

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 26 MARCH 2013

Title of report	NORTH WEST LEICESTERSHIRE LOCAL PLAN : CORE STRATEGY – RESPONSE TO PRE-SUBMISSION CONSULTATION AND SUGGESTED CHANGES
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Purpose of report	To advise members of the response to the pre-submission consultation and to suggest changes prior to submitting the Core Strategy to the Secretary of State.
Council Priorities	Value for Money Business and Jobs Safer and Healthier District Green Footprints Challenge
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>Allowed for within existing budgets</p> <p>Business CAT Footprints CAT</p> <p>A risk assessment of the project has been undertaken. Control measures have been put in place to minimise these risks, including monthly updates to the Corporate Leadership Team.</p> <p>An Equality Impact Assessment has been undertaken of the policies contained in the proposed Core Strategy.</p> <p>None discernible</p> <p>Not applicable</p>

Comments of 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	Legal Services
Background papers	<p>North West Leicestershire Local Plan: Core Strategy, pre-submission version April 2012</p> <p>North West Leicestershire Local Plan: Core Strategy, pre-submission version April 2012 – Sustainability appraisal and Habitats Regulations Assessment</p> <p>Revised Sustainability Appraisal and Habitats Regulations Assessment</p> <p>Equality Impact Assessment of Core Strategy</p> <p>All of the above can be found at www.nwleics.gov.uk/pages/evidence_base</p> <p>National Planning Policy Framework which can be found at www.gov.uk/government/publications?topics%5B%5D=planning-and-building</p> <p>Representations to the pre-submission Core Strategy – hard copies are held by the Planning Policy team in Room 102</p>
Recommendations	<p>THAT COUNCIL:</p> <p>(I) AGREES THE RECOMMENDED SIGNIFICANT CHANGES TO THE CORE STRATEGY AS SET OUT IN APPENDIX 3 OF THIS REPORT;</p> <p>(II) NOTES THE MINOR CHANGES TO THE CORE STRATEGY, AS PREVIOUSLY DELEGATED TO THE DIRECTOR OF SERVICES, AS SET OUT IN APPENDIX 4 OF THIS REPORT;</p> <p>(III) AGREES TO A PERIOD OF CONSULTATION ON THE AGREED SIGNIFICANT CHANGES TO THE CORE STRATEGY AND THE ASSOCIATED SUSTAINABILITY APPRAISAL AND HABITATS REGULATIONS ASSESSMENT;</p>

	<p>(IV) AGREES TO SUBMIT THE CORE STRATEGY (INCLUDING THE REVISED SUSTAINABILITY APPRAISAL REPORT AND HABITATS REGULATIONS ASSESSMENT) TO THE SECRETARY OF STATE AS SOON AS PRACTICABLE AFTER THE COMPLETION OF THE CONSULTATION ON SIGNIFICANT CHANGES;</p> <p>(V) DELEGATES AUTHORITY, DURING THE EXAMINATION PROCESS, TO THE HEAD OF REGENERATION AND PLANNING, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR REGENERATION AND PLANNING TO AGREE FURTHER MINOR CHANGES TO THE CORE STRATEGY AS MAY BE CONSIDERED APPROPRIATE TO ENSURE THE CORE STRATEGY CAN BE FOUND TO BE SOUND;</p> <p>(VI) ASKS THE APPOINTED INSPECTOR TO MAKE RECOMMENDATIONS TO THE COUNCIL IN THE EVENT THAT THE INSPECTOR CONSIDERS THAT THE SOUNDNESS OF THE CORE STRATEGY CAN BE ADDRESSED BY MAKING MODIFICATIONS.</p>
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1.0 BACKGROUND

- 1.1 On 24 April 2012 Council agreed to the publication of the pre-submission Core Strategy and associated Sustainability Appraisal and Habitats Regulations Assessment. Council also agreed to submit the Core Strategy to the Secretary of State subject to any minor changes (see paragraph 4.4 of this report for definition of minor changes) being agreed by the Portfolio Holder and Director of Services and Deputy Chief Executive.
- 1.2 Officers have considered the responses received to the consultation and as a result it is now proposed to make a number of changes to the Core Strategy, some of which are significant in nature. Therefore, in accordance with the previous decision of Council it is necessary for Council to consider these changes before submitting the Core Strategy to the Secretary of State.

2.0 EVIDENCE BASE UPDATE

- 2.1 Before considering the responses to the consultation, for Member's information, in order to ensure that the Council's decision is based on the most up to date information, work has continued to add to the evidence base which supports the Core Strategy. The development of the evidence base is an ongoing task which will also continue throughout the remainder of the Core Strategy process.
- 2.2 Further transport modelling using the County Council's 'Leicester and Leicestershire Integrated Transport Model' LLITM model has been used to assess, from a transportation point of view, in more detail the potential impact of the development proposed in the Core Strategy, including the provision of mitigation measures.
- 2.3 At the Council meeting on 24 April 2012 a commitment was given by the portfolio holder in response to questions from members, to undertake an update to the previous Retail

Capacity Study from 2005. This involved undertaking a new household survey in the autumn of 2012.

- 2.4 The National Planning Policy Framework (NPPF) was published a few weeks prior to the Council meeting of 24 April 2012. This requires that “*Plans should be deliverable*” (para 173) and that “*the cumulative impact of [these] standards and policies should not put implementation of the plan at serious risk..*” (para 174). Authorities are required to assess the cumulative impact of proposed policies and standards (together with any other existing local or national standards) to ensure that this is the case and that such evidence should be “*proportionate, using only appropriate available evidence*” (para 174).
- 2.5 In view of the above consultants (BNP Paribas) were appointed to undertake an assessment of the potential impact upon viability of the policies in the Core Strategy as required by the NPPF.
- 2.6 Hard copies of all of these reports and the rest of the Core Strategy evidence base are held by the Planning Policy team (Room 102) whilst copies can also be viewed on the website.
- 2.7 The Core Strategy agreed for consultation by Council in 2012 included a policy in respect of provision of sites for ‘Gypsies, Travellers and Travelling Showpeople’ (Policy CS20). The figures for future need were those from a Gypsies and Travellers Accommodation Needs Assessment (GTAA) from 2007 which assessed need across the Leicester and Leicestershire Housing Market Area (HMA). It has been recognised across the HMA that there is a need to update this study, particularly as it only covers the period to 2016. However until an update study is completed and agreed the 2007 study remains the only HMA-wide agreed evidence base upon which decisions can currently be made.
- 2.8 An updated Detailed Water Cycle Study (July 2012) has also been received which takes account of the Environment Agency’s and Natural England’s Water Quality Management Plan (WQMP) for the river Mease which was developed at a similar time to the 2012 Core Strategy, and some concerns arising, after the previous decision of Council, from an earlier report raised by the Council’s consultants who provide advice in respect of the River Mease issues. These concerns were primarily regarding the need to ensure consistency between the Water Cycle Study (WCS), the Water Quality Management Plan and the Developer Contributions Strategy and hence the Core Strategy.
- 2.9 Work has continued on the Infrastructure Plan (Appendix 3 of the Core Strategy approved by Council) and has been updated where possible. Members should note that as more information becomes available it will be necessary to update the Infrastructure Plan as the Core Strategy goes through the examination process.
- 2.10 Finally, for member’s information, it should be noted that at the time of preparing this report the East Midlands Regional Plan was still in place and so forms part of the Development Plan. However, to date the Government has formally revoked three Regional Plans (East of England, Yorkshire and Humberside and South-East England). No timetable for the revocation of the remaining Regional Plans has been published although the Government has made it clear that further announcements will be made over the coming months. It is possible, therefore, that the Regional Plan will have been revoked by the time that an Examination starts. The key issue that revocation would impact upon is that of the need for conformity between the Core Strategy and the Regional Plan – as the

Regional Plan would no longer exist there would not be any conformity issue. However, it should be appreciated that in respect of housing requirements the Regional Plan would still represent the only source of figures which have been agreed via a public debate and so are still likely to be considered to be of relevance by Inspectors at Examinations.

3.0 RESULTS OF CONSULTATION

- 3.1 The pre-submission consultation took place between 28th May and 9th July 2012.
- 3.2 In total some 5,781 representations were received from 3,075 respondents (individuals, groups, companies, agents etc). A breakdown of the number of representations by policy is set out at Appendix 1 of this report.
- 3.3 Within the overall number of responses, there were a number of standard letters to some of the policies, particularly Policy CS15 (Distribution of Housing) and Policy CS33 (River Mease Special Area of Conservation) which received over 1,600 responses via a standard letter prepared by the Ashby Civic Society. In addition, two standard letters/tear-off slips were circulated in respect of the omission of the Bardon Road bypass issue and there was one petition submitted in respect of the Bardon Road bypass which attracted 297 signatures. It should be noted that, in accordance with the Council's normal practice on planning consultations, the petition was logged as one representation however the Inspector examining the Core Strategy will receive a full copy of the petition.
- 3.4 Hard copies of all representations are held by the Planning Policy team (Room 102) and can be viewed upon request. A list of representations will also be made available on-line.
- 3.5 A summary of the responses on a policy-by-policy basis is set out at Appendix 2 of this report.

4.0 RECOMMENDED CHANGES

- 4.1 Following consideration of the responses made to the pre-submission Core Strategy, it is considered that it would be appropriate to make a number of changes to the Core Strategy before it is submitted to the Secretary of State. As indicated earlier, the majority of these changes are minor in nature.
- 4.2 The suggested changes are considered necessary either:
- To take account of comments received where appropriate; or
 - To ensure consistency with the NPPF (which, as noted earlier, was published just prior to Council agreeing the Core Strategy but officers had not had sufficient time to undertake a detailed analysis of its publication for the Core Strategy) ;or
 - Are designed to provide clarity in respect of policy wording or in respect of processes.
- 4.3 As previously noted, Council had previously agreed to delegate minor changes to the Portfolio Holder and Director of Services and Deputy Chief Executive. However, some of the suggested changes are significant changes and so it is necessary for these to be agreed by Council.

- 4.4 A significant change is one which it is considered would change the meaning of the policy such that it would represent a change in direction. Conversely a minor change is one which would not affect the meaning or direction of the policy.
- 4.5 A schedule of recommended Significant Changes is set out at Appendix 3 of this report, whilst a schedule of Minor Changes is set out at Appendix 4.
- 4.6 It should be noted that whilst in numerical terms there are quite a lot of suggested changes, the overall direction and strategy of the Core Strategy is unchanged from that previously agreed – the changes are designed to improve the Core Strategy and do not represent a different overall approach. Indeed, most of the changes affect the supporting text rather than the actual policies.
- 4.7 Two new policies are proposed to be included in the Core Strategy. The first of these (Suggested Policy CS1a) is a standard model policy which the Planning Inspectorate are requiring to be inserted in to all Development Plan Documents. The need for this policy only became apparent after the previous decision of Council in 2012. Whilst your officers are not convinced of the need for this policy, based on experience elsewhere it is inevitable that if the Council did not propose its inclusion now then an Inspector at Examination would propose its inclusion as part of modifications. It is prudent, therefore, to propose to include this policy at this stage and it will be subject to consultation along with the other significant changes to the Core Strategy.
- 4.8 The second new policy (Suggested Policy CS25a) is in respect of renewable energy. The former national Planning Policy Statements (PPS's) provided a significant amount of guidance on this matter. Indeed, there was a separate PPS which dealt with the issues associated with renewable energy. Such was the level of detail this guidance provided that there was little that could be added by a local policy. However, the NPPF, which was only published in late March 2012 and therefore was not able to be fully taken into account when the Council originally considered the Core Strategy, has little to say on the subject and so it is considered necessary to include a new policy in the Core Strategy which will also be subject to consultation with the other significant changes.
- 4.9 In respect of the other proposed Significant Changes the following should be noted:

CS1 (District Housing Provision)	This change recognises that work on an updated Strategic Housing Market Assessment, which the NPPF recognises should be the main tool for assessing future housing needs in cooperation with neighbouring authorities in the housing market area, may result in a need to review the Council's housing provision and so provides a commitment to do so if necessary. At this time the proposed housing requirements remain unaltered.
CS2 (District Employment Provision)	This change rectifies an inconsistency within the previously agreed Core Strategy. Policy CS2 referred to an overall provision of 134 hectares of employment land, whilst paragraph 6.11 referred to 164 hectares. The latter figure takes account of the potential implications for employment land provision arising

	from the future loss of existing employment land and is the correct figure which should have been used in CS2.
CS3 (East Midlands Airport)	This change provides clarity in respect of what type of development would be considered to be Operational Development as referred to in part A of the policy.
CS9 (Development Adjoining Swadlincote)	This change recognises the potential need for joint working with South Derbyshire District Council to address this issue, including the possibility of a joint Development Plan Document. The change provides a commitment to do so if required.
CS12 (Town and Local Centres)	This change takes account of the updated Retail Capacity Study and its findings in respect of likely future floorspace needs.
CS32 (Natural Environment)	This change takes on board the concerns of a number of key stakeholders, including Natural England and Leicestershire Museums, and provides consistency with the NPPF.
CS33 (River Mease Special Area of Conservation)	This change takes on board comments of the Environment Agency and Natural England and recognises that there may be proposals which would use non-mains drainage solutions and which may be considered to be acceptable, subject to there being no adverse impact upon the River Mease SAC and such an approach being supported by the Environment Agency.
CS35 (Coalville Urban Area)	This change increases the proposed amount of employment land in the Coalville Urban Area to ensure that most of the residual employment land provision takes place in the Coalville Urban Area consistent with the Regional Plan.
CS36 (Coalville Urban Area Broad Growth Locations)	This change includes the need to reserve land for a possible link road from Grange Road to Bardon Road if required at some future date to reflect the Section 106 Agreement which has been agreed as part of the first phase of development.
CS37 (Ashby de la Zouch)	This change includes the need to support the provision of a new General Practice surgery the need for which is now confirmed by request from the Primary Care Trust.
CS42 (Rural Area)	This change includes the need to review the existing Area of Separation between Donisthorpe and Moira in order to ensure a consistent approach across the district.

- 4.10 Whilst not a significant change, it will be noted that in respect of the issue of provision of sites for Gypsies, Travellers and Travelling Showpeople it is proposed that the identification of sites now be taken forward via a separate Allocations Development Plan Document which will deal solely with this issue. This is partly to ensure that the Council can satisfy the requirements set out in 'Planning Policy for Traveller Sites' published by the Government in March 2012. Amongst the requirements identified in this is the need to ensure that the Council can demonstrate a 5-year supply of deliverable sites as soon as possible.
- 4.11 If Council agrees to this change then it will be necessary to publish a change to the Council's Local Development Scheme (which sets out the programme of preparation for Development Plan Documents) by the inclusion of a new Development Plan Document. In view of the urgency associated with this issue, it is suggested that work on this document commence as soon as possible.
- 4.12 It will be noted that it is not proposed to change the various housing and employment land figures used in the Core Strategy as the information for 2012/13 will not be available until after 31st March 2013. Therefore the figures in the Core Strategy remain as at 31st March 2012. It is likely that these will need to be updated (probably to 31st March 2013) as part of the Examination.
- 4.13 To be consistent with this approach no change is made in respect of those Broad Locations at Coalville and Ibstock where the Council has granted (or has resolved to grant) planning permission. Therefore, at this stage they remain as Broad Locations. Again this is something which will be updated as part of the Examination.
- 4.14 The suggested changes have been subject to a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and also a revised Habitats Regulations Assessment (HRA) (in respect of the River Mease SAC). Revised SA/SEA and HRS reports have, therefore, been produced. In addition, a revised Equality Impact Assessment has also been undertaken.
- 4.15 In order to be able to see the proposed changes in context a revised version of the Core Strategy (in black and white) with tracked changes (additions and deletions) is attached at Appendix 5 of this report.
- 4.16 Council are asked to agree these significant changes before submitting the Core Strategy. However, it should be noted that Council are not being asked to reconsider the Core Strategy which was previously agreed on 24th April 2012.

5.0 HS2

- 5.1 Members will be aware of the proposals for HS2 recently announced by the Government. The Government's initial preferred route is proposed to go through the district, broadly following the A42. A decision on a final route is not expected until the end of 2014. However, at this time the initial preferred route has no formal planning status and therefore, no weight can be attached to it in coming to a view on the Core Strategy at this time.

6.0 NEXT STEPS

- 6.1 Having regard to advice from the Planning Inspectorate, before submitting the revised Core Strategy to the Secretary of State it would be appropriate to consult on the Significant Changes. This is so that the Inspector can be aware of the response to these changes as part of his/her deliberations before making recommendations. It is not necessary to do this for minor changes which, as outlined, do not alter the direction or meaning of the policies.
- 6.2 It is proposed (subject to approval by Council) to undertake this consultation (including the revised SA/SEA and HRA) as soon as practical following the Council meeting.
- 6.3 It is normal for such consultation to be for a 6 week period. Assuming that consultation commences on 12th April this will see the consultation ending on 24th May 2013. As soon as practical thereafter the Core Strategy (including the suggested changes) will be submitted to the Secretary of State with a view to having a Public Examination in due course. Once submitted the timetable will be at the discretion of the Planning Inspectorate but presently it is understood that once submitted an Examination would commence within approximately 14 weeks of submission.
- 6.4 When submitting the Core Strategy all those responses received to the consultation in 2012 and any received to the proposed consultation on the suggested Significant Changes will also be submitted, along with the revised SA/SEA and HRA.
- 6.5 It is likely that during the Examination process that the Inspector will suggest other possible changes and will require an indication of the likelihood of these being agreed by the Council. Therefore, to deal with this eventuality it is suggested that such agreement be delegated to the Head of Regeneration and Planning as Chief Planning Officer, in consultation with the Portfolio Holder in respect of minor changes (i.e. those that would not affect the meaning or direction of the policy). In respect of significant changes these would need to be considered by Council. In the event of such changes being required this could introduce delays in to the programme depending on when Council meetings are scheduled to take place. It should be noted that before the Core Strategy could be adopted any modifications recommended by the Inspector will need to be subject to further consultation and Sustainability Appraisal and Habitats Regulations Assessment after which the document will be reported to Council for adoption.