

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 24 JULY 2018

Title of report	PROPOSED SUPPLEMENTARY PLANNING DOCUMENTS - ASHBY DE LA ZOUCH AND COALVILLE CYCLING STRATEGIES
Key Decision	a) Financial No b) Community Yes
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Purpose of report	To consider responses to the recent consultation on new cycling strategies for both Ashby de la Zouch and Coalville and to consider possible changes prior to adoption as Supplementary Planning Documents.
Council Priorities	Building confidence in Coalville Green Footprints
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Screening Human Rights	<p>Costs are met from existing budget</p> <p>Green Footprints</p> <p>By undertaking consultation the Council has complied with the requirements of The Town and Country Planning (Local planning) (England) Regulations 2012 that any Supplementary Planning Document be subject to consultation.</p> <p>The Supplementary Planning Document supplements Policy IF1 of the adopted Local Plan. The Local Plan was subject to an Equalities Impact Assessment which did not identify any likely significant adverse effects.</p> <p>None discernible</p>

Transformational Government	Not applicable
Comments of Deputy Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	None
Background papers	North West Leicestershire Cycling Strategy: Part 1, Coalville North West Leicestershire Cycling Strategy: Part 2, Ashby de la Zouch Report to 16 January 2018 Cabinet – Review of Supplementary Planning Documents
Recommendations	THAT THE ASHBY DE LA ZOUC CYCLING STRATEGY AND THE COALVILLE CYCLING STRATEGY BE RECOMMENDED TO THE LOCAL PLAN COMMITTEE FOR ADOPTION AS SUPPLEMENTARY PLANNING DOCUMENTS SUBJECT TO THE AMENDMENTS OUTLINED IN APPENDIX A

1.0 BACKGROUND

- 1.1 A report was considered by Cabinet at its meeting on 16 January 2018 when it agreed to the withdrawal of a number of the Council’s Supplementary Planning Documents (SPD) following the adoption of the Local Plan in November 2017. This was because the SPDs were old or no longer had a relevant policy in the Local Plan to which they were attached.
- 1.2 SPDs are local development documents which provide technical detail to expand upon planning policies set out in the Local Plan; SPDs cannot make policy in themselves. SPDs can be thematic or area specific, provide guidance and / or set out requirements, and are material considerations which can be taken into account when making planning decisions.
- 1.3 Paragraph 153 of the NPPF states that “*Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.*” The glossary to the NPPF also notes that they [SPD] are “*Documents which add further detail to the policies in the Local Plan*”. SPD and their provisions are something which can be taken in to account when determining planning applications.

- 1.4 Amongst those which Cabinet agreed to withdraw was the Ashby Area Cycling Network Plan. The report to Cabinet noted that “*A new cycling strategy for the Ashby area has recently been produced by Leicestershire County Council which in any event supersedes any proposals contained in the earlier SPD*”. The report recommended, subject to receiving further legal advice in respect of the appropriateness of the content as SPD, that the new cycling strategy be adopted as SPD. The subsequent legal advice confirmed that it was appropriate for the provision of cycling infrastructure to be the subject of a SPD. However, in view of the fact that the Council was to undertake consultation as part of the Local Plan review it was decided that as that it would also be appropriate to undertake consultation on the new Ashby Cycling Strategy at the same time in order to be able to demonstrate that it had been the subject of adequate consultation.
- 1.5 A similar Cycling Strategy had previously been prepared for the Coalville area. It had not been formally adopted by the Council as SPD so it was decided that in order to give it appropriate weight in decision making that it should also be published for consultation.

2.0 THE CYCLING STRATEGIES

- 2.1 The preparation of the Cycling Strategies was commissioned by the Council’s Leisure Services and undertaken by Leicestershire County Council.
- 2.2 The strategies are intended to provide evidence to support submissions for funding bids as funding opportunities become available. They can also provide an evidence base to seek provision as part of new developments.
- 2.3 Policies IF1 and IF4 of the adopted Local Plan seek to ensure that new developments incorporate access via a variety of means, including cycling. The strategies and their provisions can be used to inform discussion to seek provision as part of new developments. Such contributions could be in the form of a commuted sum (for example for offsite improvements/provision) or on-site provision in the form of actual infrastructure. However, to be given appropriate weight in the decision making process they need to be adopted as SPD

3.0 THE CONSULTATION

- 3.1 The consultation on both documents ran for 6 weeks, between 21 February 2018 and 4 April 2018. The consultation was publicised on the Planning Policy pages of the Council website, alongside (and at the same time as) the Issues consultation on the Local Plan review, and a link to the page was emailed to over 500 landowners, developers, local residents, neighbouring authorities, statutory consultees, Parish Councils, local interest groups and other stakeholders.
- 3.2 In total eleven comments were received to the consultation. These, together with officers suggested responses are set out at Appendix A of this report.

4.0 NEXT STEPS

- 4.1 Subject to Cabinet agreeing the proposed amendments set out in Appendix A, the documents will be amended. Adoption of new SPDs is a function that is split between local authority executives (i.e. Cabinet) and Full Council. Full Council has delegated its function in respect of adopting SPDs to the new Local Plan Committee. Cabinet’s agreement to the

proposed amendments will constitute its recommendation to the Local Plan Committee that the amended SPDs are adopted. The Local Plan Committee, exercising its delegated decision-making functions, will decide whether to adopt the SPDs or whether they need to be returned to the executive for further development. Subject to the Local Plan Committee's approval, the SPDs will become part of the Council's suite of SPDs. It will then be necessary, in accordance with the Regulations, to prepare and make available an adoption statement. Once this is published any person will then have a period of 3 months in which to apply to the High Court to seek a judicial review.