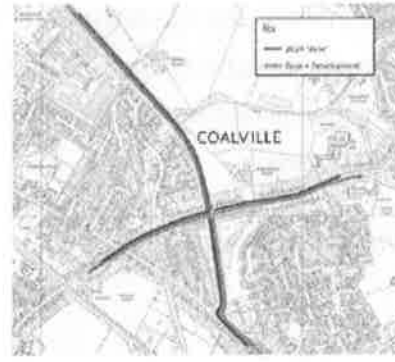
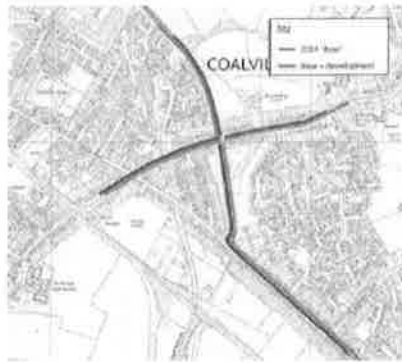
The statement in respect of C46 sets out that it will scores Amber as it results in the loss of a Candidate Wildlife Site. This is incorrect and an error in the site's conclusion as the statement in the assessment states it is 248m from a Candidate Wildlife Site and negative effects are unlikely. Therefore it is incomprehensible how the conclusion for the site can make a statement that it will result in the loss of a Candidate Wildlife Site, which is 248m from the site, and the actual assessment find that there is unlikely to be negative impact.

The Assessment is clearly erroneous on fact and should be amended, and cannot inform a robust conclusion.

- **Impact on Air Quality:** The assessment could not be more erroneous on this aspect. It has set out in Appendix C that the development will lead to higher congestion at key junctions and will as a result reduce Air Quality in an Air Quality Management Area (AQMA).

Persimmon Homes has a longstanding planning application on Site C46 which has considered traffic impacts. The summation of the traffic evidence for the site (which the Council holds) is that without development on C46, traffic at the Broom Leys junction, which is a key junction on the highway network will be significantly over capacity by 2024 as illustrated below in both peaks. The illustrations are from Persimmon Homes' application evidence and referenced

in the Highway Authorities response to the application at Appendix A.



The blue illustrates the queuing on the junction without development and the pink with the development at Broom Leys.

The proposal by Persimmon Homes includes a new Link Road to relieve congestion at this junction to the effect that not only does the proposal mitigate its impact, but provides significant betterment to the highway network and road junction here. This is illustrated below with only limited queuing at the junction with Broom Leys (site C46) developed and the Link Road provided.



This provides significant betterment to congestion and air quality and is acknowledged by the highways authority as correct in appendix A to this statement.

The Council's SA findings are therefore factually inaccurate and not supported. The Persimmon position in respect of this is supported by the Highways Authority as attached.

Summary and conclusion

In summary, the Council's SA is flawed on numerous accounts in respect of the assessment of C46 Broom Leys compared to the preferred site and others on errors of fact that are material to the consideration and decision making, and not on subjective judgements.

The SA is flawed.

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

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

The SA/SEA Report and process needs to be revisited so that it is fair, equitable and does not contain erroneous assumptions.

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

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

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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:

Matters related to the comments made in the above statement.

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

9. Signature:

Date:

