

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**COUNCIL – 12 AUGUST 2013**

Title of report	<b>NORTH WEST LEICESTERSHIRE LOCAL PLAN: CORE STRATEGY</b>
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Purpose of report	To respond to the request from members for a Council meeting to discuss the Core Strategy and correspondence with the planning Inspector
Council Priorities	<p>These are taken from the 2013/14 Council Delivery Plan:</p> <p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<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 Green 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	None
Recommendations	<b>THAT COUNCIL NOTES THIS REPORT</b>

## 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 plan to the Secretary of State subject to any minor changes being agreed by the Portfolio Holder and Director of Services and Deputy Chief Executive.
- 1.2 As a result of the consultation that followed a number of comments were received and Council agreed on 26 March 2013 to propose a number of further changes to the Core Strategy prior to its submission. The document was finally submitted to the Secretary of State on 24 June 2013.
- 1.3 The Secretary of State duly appointed a planning inspector, Mr Hetherington, to examine the Core Strategy. The Inspector then wrote to the Council on 9 July 2013 (letter attached as Appendix 1) setting out a number of initial concerns that he had with the plan and asked the Council to respond to those concerns by 23 July 2013.
- 1.4 The Council responded to the Inspector's initial concerns on 16 July 2013 (letter attached as Appendix 2). This letter sets out the reasons and justification for the Council adopting the approach it has.
- 1.5 The Inspector wrote again to the Council on 25 July 2013 (letter attached as Appendix 3) indicating that he considered that based on the further information provided he felt a number of his initial concerns could be addressed, however three of his initial concerns remained, these were: Assessing Housing needs, Housing supply and Duty to cooperate. The Inspector also indicated in this letter that he intends to hold an Exploratory Meeting to outline his concerns further but in the meantime he has requested that the Council considers whether or not it wishes to withdraw the Core Strategy. The Exploratory Meeting is currently scheduled to take place on 25 September to enable Council on 17 September to consider all relevant advice ahead of making a decision on whether or not to withdraw the plan.

- 1.6 Following receipt of the first letter from the planning inspector, the Chief Executive received a request, signed by five members, for an Extraordinary Meeting (EM) of Council. On receipt of this request there were discussions and a meeting with Officers and the Labour Leader to clarify the nature of their request. This has resulted in the following:

*“In light of Planning Inspector Hetherington’s comments dated 9 July 2013 raising a number of questions reflecting the viability of the emerging Core Strategy in a number of key areas, the Labour Group are demanding the return of Council to debate the issues raised. There are a number of serious issues to be resolved that affect the long term ability of this Council to maintain*

- (a) Long term coherent Planning Policy and Growth Strategy*
- (b) Provide viable and known strategy for 5 year land supply calculations*

*The motion/resolution to be discussed at the said meeting is as follows:*

*That the Portfolio Holder provides an explanation to the Council of his response to the Planning Inspector’s letter of 9 July 2013 covering the viability of each response and that Council notes the Portfolio Holders response and comments as appropriate.”*

## **2.0 CORE STRATEGY CORRESPONDENCE**

- 2.1 The correspondence between the Council and the Planning Inspector is contained within the appendices to these reports. In particular the response from the Council dated 16 July 2013 sets out in detail the Council’s position on the matters raised by the Planning Inspector.
- 2.2 With regards to the remaining issues, set out in the inspectors letter of 25 July 2013, the Councils position is as follows:

### **Assessing housing needs**

- 2.3 Following the General Election of 2010 and the clearly stated intention of the new government to revoke all Regional Spatial Strategies, in late 2010 all of the Local Planning Authorities which make up the Leicester & Leicestershire commissioned the Leicester & Leicestershire Housing Requirements Study (LLHRS). The purpose behind this study was to *“develop an evidence base to support local communities and authorities in determining future housing requirement”*
- 2.4 At the time that the study was commissioned, guidance from the Government was clear that it was Government’s expectation that local planning authorities would establish their own housing requirements, subject to this being evidenced. It was in this context, and with this expectation from the local authorities in the Housing Market Area (HMA), that the LLHRS was commissioned.
- 2.5 The LLHRS was agreed by the Housing Planning and Infrastructure Group (HPIG) as providing a *“robust evidence base for housing requirements to support determining local options for local adoption”*. The LLHRS also took account of the 2008 household projections, as being the latest projections available at that time.

- 2.6 Therefore, the LLHRS represents the most up-to-date assessment of housing needs across the HMA and covers a longer time period than either the Strategic Housing Market Assessment or the former East Midlands Regional Plan and was prepared having regard to the latest projections available from Government.
- 2.7 There is also more recent evidence available which suggests that the housing figures in the Core Strategy are appropriate. Since the Council resolution of 26<sup>th</sup> March 2013, the Department for Communities and Local Government has published interim household projections for 2011 to 2021. The Statistical Release notes that these replace the 2008-based projections published in November 2010 and which had been used to inform the LLHRS.
- 2.8 Whilst these figures are only interim and they only cover the period to 2021, they provide a useful barometer of the reliability of the LLHRS. It is clear that there is a very strong correlation between the results of the LLHRS and the interim projections. In most scenarios the LLHRS is actually coming out slightly higher than the interim projections. On the basis of this evidence, therefore, it is considered that the provision of 388 dwellings per annum as proposed in the draft Core Strategy is appropriate and is fully justified.

### **Housing supply**

- 2.9 At the outset of preparing the Core Strategy it was generally recognised that the role of Core Strategies was to provide a strategic framework; it was not to allocate sites. Furthermore, throughout most of the period of preparing the Core Strategy the issue of housing land supply was not so significant that it warranted allocating sites. By the time that housing land supply issues had become more significant i.e. in the early part of 2013, progress was being made on a number of the Broad Locations being considered in the Core Strategy via planning applications. For example planning permissions or significantly progressed planning applications now exist in all of the proposed Core Strategy broad locations. Therefore, a more pragmatic approach has been adopted by the Council to ensure that applications were considered as speedily as possible and to not further delay the Core Strategy by the collection of the more detailed evidence to support possible allocations, which the Council understands would be required.
- 2.10 It is not clear why it can be suggested that the Core Strategy is not 'positively prepared' when development is being brought forward even though the Core Strategy is not yet adopted. The Government clearly attaches significant weight to ensuring that development is brought forward as swiftly as possible, including maintaining 5-year land supply and the pragmatic approach being taken by the Council is designed to do this.

### **Duty to Cooperate**

- 2.11 As outlined above, the Council has positively prepared the Core Strategy using the current available evidence base. In doing so, the Council has cooperated with all neighbouring authorities in preparing that evidence base. In particular, the Council proactively participates in the Housing Planning and Infrastructure Group (HPIG) which oversees the commissioning and adopting of joint pieces of evidence such as the LLHRS. It is through this mechanism that all local authorities in Leicestershire have sought to co-operate - a mechanism that was recently accepted by the planning inspector examining the Blaby Core Strategy.

2.12 The fact that some neighbouring authorities have objected to the Core Strategy does not mean there has not been co-operation, the duty to co-operate is not a duty to agree. The Portfolio Holder has met with all neighbouring authorities that have submitted objections and all have confirmed that their objections are not based on the Council's lack of co-operation.

### **3.0 NEXT STEPS**

3.1 The Planning Inspector has indicated he wishes to hold an Exploratory Meeting into the Core Strategy on 25 September 2013. In the meantime he has asked the Council to consider whether it wishes to withdraw the Core Strategy in light of his current expressed concerns.

3.2 Therefore a report will be considered by Council at its meeting of 17 September 2013, containing further advice and background on the Inspectors concerns, before asking Full Council to determine whether or not it wishes to withdraw the Core Strategy, along with the potential implications of doing so.

**NORTH WEST LEICESTERSHIRE CORE STRATEGY (CS) EXAMINATION  
INSPECTOR'S INITIAL NOTE TO NORTH WEST LEICESTERSHIRE DISTRICT  
COUNCIL**

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1. While I have yet to fully complete my preparatory work, I have identified a number of matters that potentially involve serious concerns of soundness and/or legal compliance. For the avoidance of doubt, these comments do not represent the complete list of the matters, issues and questions that I intend to raise: those will be set out in more detail before the main hearings commence, assuming that the examination reaches that stage. At present, I have restricted my comments to those concerns that, on the basis of the evidence before me, appear most likely to threaten the Plan's legal compliance and soundness.
2. Please give these comments your urgent consideration and provide me with a written response by **Tuesday 23 July 2013**. I will then reach a view on how the examination should proceed. Potentially, this could involve holding an exploratory meeting (which would be procedural only, with no testing of evidence) or the setting up of one or more hearing sessions to consider specific topics in advance of the main body of hearings. For the avoidance of doubt, these comments are made without prejudice to any final report that I may prepare.
3. I look forward to hearing from you. If you have any queries about this letter, then please contact me via the Programme Officer.

**Pre-Submission Changes to the Core Strategy**

4. I note that the Council proposes a substantial number of changes to the April 2012 version of the Core Strategy that was subject to the statutory consultation period. These are set out in two documents, titled Significant and Minor Changes<sup>1</sup>. However, it is not clear from your submission letter whether you are submitting for examination (1) the April 2012 version of the Plan<sup>2</sup> or (2) the tracked changes version of the Plan that takes into account the above-noted pre-submission changes<sup>3</sup>. If it is the former, then I would (in line with usual practice) consider the pre-submission changes along with the other changes being sought by representors – i.e. in the event of my writing a report that required recommendations to be made, I would consider whether these were required for reasons of soundness/legal compliance.
5. If however the Council is seeking to submit the 'Submission Version Core Strategy (Tracked Changes)' for examination then I would need confirmation that the changes concerned have been subject to public consultation in accordance with the Regulations and your Statement of Community Involvement. From the evidence before me, this does not seem to have been the case: first, the 2013 consultation appears to have been limited to respondents to the previous consultation and, second, consultation on the schedule of minor changes (which contains some amendments that, on an initial view, may be more material than the 'Minor Changes' heading might imply) does not appear to have taken place at all. The details of the new Infrastructure Plan (replacing the previous Appendix 3) do not appear in either of the changes schedules. In addition

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<sup>1</sup> Documents 1.8 and 1.9 respectively.

<sup>2</sup> Document 2.1

<sup>3</sup> Document 1.1

it is unclear to what extent the revised Sustainability Appraisal and Habitat Regulations Appraisal have been subject to consultation. Can you clarify these points and confirm which version of the Plan is intended as the submission document?

### **Assessing Housing Needs**

6. At paragraph 47, the National Planning Policy Framework states that to boost significantly the supply of housing, local planning authorities should (among other matters) use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Paragraph 182 of the Framework includes the requirement that Local Plans should be positively prepared – i.e. based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
7. Bearing this in mind, a robust evidence base should be in place to objectively quantify the District's housing needs. On the basis of my initial assessment, I have a number of concerns in this respect. Specifically:
  - (a) The 2007/8 Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) does not appear to reflect recent market conditions and does not cover the full Plan period to 2031. It is a requirement of the Framework (paragraph 159) that Councils should prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. In the absence of an up-to-date SHMA, it will be difficult to conclude that the CS meets the Framework's soundness requirements that a Plan should be justified and consistent with national planning policy.
  - (b) I note that you suggest changes to policy CS1, stating first that the Council will prepare a SHMA in co-operation with other planning authorities and second that a change of 10% in housing provision (greater or less) arising from the SHMA would trigger a Core Strategy review. This suggests that the Council accepts that the current SHMA is not sufficiently robust. However, given the above-noted Framework requirements, a policy that states that evidence will be prepared is unlikely to be an appropriate substitute for having the evidence in place prior to submission. Furthermore, the suggested changes set no timescale for future SHMA preparation and contain no fallback position should this be delayed.
  - (c) The stated CS housing target (an average of 388 dwellings per year 2006-2031) derives from the Leicester and Leicestershire Housing Requirements Study (LLHRS)<sup>4</sup>. However, on its own terms<sup>5</sup>, the LLHRS is only one of a range of factors which need to be considered in determining housing requirements through the Local Plan process. It is unclear how (or indeed whether) other factors have influenced the Plan's housing target.

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<sup>4</sup> Document 13.1

<sup>5</sup> For example at section 8.

- (d) The CS target is substantially lower than the 510 dwellings per year figure for the District in the (now revoked) East Midlands Regional Plan (EMRP). However, the LLHRS states that an annual provision for the housing market area (HMA) of 4,000-4,500 homes per annum would represent a positive planning framework which would ensure that housing provision did not constrain the ability of the sub-region's economy to achieve a level of growth above the baseline forecast. This is similar to (or higher than) the EMRP's requirement for the HMA (of 4,020 dwellings per annum). Taken together, these factors suggest that the CS figure may result in a shortfall within the HMA as a whole. It should be remembered that paragraph 47 of the Framework refers to meeting needs in the market area.
  - (e) In that context, a number of other planning authorities within the HMA have objected to the CS housing target, raising concerns that this would not enable a strategic policy approach to be taken to the distribution of housing development within the HMA. This is a matter that I will need to consider both in terms of the Plan's soundness and the legal duty to co-operate under section 33A of the Act (as amended).
  - (f) In addition, it is unclear whether the projection-based approach of the LLHRS has taken into account any previous shortfalls in housing provision within the District.
8. Failure to demonstrate that the requirements of paragraph 47 of the Framework have been met is unlikely to result in a finding of soundness, while failure to satisfy the legal duty to co-operate cannot be remedied. It therefore follows that the above matters are very serious concerns with the potential to prevent further progress with the examination.

### **Housing Supply**

- 9. Up-to-date and detailed information on the District's housing land supply position (including relevant assumptions such as any windfall estimates or discounting) has not been supplied. This should be made available. However, it appears from the evidence that I have seen, including a 2012 appeal decision at Coalville<sup>6</sup>, that there is a demonstrable and significant shortfall in the District's five year housing land supply.
- 10. Given this background, and mindful of the Framework's requirement that Local Plans should plan positively for the development and infrastructure required in the area, it is unclear why specific housing allocations are not being proposed in the Core Strategy. Neither the April 2012 version nor the more recent changes would, in themselves, bring forward new housing sites. A significant housing land supply shortfall would remain. Can the Council explain what it is doing to remedy this – and why it is not allocating sites in the present Plan?
- 11. In that context, the status of proposals such as the Strategic Development Area in South East Coalville (at least 3,500 dwellings) and broad location at Ashby de la Zouche (at least 605 additional dwellings) is uncertain in the Plan's April 2012 version: the references to these schemes progressing

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<sup>6</sup> Appeal ref. APP/G2435/A/11/2158154, dated 20 August 2012. This should be added to the Core Strategy evidence base.



by means of masterplans rather than allocations appears at odds with the plan-led system encouraged by the Framework. While the Council's changes mention the proposed Allocations and Development Management Policies Plan, this is not likely to be adopted (from the Council's 2013 Local Development Scheme) before 2016. The changes also appear to allow developments to come forward in advance of that Plan. This has the potential to fail the Framework's soundness requirement that a Local Plan should be positively prepared.

### **Traveller Sites**

12. Policy B of the Planning Policy for Traveller Sites (PPTS) (which replaced previous national policy in March 2012) sets out a number of requirements for Local Plans in respect of this issue. Among other matters, it is necessary to set pitch targets for gypsies and travellers and plot targets for travelling showpeople. A supply should be identified for years 1-5, years 6-10 and, where possible, years 11-15.
13. However, the targets set out in CS policy CS20 only extend to 2016, while no actual allocations are proposed. Although new pitch requirements are set out in the Gypsy and Traveller Needs Assessment Refresh<sup>7</sup>, these have not been incorporated into the Plan itself. In order to reach a finding of soundness, the Council will need to demonstrate that the requirements of the PPTS can be satisfied.

### **Viability**

14. Paragraph 173 of the Framework requires that careful attention is given to viability and costs in plan-making. The Core Strategy imposes a variety of infrastructure and other requirements on new development. However, it is unclear to what extent these have been subject to viability testing. The submitted affordable housing viability report<sup>8</sup> dates from 2009 and was written in the context of the larger EMRP housing target. Are its findings still valid? Has it fully modelled the Core Strategy's particular policy requirements (for example those imposed by policies CS24, CS25, CS26 and CS30)? Can the Council show that these requirements will not adversely affect development viability?
15. In addition, it is unclear whether the infrastructure requirements set out in respect of the Plan's broad locations for development have been adequately assessed in terms of need, properly costed and subjected to viability testing. Can the Council demonstrate that the developments proposed would be viable and deliverable given the combination of policy and infrastructure requirements that are set out in the Core Strategy?
16. The Plan's infrastructure provisions are the subject of significant suggested changes. A new Infrastructure Plan (a replacement of CS Appendix 3) is proposed and amendments are suggested to a number of CS policies. However, bearing in mind my comments above about the scope of the Council's consultation exercise, it is unclear whether these changes have been subject to sufficient engagement with relevant stakeholders. Some amendments appear to represent substantial departures from the April 2012 version of the Plan - for example the inclusion of a 'Bardon Link

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<sup>7</sup> Document 13.14

<sup>8</sup> Document 13.6

Road' (costed at £8.5 million)<sup>9</sup>. On the other hand, many infrastructure items in the revised Appendix 3 have not been costed at all. Taken together, these factors raise serious concerns about whether the Plan is effective and justified.

Michael J Hetherington  
Inspector, North West Leicestershire Core Strategy  
9 July 2013

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<sup>9</sup> The relationship between this requirement and the Bardon Relief Road (mentioned in paragraph 8.96 of the April 2012 version of the Plan) should also be clarified.

**NORTH WEST LEICESTERSHIRE CORE STRATEGY EXAMINATION**

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL RESPONSE TO INITIAL NOTE  
FROM INSPECTOR**

- 1.1 Further to your note of 9<sup>th</sup> July 2013 in which you raised a number concerns, this note sets out the response of the District Council using the same headings as your note.
- 1.2 There are a number of appendices attached to the note to provide additional information and clarity.
- 2.0 Pre-submission changes to the Core Strategy**
- 2.1 The April 2012 version was subject to Regulation 19 consultation between 28 May and 9 July 2012. Having considered the responses submitted to the Regulation 19 consultation it was decided that some changes were necessary. The decision of full Council on 24 April 2012 in approving the pre-submission consultation had allowed for 'minor' changes to be made without the need for Council approval. However, because some of the changes were considered to be 'significant' it was necessary for these to be agreed by Council at its meeting on 26 March 2013.
- 2.2 Based up on verbal advice received from PINs , it was decided that it would be appropriate to undertake some further consultation on what were considered to be the 'significant changes'. By virtue of the fact that this consultation was only limited to the 'significant' changes, this consultation does not constitute a Regulation 19 consultation, and so it is the April 2012 version which is being submitted.
- 2.3 In terms of the consultation on the 'significant' changes (the 2013 Consultation) these were originally subject to a 6 week period of consultation; this was subsequently extended to allow additional time for representations to be made. Altogether the consultation period ran for 8 weeks from 12th April 2013 to 7th June 2013.
- 2.4 In terms of the Regulations, as part of the 2013 Consultation the Council notified, via email or letter, both the specific and general consultation bodies, as well as all of those that had made representations to the previous Core Strategy consultation as well as anyone that had requested to be consulted on the progress of the LDF (i.e. those on the Council's LDF database). Therefore, the scope of the consultation was wider than just those who had previously responded to the Core Strategy.
- 2.5 In terms of the Statement of Community Involvement (SCI) all of the 2013 Consultation documentation and supporting evidence base documents were made available on the Council's website for the duration of the consultation. As specified in the SCI hard copies of the documents were available to view at the council offices and at all of the libraries within the District. Also on the Council's website and sent out with emails and letters was a Statement of Representations Procedure which detailed when and where the consultation documents (the significant changes, Sustainability Appraisal and Habitats Regulations) could be viewed and when and how to respond.

- 2.6 In terms of the Sustainability Appraisal and Habitats Regulations these documents were consulted on during the same time period as the significant changes document. The emails and letters sent out included the following text "*The Council would like to invite your views on the proposed 'significant' changes to the Core Strategy and the updated Sustainability Appraisal and Habitats Regulations Assessment*". It was made clear through the Council's correspondence that we were seeking views on the Significant Changes, Sustainability Appraisal and Habitats Regulations.
- 2.7 Copies of the text used in the letters and e-mails are attached at Appendix 1.
- 2.8 Information about the 2013 consultation, including the consultation documents, supporting information and response forms and guidance can be found at:

[www.nwleics.gov.uk/pages/core\\_strategy\\_consultation\\_2013](http://www.nwleics.gov.uk/pages/core_strategy_consultation_2013)

### 3.0 **Assessing Housing Needs**

- 3.1 There are a number of points raised in respect of housing needs, each of which is responded to using the same numbering system.

Point (a)

- 3.2 The 2007/08 Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) was prepared to inform the various Core Strategies across the Leicester & Leicestershire Housing Market Area at a time when the end date for the various Core Strategies, in line with the then East Midlands Regional Plan, was expected to be 2026.
- 3.3 In view of the fact that a key test of soundness for Core Strategies was conformity with the East Midlands Regional Plan, the SHMA was more concerned with the need for and type of, affordable housing required, rather than the overall housing requirements which were established in the East Midlands Regional Plan.
- 3.4 Following the general election of 2010 and the clearly stated intention of the new government to revoke all Regional Spatial Strategies, in late 2010 all of the Local Planning Authorities which make up the Leicester & Leicestershire commissioned the Leicester & Leicestershire Housing Requirements Study (LLHRS). The purpose behind this study was to "*develop an evidence base to support local communities and authorities in determining future housing requirement*" (Document 13.1) (Leicester & Leicestershire Housing Requirements Study (Page 13). In view of the time that had elapsed since the production of both the East Midlands Regional Plan and the SHMA, it was decided that the LLHRS should cover a longer time period to 2031.
- 3.5 At the time that the study was commissioned, guidance from the Government was clear that it was Government's expectation that local planning authorities would establish their own housing requirements, subject to this being evidenced. An advice note published by the Government stated that "*Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were*

*set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand*" (letter from Chief Planning officer, DCLG to all local authorities - see Appendix 2).

- 3.6 It was in this context, and with this expectation from the local authorities in the HMA, that the LLHRS was commissioned.
- 3.7 The LLHRS was agreed by the Housing Planning and Infrastructure Group (HPIG) as providing a *"robust evidence base for housing requirements to support determining local options for local adoption"* (Housing, Planning and Infrastructure Group minutes, 15<sup>th</sup> September 2011 – see Appendix 3). More details regarding the role of HPIG can be found in the Duty to Cooperate paper submitted alongside the Core Strategy (ref Document 7.1)
- 3.8 The publication on the National Planning Policy Framework (NPPF) in March 2012 made it clear that the Government expected local planning authorities to collaborate in the production of SHMAs to provide evidence of future housing need. The previous Planning Policy Statement 3 (Housing) (June 2010) included reference to SHMAs as being just one of a number of factors to be taken in to account in determining housing requirements. Therefore, the publication of the NPPF marked a departure from previous advice which had included other sources of evidence. Amongst these other factors was the Government's latest published household projections. The LLHRS took account of the 2008 household projections, as being the latest projections available at that time.
- 3.9 Therefore, the LLHRS represents the most up-to-date assessment of housing needs across the HMA and, as noted, covers a longer time period than either the SHMA or the East Midlands Regional Plan and was prepared having regard to the latest projections available from Government, as suggested in the then PPS3.
- 3.10 The LLHRS was recently supported at appeal in respect of a site at Moira Road Ashby de la Zouch where the Inspector gave the figure of 388 dwellings *"substantial weight"* (APP/G2435/A/13/2192131 paragraph 13 – Appendix 4). It is understood that the LLHRS has been cited in other appeals in Leicestershire.
- 3.11 In terms of a new SHMA, HPIG agreed at its meeting of 13<sup>th</sup> June 2013 *"that it was imperative that work should commence on the updated SHMA"* (a copy of these minutes is attached at Appendix 5). There is no firm timetable for an update to the SHMA, but the procurement process is expected to commence shortly and the best estimate for completion of the SHMA is early 2014. However, the SHMA is technical evidence and in the spirit of co-operation it would then be necessary for discussions and agreement to be reached on an appropriate distribution of housing across the HMA.
- 3.12 To this end, following the enactment of Section 110 of the Localism Act in January 2012, publication of the NPPF (March 2012) and having regard to the impending revocation of the East Midlands Regional Plan (subsequently undertaken in April 2013), the local planning authorities in the HMA, via HPIG, and in the context of

government initiatives such as the City Deal , have been in discussion regarding the establishment of appropriate political processes and structures to reach agreement on key strategic matters such as housing numbers. These discussions are on-going, but demonstrate a clear commitment from all authorities across the HMA to work together.

Point (b)

- 3.13 The purpose behind the proposed change to policy CS1 (significant change S2) is to recognise that housing requirements can never be regarded as once-and-for-all figures. Not only do the Government periodically produce new population and household projections which through time can, depending upon the assumptions used to inform such projections, vary significantly, but as already noted there is a commitment to produce a new SHMA.
- 3.14 This proposed change re-affirms the Council's commitment to the preparation of an updated SHMA working alongside the other local planning authorities in the HMA. Furthermore, it also provides a commitment to review the Core Strategy housing provision within 6 months of the completion of an updated SHMA in the event that the evidence suggests that the district's housing needs are 10% more or less than currently allowed.
- 3.15 It is acknowledged that the figure of 10% is an arbitrary figure, but it is considered to represent a scale of change (more or less) which would justify undertaking a review. An increase of 10% would represent 970 additional dwellings. This would require the allocation of either a major site (say 800/900 dwellings) or the allocation of more than one significant site of perhaps 400-450 dwellings. The identification of sites of this scale should be properly considered through a policy approach whereby alternative sites can be properly considered and a balanced judgement reached.
- 3.16 In the event that the SHMA provided evidence of a need for 10% less then this could necessitate the introduction of a new policy (or policies) regarding phasing of development.
- 3.17 The proposed change also addresses concerns expressed in the Sustainability Appraisal report of May 2012 (Document 2.2) at paragraph 7.17 where it was stated that *"In order to ensure that the Core Strategy of the Local Plan is setting a spatial strategy that will help to deliver sustainable development the housing growth figures may need reviewing over the plan period"*.
- 3.18 The proposed change to policy CS1 is considered to represent a pragmatic approach to the issue of housing requirements in this time of transition following the revocation of the Regional Plan.

Point (c)

- 3.19 It is acknowledged that the LLHRS is only one of a number of factors to be taken in to account when setting the housing requirement figure in policy CS1, although as it provides evidence of future needs and has had regard to the latest household projections it is of paramount importance. There are other factors to which regard has

been had, primarily to confirm (or otherwise) the reasonableness of the figure used. These factors are:

- The Strategic Housing Land Availability Assessment (SHLAA) (Document 13.2) – the latest SHLAA (2011) was used to ensure that the need figure could be met. The 2011 SHLAA identifies sites that are theoretically capable of accommodating about 19,000 dwellings over a 15 year period from 2011. This is significantly in excess of the requirement identified in CS1 and confirms that the requirement should be capable of being met.
- Past build rates – a report to the Council's Cabinet of 31<sup>st</sup> August 2010 (Document 6.5) considered how the Council might establish housing requirements in the absence of the Regional Plan. This noted that for the period from 1991 to 2010, build rates had equated to 406 dwellings per annum whilst that for 1991-2006 (the adopted Local Plan plan period) was 437 dwellings per annum. At that time these figures suggested that the Regional Plan requirement of 510 dwellings was unreasonable in terms of previous build rates.
- Outcome from previous consultations - From consultations undertaken as part of the preparation of the Core Strategy, particularly the 2008/09 consultation (A Strategy for growth and Change – Document 3.2) it was apparent that the communities that make up North West Leicestershire had significant concerns about such an amount of development in terms of the potential impact upon local communities, the environment and infrastructure.

3.20 There is also more recent evidence available which suggests that the figures in CS1 are appropriate. Since the Council resolution of 26<sup>th</sup> March 2013, the Department for Communities and Local Government has published interim household projections for 2011 to 2021 (Document 13.12). The Statistical Release notes that these replace the 2008-based projections published in November 2010 and which had been used to inform the LLHRS.

3.21 Whilst these figures are only interim and they only cover the period to 2021, they provide a useful barometer of the reliability of the LLHRS. The tables below provide a comparison at 2011 and 2021 of the projected population and households in North West Leicestershire between the interim projections and the LLHRS 10% employment growth scenario as used in policy CS1.

**Table 1 – Comparison of population figures: LLHRS and Interim Projections 2011**

	2011	2021
<b>Interim Projections (Table 4.28)</b>	93,000	99,000
<b>LLHRS (Figure A3.61 page 123)</b>	92,460	100,039

**Table 2– Comparison of households: LLHRS and Interim Projections 2011**

	2011	2021
<b>Interim Projections (Table 4.25)</b>	39,000	42,000
<b>LLHRS (Figure A3.61 page 123)</b>	39,529	43,749

3.22 From these tables it can be seen that there is a very strong correlation between the results of the LLHRS and the interim projections. In three out of the four figures compared the LLHRS is actually coming out slightly higher than the interim projections. On the basis of this evidence, therefore, it is considered that the provision of 388 dwellings per annum as proposed in policy CS1 is appropriate

Point (d)

3.23 As noted in your note, the Regional Plan figure for the HMA of 4,020 dwellings per annum falls within the 4,000-4,500 range in the LLHRS which would represent (according to the LLHRS) '*positive planning*', although clearly it is at the lowest end.

3.24 Support for the use of this figure can be found in a letter from the Core Strategy Inspector at Melton (Appendix 6). Whilst he found the Core Strategy unsound for a number of reasons, he clearly endorses the 4,000-4,500 dwellings per annum figure suggested in the LLHRS as being "*consistent with the Government's aspirations to grow the economy*".

3.25 The requirement in the NPPF to ensure that the housing needs of the whole HMA are met is acknowledged. It is important to consider what the current provision levels across the HMA are and how these compare to the various figures in the LLHRS.

3.26 A number of local authorities across the HMA have adopted Core Strategies. The housing provision for each of these is:



**Table 3 – housing provision figures in adopted Core Strategies.**

<b>Local authority</b>	<b>Annual dwelling provision</b>
Blaby	380
Harborough	350
Hinckley & Bosworth	450
Leicester City	1,280
Oadby & Wigston	90
<b>Total</b>	<b>2,550</b>

- 3.27 Of the remaining authorities, Charnwood Borough Council is proposing a figure of 790 dwellings in their pre-submission Core Strategy (currently the subject of consultation). If this, together with the requirement of policy CS1 (388 dwellings per annum), is added to the total for dwellings in adopted Core Strategies (2,550) then the annual provision figure would be 3,728
- 3.28 The remaining authority, Melton Borough, recently had their Core strategy found unsound partly because of the fact that it was proposed to use housing requirements from the Regional Plan. The LLHRS identifies a range of figures from 72 per annum to 235 per annum. If the latter figure were chosen then the overall provision across the HMA would be, 3,963 dwellings per annum. This is only marginally less than the lower figure of 4,000 dwellings suggested in the LLHRS.
- 3.29 It is important to also note that a number of the figures in adopted Core Strategies are lower than some of the scenarios in the LLHRS. For example the 10% employment growth scenario in the LLHRS has higher figures for Blaby (402), Harborough (454), Hinckley (552) and Oadby and Wigston (205).
- 3.30 A review of the latest Strategic Housing Land Availability Assessments (SHLAA) for these four authorities available on their websites, suggests that there is potentially a supply of sites available to meet such figures for a significant period of time as set out in Table 4 below.

**Table 4 – Potential housing supply**

Local Authority (year of SHLAA)	Number of dwellings	Years supply based on 10% employment growth in LLHRS
Blaby (2011)	17,258	43 (402 per annum)
Harborough (2010)	10,153	22 (454 per annum)
Hinckley & Bosworth (2010)	19,145	34 (552 per annum)
Oadby & Wigston (2011)	2,453	12 (205 per annum)

3.31 The above shows that with the exception of Oadby and Wigston that there would be potentially sufficient land to meet requirements to at least 2031, the end date for the LLHRS.

3.32 Therefore, any shortfall against the LLHRS suggestion of 4,000-4,500 should be, on the basis of the projections, more properly directed elsewhere across the HMA, particularly as the figure of 388 dwellings used in policy CS1 is the highest figure identified in the LLHRS for North West Leicestershire.

Point (e)

3.33 As noted previously under (a) the LLHRS was commissioned jointly by all the local planning authorities in the HMA and that HPIG considered that it represented a “robust evidence base for housing requirements to support determining local options for local adoption”. The Council is of the view that it has, and continues to; cooperate with all of the HMA wide authorities. Furthermore, the Duty to Cooperate is not a duty to agree, so the fact that other local planning authorities in the HMA have raised issues does not automatically mean that the Council has failed to comply with the Duty to Cooperate.

Point (f)

3.34 The LLHRS sets out the housing requirements from 2006 to 2031. The existing adopted Local Plan covered the period from 1991 to 2006. Therefore, there is a seamless transition from the adopted Local Plan to the Core Strategy. The adopted Local Plan had a housing requirement of 5,800 dwellings. However, in total some 6,559 dwellings were built in the period 1991 to 2006. Therefore, prior to the start of the plan period there was no shortfall in provision across the district which needed to be taken in to account in the LLHRS.

#### **4.0 Housing Supply**

4.1 An update Housing Trajectory is included as Appendix 7. This is also accompanied by a short note which explains some of the key changes since the 2012 version was prepared (Appendix 8).

4.2 Since CS2 was approved in April 2012 the Council has granted (or resolved to grant) planning permission for over 2,200 homes within the Broad Locations identified under policies CS35 to CS41 and there is the potential for a further 4,500 homes to be approved before the end of 2013. The Council is taking a pro-active role to work with developers and promoters in these areas to ensure the rapid delivery of new homes in accordance with the Governments policies to support growth in the economy. At South-East Coalville this has involved establishing a project team with the developer consortia and highway authority to ensure that the masterplan led approach will facilitate early development. The Council are also securing national grant monies from the Growing Places Fund to ensure that infrastructure works can be advanced to accelerate housing development.

#### Windfalls

- 4.3 In respect of windfall sites, (NPPF) defines these as: "*Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.*"
- 4.4 The NPPF lets Local Planning Authorities make a windfall allowance in their housing trajectories, on the proviso that this allowance does not include residential garden land.
- 4.5 Having regard to this definition, the housing trajectory includes an allowance for windfall sites. In determining an appropriate level of windfall allowance to include in the Core Strategy, consideration was given to historic completions on small sites only. It was considered appropriate to exclude large site windfalls (i.e. sites of 10 or more dwellings) on the basis that, historically, these have been unpredictable in the District in both timing and scale such that predicting delivery rates on this basis would be unlikely to represent reality. Furthermore, such sites would not, in most cases, be true windfalls as the SHLAA identifies a significant number of sites which may come forward at some future date.
- 4.6 The average number of small site windfalls between 1991 and 2012 was calculated at 84 dwellings per annum. In view of the change in definition of previously developed land in June 2010, which thereafter excluded garden land, it has been necessary to take account of this, in determining the appropriate level of windfalls to make allowance for.
- 4.7 In addition to the removal of garden land completions in assessing historic windfall completion figures, it was also decided to exclude small sites completions that took place in unsustainable settlements as defined in the emerging Core Strategy (that is, those settlements not considered to be Sustainable Villages or above in the settlement hierarchy set out in policy CS7).
- 4.8 The effect of the above is set out in table 5 below:

**Table 5 – Calculation of Small sites allowance**

<b>Monitoring Year</b>	<b>Small Sites Completions (A)</b>	<b>Of which on garden land (B)</b>	<b>Of which in unsustainable settlements (C)</b>	<b>Total (A-B-C)</b>	<b>Average</b>
2006/07	62	18	3	41	
2007/08	118	27	16	75	
2008/09	61	14	7	40	
2009/10	58	5	7	46	
2010/11	75	35	1	40	
2011/12	60	16	6	41	
2012/13	45	10	2	33	
	438	115	40	283	47

4.9 The allowance for small sites included in the revised trajectory was, therefore based on the above, set at 47 dwellings per annum. Figures for 2012/13 (having excluded those dwellings on garden land or in a non-sustainable settlement) were lower than this at 33 which has the effect of reducing the average to 45 dwellings. However, it is not considered necessary to adjust the allowance on the basis of one year's figures. The matter will be kept under review as part of the annual monitoring process.

4.10 It should be appreciated, that whilst the small site allowance has excluded those dwellings built on garden land or is in a non-sustainable settlement, in reality developments on such sites will continue to come forward and so will make a contribution to the overall supply.

Current supply

4.11 In terms of the issue of 5-year land supply this was recently considered as part of a appeal at Moira Road, Ashby de la Zouch for 69 dwellings (Appendix 4). The Inspector concluded that the Council could not demonstrate that it had a 5 year supply, based upon the Council being a persistent under deliverer and using the Sedgfield method of assessment.

Why no allocations?

4.12 At the outset of preparing the Core Strategy it was generally recognised that the role of Core Strategies was to provide a strategic framework; it was not to allocate sites. Furthermore, throughout most of the period of preparing the Core Strategy the issue of housing land supply was not so significant that it warranted allocating sites. By the time that housing land supply issues had become more significant progress was

being made on a number of the Broad Locations being considered in the Core Strategy via planning applications. Therefore, a more pragmatic approach seemed to be to ensure that applications were considered as speedily as possible and to not further delay the Core Strategy by the collection of the more detailed evidence to support possible allocations, which the Council understands would be required.

- 4.13 Attached at Appendix 9 is a summary of the progress that is being made in respect of each of the Broad Locations identified in the Core Strategy. As already noted in paragraph 4.21 the Council has already approved over 2,200 homes within these Broad Locations since April 2012 and that significant progress is being made in respect of the remainder of the Broad Locations.
- 4.14 It is not clear to the Council as to why it can be suggested that the Core Strategy is not 'positively prepared' when development is being brought forward even though the Core Strategy is not yet adopted. The government clearly attaches significant weight to ensuring that development is brought forward as swiftly as possible, including maintaining 5-year land supply and the pragmatic approach being taken by the Council is designed to do this.
- 4.15 In respect of the issue of masterplans, this concern is noted and is addressed by Significant Changes S11, S12 and minor changes M77 and M83.

## **5.0 Traveller Sites**

- 5.1 Policy B of the Planning Policy for Traveller Sites (PPTS) requires local planning authorities LPAs should to set pitch targets for gypsies and travelles and plot targets for travelling showpeople in order to address the likely permanent and transit accommodation needs, working collaboratively with neighbouring local planning authorities.
- 5.2 To this end a refresh of the previous Gypsies and Travellers Needs Assessment was commissioned by the majority of the Leicester and Leicestershire HMA authorities. Pitch and plot targets, both residential and transit, are included in the submission Core Strategy for the period up to 2016 only. This is because the Gypsy and Traveller Needs Assessment Refresh (Documents 13.9/13.10) had not been signed off by HPIG in the time for a change to be suggested by the Council at its meeting of 26 March 2013. It will be necessary to incorporate these latest figures in to the Core Strategy. It was envisaged that this could be done as part of the Examination process, but your thoughts on this would be welcome.
- 5.3 The PPTS also requires that a supply of specific deliverable sites should be identified for years 1-5 and a supply of developable sites/broad location for years 6-10 and where possible years 11-15. To do this the Council is proposing to prepare a separate Gypsy and Traveller Allocations Development Plan Document. The programme for this is set out in the 2013 Local Development Scheme. It was decided that this represented the most pragmatic approach as the identification of sites would result in further delays to the Core Strategy contrary to the government's wishes for local authorities to get plans in place as quickly as possible.

- 5.4 Work on this DPD has commenced with a view to undertaking consultation shortly under Regulation 18. This consultation will also include a call-for-sites. Only when this has been undertaken will the Council be able to determine our ability to accommodate the needs, which are quite significant, identified in the refresh. In the event that this is not the case then we will need to consider the possibility of joint working under the Duty to Co-operate with adjoining authorities in Leicestershire or surrounding counties.
- 5.5 The PPTS also lists the criteria that policies should meet, covering a wide range of issues. These criteria have been used to shape and inform the criteria set out in Policy CS20 which will be used to test the suitability of any potential sites.

## **6.0 Viability**

- 6.1 The North West Leicestershire Local Plan- Viability Study (Core Strategy Document Ref: 11.1-11.4) tests the ability of a range of development types throughout North West Leicestershire to viably meet the planning policy requirements of North West Leicestershire District Council. The study tests the cumulative impact of the Council's requirements, in line with the requirements of the National Planning Policy Framework and the Local Housing Delivery Group guidance 'Viability Testing Local Plans: Advice for planning practitioners' (June 2012).
- 6.2 As part of this Study, the Council undertook a sifting exercise of the Plan requirements to identify which policies might have cost implications for developments (Table 2.13.1). The policies identified as having cost implications were CS18, CS19, CS21, CS22, CS24, CS25, CS25a, CS26, CS28, CS30, CS33 and CS35-41. For strategic sites, the costs of individual items of infrastructure are used.
- 6.3 The Study tests the impact of these policies and concludes that in current market conditions, some schemes will not be able to meet all the Council's policy requirements. However, the Council's flexible approach to affordable housing delivery (i.e. 30% subject to viability) will ensure that most developments can come forward over the economic cycle.
- 6.4 The Council is already taking a flexible approach to the issue of infrastructure provision and affordable housing in view of known viability issues as a result of current economic circumstances. The Council's Cabinet of 11 June 2013 agreed an approach to the provision of infrastructure in the Coalville area whereby priority is to be given to securing key highway infrastructure above affordable housing provision. In addition, the Council has also been taking a proactive approach to ensure that development comes forward by securing from the Leicester and Leicestershire Enterprise Partnership some funding as part of the Growing Places Fund towards the cost of providing key highway infrastructure.

## **Infrastructure Plan**

- 6.5 The Infrastructure Plan (a replacement of Appendix 3 of the 2012 Core Strategy) is based on an assessment of the quality and capacity of infrastructure for transport, utilities, health, education, and flood risk and has been prepared in collaboration with

key partners including: the Highway Authority, the Highways Agency, Network Rail, the Education Authority, NHS England, Leicestershire Police, National Grid, Western Power Distribution, Natural England, the Environment Agency and Severn Trent. Where possible it identifies infrastructure costs, sources of funding and timescales for delivery.

- 6.6 The Infrastructure Plan is considered to be a working document, to be revised and amended as necessary. This will ensure that infrastructure provision keeps pace with the growth of the district and allows for the availability of resources, both public and private, which will be needed for delivery to be monitored. Detailed costings are available for about two-thirds of the 80-90 infrastructure items, including virtually all of the 'big-ticket' items.
- 6.7 We have prepared a separate note that shows how we have worked with other authorities and providers to assess the quality and capacity of infrastructure, and the need for new or improved infrastructure to accommodate the development proposed by the Core Strategy. We can provide this note if you require it.
- 6.8 The note provides this information in greater detail than is appropriate for the Core Strategy itself, outlines progress on s106 Agreements for key development sites, and sets out how the Council is supporting the delivery of new development through the Growing Places Fund and a flexible approach to affordable housing requirements. Infrastructure planning is a continuous process and so our Infrastructure Plan will need to respond to new information, changes of circumstances and priorities. For example, the details of the Bardon Link Road have evolved through the planning application process and there is now a s106 Agreement in place to secure its timely delivery.
- 6.9 The Bardon Relief Road referred to in paragraph 8.96 of the 2012 version was a requirement of the adopted Local Plan. It was intended to provide a bypass to the A511 Bardon Road and would also open an area allocated for housing in the Local Plan. However, transport modeling undertaken in respect of the Core Strategy, using the Leicester and Leicestershire Integrated Transport Model (LLITM), had demonstrated that from a strategic highway perspective this road was not required. Therefore, this requirement was not carried over in to the Core Strategy. The Bardon Link Road, which as noted above is part of a section 106 agreement agreed as part of a planning permission for an initial 800 dwellings in the south-east Coalville area (see Appendix 9), provides a link from the A511 Bardon Road in to the proposed development so as to provide an alternative means of access to the development. This road provides a link to the Bardon Road but is not designed to be a relief road.

## APPENDIX 1



**Services Directorate  
Planning Policy and Business  
Focus**

*Please ask for: Emma Trilk  
Telephone: 01530 454684*

April 2013

Dear Sir/Madam,

**Core Strategy – Significant Changes Consultation April 2013**

The Core Strategy is the Development Plan Document which sets out the strategy, vision, objectives and policies for the District up to 2031.

As a result of the responses received to the previous consultation (May-July 2012) the Council is proposing to make a number of changes to the Core Strategy. These changes are considered to be either 'significant' or 'minor'. The significant changes were agreed at a meeting of Full Council on 26<sup>th</sup> March 2013, whilst 'minor' changes did not require approval of the Full Council. All of the proposed changes have been subject to a revised Sustainability Appraisal and a revised Habitats Regulations Assessment.

The Council would like to invite your views on the proposed 'significant' changes to the Core Strategy and the updated Sustainability Appraisal and Habitats Regulations Assessment. **Please note we will only accept comments on the proposed significant changes to the Core Strategy rather than the document in its entirety. Representations made to previous consultations will be considered by the Planning Inspector and should not be re-submitted.**

Information on the consultation period and when and where to send responses can be found on the Statement of Consultation which is enclosed. Consultation Response Forms and guidance as to how to complete the forms are available on the Council's website, at the Council Offices, Coalville and at the District's Libraries, as detailed on the attached.

If you require any further information please contact the Planning Policy team on 01530 454684, via e-mail, at [planning\\_policy@nwleicestershire.gov.uk](mailto:planning_policy@nwleicestershire.gov.uk)

Yours Faithfully,



Ian Nelson  
Planning Policy & Business Focus Team Manager

TEXT FOR E-MAILS – 2013 CONSULTATION

Dear Sir/Madam,

**Core Strategy – Significant Changes Consultation April 2013**

***Consultation Period 12<sup>th</sup> April – 24<sup>th</sup> May 2013.***

The Core Strategy is the Development Plan Document which sets out the strategy, vision, objectives and policies for the District up to 2031.

A previous consultation on the Core Strategy was undertaken May-July 2012 and as a result of the responses received the Council is proposing to make a number of changes to the Core Strategy. These changes are considered to be either 'significant' or 'minor'. The significant changes were agreed at a meeting of Full Council on 26<sup>th</sup> March 2013, whilst 'minor' changes did not require approval of the Full Council. All of the proposed changes have been subject to a revised Sustainability Appraisal and a revised Habitats Regulations Assessment.

The Council would like to invite your views on the proposed 'significant' changes to the Core Strategy and the updated Sustainability Appraisal and Habitats Regulations Assessment, **Please note we will only accept comments on the proposed significant changes to the Core Strategy rather than the document in its entirety. Representations made to previous consultations will be considered by the Planning Inspector and should not be re-submitted.**

Further information on the consultation including when and where to send responses can be found on the Statement of Consultation which is attached.

The consultation documents and response forms are available on the Council's website and can be accessed by clicking [HERE](#).

If you require any further information please contact the Planning Policy team on 01530 454684, via e-mail, at [planning.policy@nwleicestershire.gov.uk](mailto:planning.policy@nwleicestershire.gov.uk)

Yours Faithfully,



Ian Nelson  
Planning Policy & Business Focus Team Manager

## TEXT OF LETTERS TO PREVIOUS RESPONDENTS

Dear Sir/Madam,

### **Core Strategy - Proposed Significant Changes Consultation April 2013**

The Core Strategy is the Development Plan Document which sets out the strategy, vision, objectives and policies for the District up to 2031. You may recall responding to the previous consultation (May-July 2012) and our subsequent correspondence informing you of your unique respondent number and your representation number/s.

As a result of the responses received to the previous consultation the Council is proposing to make a number of changes to the Core Strategy. These changes are considered to be either 'significant' or 'minor'. The significant changes were agreed at a meeting of Full Council on 26<sup>th</sup> March 2013, whilst 'minor' changes did not require approval of the Full Council. All of the proposed changes have been subject to a revised Sustainability Appraisal and a revised Habitats Regulations Assessment.

The Council would like to invite your views on the proposed 'significant' changes to the Core Strategy and the updated Sustainability Appraisal and Habitats Regulations Assessment. **Please note we will only accept comments on the proposed significant changes to the Core Strategy rather than the document in its entirety. Representations made to the previous consultation will be considered by the Planning Inspector and should not be re-submitted.**

Information on the consultation period and when and where to send responses can be found on the Statement of Consultation which is attached. Consultation Response Forms and guidance as to how to complete the forms are available on the Council's website, at the Council Offices, Coalville and at the District's Libraries, as detailed on the attached.

If you require any further information please contact the Planning Policy team on 01530 454684, via e-mail, at [planning.policy@nwleicestershire.gov.uk](mailto:planning.policy@nwleicestershire.gov.uk)

Yours Faithfully,

Emma Trilk  
Senior Planning Officer  
Encs.

## APPENDIX 2

The Chief Planning Officer  
Local Planning Authorities in England

6 July 2010

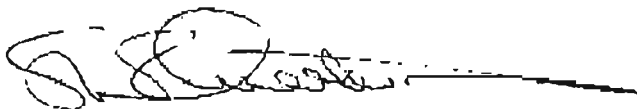
**Chief Planning Officer Letter:**

**REVOCATION OF REGIONAL STRATEGIES**

Today the Secretary of State announced the revocation of Regional Strategies with immediate effect.

I have attached some 'questions and answer' advice on immediate issues that may arise from this announcement. It will be important for local planning authorities to carry on delivering local development frameworks and making decisions on applications and the attached document focuses on how to continue taking these forward.

Please address any queries to Eamon Mythen at CLG in the first instance ([Eamon.Mythen@communities.gsi.gov.uk](mailto:Eamon.Mythen@communities.gsi.gov.uk)).



**STEVE QUARTERMAIN**  
*Chief Planner*

## **Guidance for Local Planning Authorities following the revocation of Regional Strategies**

The Secretary of State for Communities and Local Government confirmed today that Regional Strategies will be revoked (see the attached copy of the Parliamentary Written Statement). In the longer term the legal basis for Regional Strategies will be abolished through the "Localism Bill" that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period.

### **1. Under what powers are Regional Strategies being revoked?**

Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

### **2. Do Planning Policy Statements (PPSs) remain in force?**

Yes. The Policy Statement on Regional Strategies (February 2010) is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.

### **3. Will this affect the London Plan?**

The London Plan will continue to provide the planning framework for London boroughs. As part of a wider process of decentralisation in London, we are reviewing how powers and discretion can be shifted downwards from central government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing the scope for devolving power from the Greater London Authority down to the Boroughs and below.

*The following sections provide advice on some of the issues likely to arise following revocation of Regional Strategies, until the "Localism Bill" and the new National Planning Framework are in place. This guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.*

### **4. How will this affect planning applications?**

In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

- Adopted DPDs;
- Saved policies; and

- Any old style plans that have not lapsed.

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.

Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

#### **5. Should we continue preparing LDF documents?**

Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

#### **6. How does this affect adopted local plans / LDFs?**

Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

#### **7. What if my LDF document is still being prepared?**

Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

## **8. Will Examinations in Public continue for DPDs?**

Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

## **9. Will data and research currently held by Regional Local Authority Leaders' Boards still be available?**

Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

### **Clarification on policy issues**

*There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.*

## **10. Who will determine housing numbers in the absence of Regional Strategy targets?**

Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

## **11. Will we still need to justify the housing numbers in our plans?**

Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

## **12. Can I replace Regional Strategy targets with "option 1 numbers"?**

Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.



### **13. Do we still have to provide a 5 year land supply?**

Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

### **14. How do we determine the level of provision for travellers' sites?**

Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments (GTAAAs)* have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

### **15. How do we establish the need for minerals and aggregates supply without Regional Strategy targets?**

Minerals planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do this within the longstanding arrangements for minerals planning. Technical advice provided by the Aggregate Working Parties, including their current work in sub-apportioning the CLG guidelines for 2005-2020 to planning authority level will assist with this.

Planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3, published on 19 March 2010.

Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. We will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term.

### **16. How do we establish the need for waste management without Regional Strategy targets?**

Planning Authorities should continue to press ahead with their waste plans, and provide enough land for waste management facilities to support the sustainable management of waste (including the move away from disposal of waste by landfill). Data and information prepared by partners will continue to assist in this process. For the transitional period this will continue to be the data and information which has been collated by the local authority and industry and other public bodies who

currently form the Regional Waste Technical Advisory Bodies. We intend for this function to be transferred to local authorities in due course.

**17. Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?**

No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

**18. What about regional policies on the natural environment?**

Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

**19. What about regional policies on Flooding and Coastal Change?**

Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

**20. What about regional policies on Renewable and Low Carbon Energy?**

Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

**21. What about regional policies on Transport?**

Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

**22. Does the end of Regional Strategies mean changes to Green Belt?**

No. The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection. Local planning authorities should continue to apply policies in PPG2. As part of their preparation or revision of DPDs, planning authorities should consider the desirability of new Green Belt or adjustment of an existing Green Belt boundary, working with other local planning authorities as appropriate.

## **Parliamentary Statement Revoking Regional Strategies**

Today I am making the first step to deliver our commitment in the coalition agreement to “*rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils*”, by revoking Regional Strategies.

Regional Strategies added unnecessary bureaucracy to the planning system. They were a failure. They were expensive and time-consuming. They alienated people, pitting them against development instead of encouraging people to build in their local area.

The revocation of Regional Strategies will make local spatial plans, drawn up in conformity with national policy, the basis for local planning decisions. The new planning system will be clear, efficient and will put greater power in the hands of local people, rather than regional bodies.

Imposed central targets will be replaced with powerful incentives so that people see the benefits of building. The coalition agreement makes a clear commitment to providing local authorities with real incentives to build new homes. I can confirm that this will ensure that those local authorities which take action now to consent and support the construction of new homes will receive direct and substantial benefit from their actions. Because we are committed to housing growth, introducing these incentives will be a priority and we aim to do so early in the spending review period. We will consult on the detail of this later this year. These incentives will encourage local authorities and communities to increase their aspirations for housing and economic growth, and to deliver sustainable development in a way that allows them to control the way in which their villages, towns and cities change. Our revisions to the planning system will also support renewable energy and a low carbon economy.

The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods.

The abolition of Regional Strategies will require legislation in the “Localism Bill” which we are introducing this session. However, given the clear coalition commitment, it is important to avoid a period of uncertainty over planning policy, until the legislation is enacted. So I am revoking Regional Strategies today in order to give clarity to builders, developers and planners.

Regional Strategies are being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

Revoking, and then abolishing, Regional Strategies will mean that the planning system is simpler, more efficient and easier for people to understand. It will be firmly

rooted in the local community. And it will encourage the investment, economic growth and housing that Britain needs.

We will be providing advice for local planning authorities today and a copy has been placed in the house library.

## APPENDIX 3

Leicester & Leicestershire  
Housing Planning &  
Infrastructure Group (HPIG)



Leicester & Leicestershire  
Enterprise Partnership

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**Minutes of the meeting held on 15<sup>th</sup> September 2011**

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**Present:**

**Members**

Christine Fisher (CF) <b>Chair</b>	North West Leicestershire
Andrew Smith (AS)	Leicester City Council
Eileen Mallon (EM)	Charnwood Borough Council
Steve Bambrick (SBa)	North West Leicestershire District Council
Simon Wood (SW)	Hinckley & Bosworth Borough Council
Tom Purnell (TP)	Leicestershire County Council
Gary Clark	Blaby District Council
Kitt McGrath (KM)	Homes and Communities Agency
Stephen Pointer	Harborough District Council
Rob Harbour	Oadby & Wigston Borough Council

**Officers/Observers**

Andy Rose (AR)	Sub Regional Support Unit (SRSU)
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**Apologies:**

Christine Marshall (CM)	Melton Borough Council
Ian Drummond (ID)	Leicestershire County Council
Mandip Rai	Sub Regional Support Unit (SRSU)

**Notes**

**Action**

that the Planning Officers Forum be requested to consider developing a framework for neighbourhood planning.

Delivery of local housing and economic growth through key development sites: With regard to a Local Implementation Plan it was noted that a considerable amount of work had been completed in developing the LIP (Leicester & Leicestershire Investment Plan) and that this should be the basis of, and evidence for, the investment priorities for the sub region. KM reported that HCA was discussing and supporting all Districts' in the preparation of Local Implementation Plans.

It was agreed that HPI to maintain an overview sub regionally would be consulted on individual district LIP's – HCA would prepare a strategic overview for a future meeting of this group. It was noted that it was important that investment priorities' are identified should funding resources become available in the future. It was agreed that KM and AR would consider the LIP in relation to housing and report back to the November meeting.

**KM/  
AR**

**5. Community Infrastructure Levy (CIL)**

5.1 SP introduced the interim report of the CIL Task & Finish Group. The key issue for the CIL T & F Group is to draft and agree the scope and detail of a tender specification for the procurement of consultancy support to (i) review and update the existing infrastructure evidence base, and; (ii) prepare the evidence for a preliminary CIL charging schedule for wider consultation and for support through to the adoption of CIL. In order to determine a very clear specification it will be necessary to have, at best, the commitment of all charging authorities to a single common consultancy approach, or at least confirmation of which authorities want to participate at this stage. (It was noted that the issue of pooling of CIL receipts would be a matter for later determination.)

**SP**

In the absence of a consultancy brief which had been put to the market the cost of the proposal was at this stage an indicative estimate of around £140,000. The meeting agreed in principle that a contribution from Growth Transition Funding (GTF) would be made. The extent of any GTF contribution would depend upon the actual cost following a tender exercise and other funding commitments against the fund; (namely, a proposal for an 18 month part time post to co-ordinate GTF activities, which is estimated will cost approximately £50,000 from a total GTF allocation of £163,000 over two years).

A further update report will be presented to the next HPI meeting.

**SP/AR**

**6. Housing Requirement Study**

6.1 TP introduced report. The group following discussion noted the



## Notes

## Action

### 9. HCA Update

9.1 KM presented an oral update.

#### Restructure

9.2 Recruitment into the Midlands South Team is now complete and the new structure will commence on 3<sup>rd</sup> October. The team has a wide variety of skills which can be utilised in Leicester and Leicestershire area and your key contact will remain as Kitt McGrath and Holly Raybould.

#### Affordable Rent

9.3 Contracts are currently in the process of final agreement and signing. There will be individual press releases as the contracts are signed. We hope to be in a position to share the allocations legally contracted by the end of October/early November.

#### Homelessness Change Programme

9.4 One bid was received for the area and consultation has taken place with the relevant local authority. The bids have been assessed and are currently going through our approval mechanisms.

#### Traveller Pitch Funding

9.5 There were 5 bids for the area and consultation has taken place with the relevant local authority. The bids have been assessed and are currently going through our approval mechanisms.

#### Local Delivery Plans

9.6 All initial discussions have taken place. Draft plans are currently being written and will be circulated to the individual authorities for approval. The target date for agreement of the plans is the end October.

#### Roundtable Discussion re SUEs

9.7 This is an event covering Affordable Housing and S106/CIL issues on the larger development sites. It will be deal with issue sharing and best practice advice and is aimed at the officers working on these developments. Due to the restructure this event is now proposed for late November. HCA's restructuring was now complete and there were no changes to HCA staff support for Leicester & Leicestershire.

### 10. AOB

10.1 TP reported that Cllr David Parsons had been appointed Chairman of the LGA's Environment & Housing Board.

**Date of Next Meeting: 13<sup>th</sup> October 2011 – 2pm at NWLDC**

## APPENDIX 4



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## Appeal Decision

Inquiry opened on 14 May 2013

Site visit made on 16 May 2013

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 30 May 2013

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**Appeal Ref: APP/G2435/A/13/2192131**

**Land south of Moira Road, Ashby-de-la-Zouch LE65 2NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by J S Bloor (Measham) Ltd against the decision of North West Leicestershire District Council.
  - The application Ref 09/00620/FUL, dated 30 June 2009, was refused by notice dated 8 January 2013.
  - The development proposed in 2009 was described as the erection of 83 no. dwellings with associated garaging and formation of new access road to Moira Road.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 69 no. dwellings with associated garaging, parking, open space, landscaping and infrastructure on land to the east of 57 Moira Road, Ashby-de-la-Zouch in accordance with the terms of the application Ref 09/00620/FUL, dated 30 June 2009, as amended, subject to the conditions set out in Annex A.

### Preliminary matters

2. The inquiry sat for 3 days on 14-16 May and I made an accompanied inspection of the site and its surroundings on 16 May.
3. The application, first submitted in 2009, was held in abeyance for several years while matters relating to the River Mease Special Area of Conservation (SAC) were considered. The application was subject to detailed negotiations, including a reduction in house numbers from 83 to 69. An amended scheme was submitted in April 2012 and, following further revision and the resolution of SAC and highway issues, was considered by the Council in January 2013. At the suggestion of the appellant the amended application was described as 'the erection of 69 no. dwellings with associated garaging, parking, open space, landscaping and infrastructure on land to the east of 57 Moira Road, Ashby-de-la-Zouch'. I have adopted that description for the purposes of this appeal.
4. On 12 April 2013, after the decision but before the appeal, the Order to revoke the East Midlands Regional Strategy (RS) in its entirety came into force. Directions preserving structure plan policies in the Region were also revoked so that the statutory development plan for the area now consists solely of the saved policies of the North West Leicestershire Local Plan (LP), dating from 2002. I have considered the effect of the revocation of the RS in this case but since, given the clear prospect of revocation, the parties placed no reliance on RS policies in evidence, the revocation has no real impact on my conclusions.

### **Agreed matters**

5. Before the inquiry the main parties submitted a statement of common ground. This outlines the application and its accompanying documentation; gives a brief description of the site and its planning history; and describes the proposed scheme of development, including highway considerations. The statement sets out the planning policy background and itemizes detailed matters of agreement, including location and design approach, amenity space and neighbour impact, access and highway considerations, flood risk and drainage, archaeological impact, and affordable housing provision. Areas where developer contributions would be required towards mitigation of the impact of the development on local infrastructure are noted. There is agreement that, if the Council cannot demonstrate a 5 year supply of deliverable housing land, the relevant policies for the supply of housing are deemed to be out of date. The statement also helpfully sets out the matters in dispute and includes a list of suggested conditions to be imposed if the appeal succeeds and planning permission is granted.
6. At the inquiry, an addendum statement of common ground was submitted, updating the housing position to April 2013 and outlining the areas of agreement and disagreement.

### **Planning obligation**

7. Before the inquiry the appellant submitted a draft Agreement as a deed of planning obligation under s106 of the Act. The draft was in agreed form between the parties to it - the joint owners of the site, the District Council and the County Council. A certified copy of the executed Agreement, unaltered from the draft, was submitted at the end of the inquiry. I consider its provisions in more detail later in this decision.

### **Application for costs**

8. At the inquiry an application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.

### **Main issues**

9. From the reasons for refusal and the evidence given to the inquiry I consider there to be 4 main issues in this case:
  - o whether the Council has a 5 year supply of deliverable housing land and the consequent policy implications
  - o whether the site is in a sustainable location
  - o the effect of the proposal on the character and appearance of the area
  - o the impact of the proposed development on local infrastructure and whether any harm would be overcome by planning obligation.

### **Reasons**

10. The site, currently 2 fields in agricultural use, lies on the western edge of Ashby, outside but adjoining the LP settlement boundary. It fronts onto Moira Road, a main route into the town from the west. Existing housing development lies along Moira Road and Abbey Drive, to the north-east of the site, while the south-eastern boundary of the site borders housing development in Beaumont Avenue and Woodside. The north-western boundary is partially enclosed by No.57 Moira

Road and its extensive range of outbuildings. The site adjoins open farmland to the west and south-west. It slopes gently down from Moira Road to a ditch at the south-western boundary, which lies within the catchment area of the River Mease. A public footpath, part of The Ivanhoe Way (a long distance circular route) crosses the site.

11. The scheme would provide 69 new dwellings in a range of types and sizes, including 18 affordable units. Vehicular access would be from Moira Road, and The Ivanhoe Way would be accommodated within the site layout. New areas of public open space would be provided within the scheme adjacent to the central hedgerow and the ditch. The Council acknowledges that the proposed development would have no adverse impact on the residential amenities of neighbours. Subject to appropriate conditions and planning obligations there are no design or technical objections to the proposal.
12. The proposed development clearly conflicts with saved LP policies S3 and H4/1 aimed at restricting residential development on land which lies outside the settlement boundary. However, ¶49 of the National Planning Policy Framework (the Framework) makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

***Whether the Council has a 5 year supply of deliverable housing land and the consequent policy implications***

13. The current LP, adopted in 2002, covered the period April 1991 to March 2006. It allocated no land for housing development beyond that time and is clearly dated. The evidence base for RS housing policies dates from 2004. The household projections from that time are out of date and it is no longer appropriate to draw on that evidence. The emerging Core Strategy (CS) is intended to cover the 25 year period from April 2006 to March 2031. Although the CS carries limited weight at this stage, its housing policies are supported by a 2011 SHLAA, which identifies 9 potential housing sites in Ashby, (including the appeal site), and by a 2011 Housing Requirements Study (the G L Hearn Study). These helped to set the CS housing requirement over the plan period at 9,700 dwellings, 388 per annum. Since it has a strong, up-to-date evidence base I give this figure substantial weight. The appellant considers that it may be an underestimate, but relies on this figure for the purposes of this appeal.
14. In emerging CS policy CS37, Ashby is allocated at least 1,400 dwellings over the plan period. Taking account of completions to March 2012 and outstanding permissions, the CS indicates that sufficient land needs to be found for at least 605 more homes to be built by 2031. While the CS does not allocate sites, it identifies the preferred direction of growth as to the north of Ashby (Money Hill).
15. In the seven years from the beginning of the plan period to April 2013, 1,887 dwellings were built in Ashby. At 388 per annum, the requirement was for 2,716. There is thus an agreed shortfall of 829 dwellings over this period.
16. Much of the evidence at the inquiry centred on how this shortfall should be recovered. The Council prefers to spread recovery over the remainder of the plan period (the residual or Liverpool method) and refers to a recent appeal decision in the locality where that approach has been taken, although I note that that decision has been challenged<sup>1</sup>. That approach would add 46 to the CS figure

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<sup>1</sup> APP/K2420/A/12/2181080 Groby Cemetery

of 388, giving a base figure of 434 dwellings per annum over each of the next 5 and following 13 years of the plan. The appellant points to ¶47 of the Framework which requires local planning authorities to boost significantly the supply of housing and argues that this requires the shortfall to be dealt with as quickly as possible by adding it to the next 5 years worth of housing provision (the Sedgefield method). Reference is made to a number of appeal decisions where this approach has been adopted, including by the Secretary of State<sup>2</sup>.

17. The Framework is silent on this matter and there is no firm guidance elsewhere but having regard to the decisions referred to above, and to the Ministerial statement *Planning for Growth*, I take the view that 'to boost significantly' implies a substantial and immediate effect, above and beyond the normal provision. For that reason I consider the Sedgefield method of recovering the shortfall to be the most effective way of meeting the Framework objective.
18. The Council refers to larger sites in the district allocated for future development as providing an available reservoir of developable land, but I consider that it cannot realistically be assumed that sites allocated to a future date will be brought forward by market demand or that such early take-up would cancel out the shortfall within 5 years. I therefore consider that, over the next 5 years, the shortfall of 829 must be added to the CS provision of 388 x 5, 1,940, to give a base figure of 2,769 or 554 dwellings per year.
19. The second bullet point at ¶47 of the Framework explains that local planning authorities should not only be able to identify sufficient sites to provide 5 years worth of housing against their housing requirements, but should also add a buffer of 5%, to ensure choice and competition in the market for land. It goes on to say that where there has been a record of persistent under delivery of housing, this buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply.
20. 'Persistent under delivery' is not further defined in the Framework or elsewhere but, since the Framework requires the assessment of future housing delivery to look forward 5 years, looking back 5 years to assess the record of past delivery seems to me a reasonable approach. In fact, the provision of 388 dwellings has been achieved in none of the past 7 years, from the start of the CS plan period. The annual average provision over these years was about 70%, leading to the cumulative shortfall of 829. Furthermore, taken against the RS requirement of 510 dwellings per annum, arguably more applicable to these years before its revocation in April 2013, the annual average was little more than 50%. That is by any standard a record of persistent under delivery.
21. The Council argues that over 1991-2006, the LP plan period, there was a cumulative record of over provision and that delivery should be averaged over the years 1991-2013. However the LP, in force before the current CS plan period, was subject to very different planning circumstances, and I do not consider that the suggested approach would be a reliable pointer to future performance. The Council also argues that there are specific local reasons for the shortfall, including a moratorium on development pending the resolution of the River Mease SAC problems. However, that only applied to a part of the district and in any event, taken on its face, the Framework looks at the plain fact of under delivery and takes no account of why that may be.

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<sup>2</sup> APP/J3720/A/11/2163206 Shottery (SoS), APP/H1840/A/12/2171339 Honeybourne, APP/Y2810/A/12/2174386 Long Buckby.

22. I therefore consider that a buffer of 20% should be applied to the next 5 years housing requirement. 20% of the base figure of 2,769 is 554 so this increases the 5 year housing requirement figure at 1 April 2013 to 3,323, an annual requirement of 665.
23. I now go on to consider housing land supply, having regard to the Framework requirement for the identification of specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirement. Against the requirement of 3,323, the parties agree that, over the 5 year period from April 2013, there should be a windfall allowance of 235 dwellings, large sites under construction will provide 859 dwellings and sites allocated in an adopted Local Plan will deliver 230 dwellings.
24. With regard to sites with planning permission but not yet started, there is a measure of agreement although the appellant considers that the Brookes Machine Tools site in Kegworth is not deliverable within the 5 year period. He argues that, although planning permission for 16 dwellings is extant, the owner has no immediate plans to sell and has yet to find premises to which to relocate. The Framework makes it clear that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within 5 years. There is no such evidence before me so I consider that the Council's projected total of 174 dwellings in this category is deliverable.
25. The deliverability of unallocated sites without planning permission is less certain. The appellant accepts that 327 houses are deliverable but argues that the further 875 claimed by the Council relate to proposals which have either been refused planning permission or for other reasons are not deliverable within the current 5 year projection. The position is unclear but what is clear is that, even if all the sites nominated by the Council are included, that would still only amount to 4.06 year's worth of supply ( $235 + 859 + 230 + 174 + 1202 = 2,700$ ;  $2,700 \div 665 = 4.06$ ). On the other hand, if the appellant's figures are relied on, there would only be 2.74 years worth of supply ( $235 + 859 + 230 + 174 + 327 = 1,825$ ;  $1,825 \div 665 = 2.74$ ). The actual figure may lie somewhere in between but it is evident that, however the calculation is made, as at April 2013 the Council cannot identify specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirement.
26. As a result, as indicated in ¶49 of the Framework, relevant policies for the supply of housing cannot be considered to be up-to-date. That applies not just to housing supply policies but also to policies which direct or restrict the location of housing, such as policies S3 and H4/1. In that respect I note the recent legal advice to the Council which points out that the LP is out of date and the limits to development it sets will need to be breached if the Council is to meet the existing and future need for housing land; that means that planning permission will need to be granted for land which the LP currently defines as countryside. For these reasons I give little weight to the CS replacement countryside policy CS8.
27. At the heart of the Framework is a presumption in favour of sustainable development and ¶14 of the Framework requires that, where development plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole. I therefore go on to consider the other matters raised by the Council.

***Whether the site is in a sustainable location***

28. Ashby is the second largest settlement in the district and has a wide range of services and facilities, including shops, post office, library, employment and leisure facilities; the town is served by primary and secondary schools and by a district hospital and health centre. A major employment site and an edge-of-town superstore lie on its eastern edge, close to the A42 link. The site lies on Moira Road, a main road into the town and a principal public transport route. Located on the western edge of the built-up area, the site is partially enclosed by existing housing and its development would not give rise to any further westward extension of the overall built form of Ashby into the countryside.
29. The site is classified as grade 3 agricultural land. As such it is of an equivalent or lower agricultural value than the much larger area of preferred development land at Money Hill. It cannot therefore be argued with any conviction that it is unsuitable for development on grounds of agricultural quality. It is a relatively small area, some 2.5 Ha, and even if it were of the higher grade 3a argued by objectors, its loss would have a very minor impact on the national stock of best and most versatile land. I do not consider that the development of this site would represent an unsustainable loss of good quality farmland. In that respect I note that as long ago as 1998, in assessing suitable housing sites, the LP Inspector considered that this was one of the better candidate sites and could, if need dictated, make a useful contribution to the District's housing land supply. It was not considered necessary at that time. I also note that the site was included in the Council's 2011 SHLAA, which indicated its good accessibility.
30. Local facilities include a small convenience store, about 120 m from the site, a recreation ground at 170 m and Ashby Hill Top Primary School about 290 m away. These are all within 5 minutes walk from the site. It is about 1 km to the town centre, a walk of 10-15 minutes, and most of the urban area of Ashby, including the secondary schools, lies within 2 km. All the employment areas, and the superstore, are within about 3 km of the site. DoT statistics show that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1 km, cycling about 4.5 km and by bus about 8 km. It can be concluded from this that the site is within easy walking or cycling distance of all the town's facilities.
31. There are 2 bus stops close to the site, well within the distances set out in the Council's 6C's Design Guide, with 3 buses an hour to the town centre and 2 buses an hour from it. Journey time to the town centre is about 5 minutes. Service 2 operates a one-way town centre loop while Services 9 and 9A operate in both directions, linking the town to Coalville and Burton on Trent. There are opportunities for interchange with other bus services in the town centre, including a town service to the superstore.
32. From this I consider that residents of the site would have good access to the town centre and would have a realistic option of travelling to all the facilities the town has to offer by walking, cycling or using public transport. The Council asserts that local knowledge shows that the DoT statistics cannot be applied to the people of Ashby and that residents of the site would be unlikely to walk or use the bus. I find that a surprising line to take, particularly when the promotion of sustainable means of travel is a key Framework objective. It may be so – future residents of the site may choose to use a private car – but it cannot be said that they would have to rely on it. Alternative means of travel would be readily available, and I consider the site to be in a sustainable location.



***The effect of the proposal on the character and appearance of the area***

33. The area currently has the character of 'urban edge', where the built-up area of the town meets the countryside, and there are attractive views across fields and hedgerows to the west. The site is partially enclosed by existing housing development. Development of this site will clearly change the nature of the land from countryside to residential. The loss of rural outlook across the 2 fields, and the re-routing of the footpath through a housing area, would be keenly felt by local residents.
34. However, the site's southern boundary would align with the existing extent of development at Woodside, so there would be no significant expansion of the town into open countryside. An extensive area of similar countryside would remain to the west and south of the site, and wider views would remain largely unaltered. As the LP Inspector noted, the site is well related to the existing built form of this end of Ashby and appropriate landscaping could bring about some visual improvement in the current western approach to the town. I concur with his view that little significant harm would arise from the loss of countryside resulting from this development.
35. Existing hedgerows would be retained, public space would be fully landscaped and new trees would be planted, ensuring that the site harmonises with and reflects both its urban and rural surroundings. The proposal would in effect retain the 'urban edge' character of the area. I do not consider that development of the site would significantly change the distinctive character of The Ivanhoe Way, which already takes in the urban area of Ashby. Overall I consider that the proposal would have no unacceptably harmful effect on the character and appearance of the area.

***The impact of the proposed development on local infrastructure and whether any harm would be overcome by planning obligation.***

36. The site lies within the National Forest where guidelines require either 20% of the site to be woodland planting or a contribution towards equivalent offsite planting. It also lies within the catchment area of the River Mease, where mitigation of development and remediation of pollution of the river is required in accordance with the River Mease SAC Water Quality Management Plan (WQMP). The development would increase the local population of adults and children and this would substantially increase the existing pressure on local infrastructure and the current provision of local services. To cater for increased usage, expansion or improvement would be required at the health centre, leisure centre and library. To accommodate additional children, significant expansion and improvement would be required at the nearby Ashby Top Hill Primary School. The additional population would also bring additional policing requirements, which would need to be addressed.
37. The s106 Agreement would effectively bind the appellant to providing 18 affordable dwellings as part of the development. It would also require the appellant to make, and the District Council and County Council to disburse, contributions of:
- o £40,000 towards the programme of tree planting in the National Forest
  - o £19,350 towards projects identified in the River Mease SAC WQMP Contributions Strategy

- £25,258.56 towards the expansion and improvement of Ashby Health Centre
  - £75,900 towards the expansion and improvement of Hood Park Leisure Centre
  - £24,903 towards the capital costs of policing the development
  - £184,025.94 towards the expansion and improvement of Ashby Hill Top Primary School
  - £4,130 towards the improvement of Ashby Library
  - £120 to provide an information display at the eastbound bus stop on Moira Road
  - £10,000 towards making and implementing the Traffic Regulation Order necessary to introduce 'no waiting' restrictions along the site's frontage to Moira Road
38. Parking on the site road frontage would be prevented, thereby eliminating hazardous conditions, and in addition the appellant would provide Travel Packs and bus passes to the occupiers of each dwelling in order to encourage walking, cycling and the use of public transport. The appellant would also contribute towards both Councils' costs of monitoring compliance with the obligations.
39. Evidence submitted to the inquiry showed that, without these contributions, the development would not be acceptable in planning terms because of its harmful impact on local infrastructure. These measures are therefore necessary to mitigate that impact. The need for additional facilities arises directly from the development of the site so the contributions are directly related to it. The extent of additional provision in each case has been carefully considered and is proportionate, appropriate and no more than is necessary to meet the additional demands, so the provisions of the Agreement are fairly and reasonably related in scale and kind to the development. The provisions of the Agreement therefore comply with ¶203 of the Framework and meet the tests of Regulation 122 of the CIL Regulations 2010. I therefore consider that the harmful impact of the proposal on local infrastructure would be satisfactorily overcome by the binding planning obligations.

### **Conclusions**

40. I have found that the Council cannot demonstrate a 5 year supply of deliverable housing sites. As a result, relevant development plan policies for the supply of housing cannot be considered to be up-to-date. In these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
41. As the Council has to acknowledge, future development will have to take place on land which the LP currently defines as countryside. This is such a site. I consider it to be in a sustainable location. Subject to appropriate conditions and the planning obligations there are no design or technical objections to the proposed development and nor would it have an unacceptably harmful effect on the character and appearance of the area. The harmful impact it would have on local infrastructure would be overcome by planning obligation.
42. The draft CS is currently at pre-publication stage. There are unresolved objections so it could potentially be amended. At present it carries limited weight but, bearing in mind that the CS calls for at least 605 new dwellings in Ashby

over the plan period, this development of 69 houses is not so substantial that it would significantly undermine the Council's preferred location for growth or prejudice strategic decisions by predetermining the scale and location of new housing currently being considered as part of the CS process. There is no justification for considering the application to be premature.

43. The proposed development would provide a number of economic, social and environmental benefits, not least a significant boost to the town's supply of houses, including a range of affordable dwellings. It would lead to substantial tree planting in the National Forest and would help to clean up the River Mease. I find no adverse impacts sufficient to outweigh these benefits or the presumption in favour of sustainable development. It is therefore my intention to grant planning permission subject to appropriate conditions.
44. The parties agreed a list of conditions at the inquiry. Compliance with the submitted plans is necessary to ensure the scheme is built as approved. Some minor design features need further approval to control the appearance of the scheme and to ensure pedestrian safety, and permitted development rights should be withdrawn to safeguard the amenities of neighbours. The submission of boundary treatment details and a full landscaping scheme is necessary, together with a maintenance plan to ensure its long term survival. Conditions are necessary to ensure the site is properly drained and to reduce the risk of flooding. A Grampian-type condition is necessary for the provision of off-site highways works to improve access and highway safety. There is some potential for archaeological remains so a programme of archaeological work is necessary to ensure proper investigation and recording. A Construction Method Statement is necessary to prevent encroachment onto the highway and to safeguard the interests of neighbours during the construction period.
45. I consider that all these conditions are a necessary and reasonable means of controlling the development. I have adjusted some of the suggested wording in the interests of clarity and to conform more with Circular 11/95. On that basis, for the reasons given above, I conclude that the appeal should be allowed.

*Colin Ball*

Inspector

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader, of Counsel                      Instructed by the Principal Solicitor to the Council.  
He called:  
Andrew Murphy BA(Hons)                      Director, Stansgate Planning.  
MSc MRTPI

### FOR THE APPELLANT:

Thomas Hill QC                                      Instructed by Max Whitehead of J S Bloor (Measham) Ltd.  
He called:  
Andrew Kirby BSc MICE                      Director, Northern Transport Planning Ltd  
Felicity Jane Gardner                      Director of Planning, Marrons.  
BA(Hons) MRTPI

### FOR THE POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE:

Thea Osmund-Smith of Counsel                      Instructed by the Police and Crime Commissioner for Leicestershire.  
She called:  
Michael Lambert MRTPI                      Growth and Design Officer, Leicestershire Police.

### FOR LEICESTERSHIRE COUNTY COUNCIL:

Andrew James                                      Leicestershire County Council.  
He called:  
Andrew Tyrer BA(Hons)                      Developer Contributions Officer, Leicestershire County Council.  
MSocSci MRTPI

### INTERESTED PERSONS:

Lisa Hvidsten-Birtwistle                      Local resident.

## **ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY**

### Joint documents

- 1 Addendum statement of common ground May 2013.
- 2 Amended list of agreed conditions.
- 3 Certified copy of the deed of planning obligation.

### Council documents

- 4 Addendum proof of evidence of Andrew Murphy May 2013.
- 5 Addendum 5b to appendix 5 of Mr Murphy's proof of evidence – housing calculations residual method.
- 6 Addendum 5c to appendix 5 of Mr Murphy's proof of evidence – housing calculations Sedgefield method.
- 7 Copy of PINS Good Practice Advice Note 07, highlighting precedent.

- 8 Copy of letter to the Council dated 15 May 2013 from LCC regarding archaeological considerations for the site.
- 9 Copy of Council's Building Regulation record relating to the Brookes Machine Tools site confirming start of work on site.
- 10 Copy of outline planning permission 12/00323/OUTM for 110 houses on land adjoining 90 Ashby Road, Kegworth.
- 11 Copy of email to the Council dated 9 May 2013 from Blaby District Council confirming withdrawal of their objection to draft Core Strategy policy CS1.
- 12 Copy of responses to Core Strategy pre-submission consultation and suggested changes.

#### Appellant documents

- 13 Addendum proof of evidence of Jane Gardner May 2013.
- 14 Note of planning committee 7 May 2013 and summary of associated legal advice.
- 15 Agricultural assessment, Money Hill site.
- 16 Copy of Local Plan policies T9 and T10.
- 17 Extract from the Council's 6C's design guide.
- 18 Copy of draft Core Strategy policy CS23: Transport.
- 19 Plan of the appeal site in relation to the Ashby Broad Locations for Growth.

#### Police documents

- 20 Copies of 2 appeal decision notices highlighting s106 police contributions.

#### County Council documents

- 21 Corrected proof of evidence of Andrew Tyrer.

#### Interested person's documents

- 22 Mrs Hvidsten-Birtwistle's statement.
- 23 Miss C J Bryant's written submission.
- 24 Campaign poster

#### Closing statements

- 25 Mr Leader's closing statement for the Council.
- 26 Copy of Fox v SoS [2012] EWCA Civ 1198 [2013] 1 P & CR 6.
- 27 Mr James's closing statement for the County Council (written submission).
- 28 Ms Osmund-Smith's closing statement for the Police Commissioner.
- 29 Mr Hill's closing statement for the Appellant.

**ANNEX A**

Planning permission is granted for the erection of 69 no. dwellings with associated garaging, parking, open space, landscaping and infrastructure on land to the east of 57 Moira Road, Ashby-de-la-Zouch in accordance with the terms of the application Ref 09/00620/FUL, dated 30 June 2009, as amended, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

ME_0013_11PL1	Revision M	Site Plan
M110-100		FRA Plan
NTP 12006.02	Revision O	Highways Plan
ME-0013-11-Dur.02	Revision A	Plots 1, 2, 64, 65
ME-0013-11-Dur.03	Revision A	Plot 3
ME-0013-11-Bel.01	Revision B	Plot 4
ME-0013-11-Fen.01	Revision B	Plots 5, 31
ME-0013-11-Dur.01	Revision A	Plots 6, 7
ME-0013-11-Han.05	Revision B	Plot 8
ME-0013-11-Han.03	Revision C	Plots 9, 14, 32
ME-0013-11-Som.SP.01	Revision A	Plot 10
ME-0013-11-Som.SP.04	Revision B	Plot 11
ME-0013-11-Ard.01	Revision A	Plots 12, 30, 35, 37
ME-0013-11-Ham.02	Revision B	Plot 13
ME-0013-11-Han.02	Revision B	Plot 15
ME-0013-11-Ham.01	Revision B	Plot 16, 46
ME-0013-11-Ard.02	Revision B	Plot 17, 36, 38, 39
ME-0013-11-Ard.05	Revision C	Plot 18
ME-0013-11-Han.01	Revision B	Plot 19
ME-0013-11-Fen.02	Revision B	Plot 20
ME-0013-11-Som.SP.02	Revision A	Plots 21 & 22 Floor Plans
ME-0013-11-Som.SP.03	Revision A	Plots 21 & 22 Elevations
ME-0013-011-1BF01/1BF02/3B5P.01		Plots 23-27 Floor Plans
ME-0013-011-1BF01/1BF02/3B5P.02	Rev B	Plots 23-27 Elevations
ME-0013-011-Bam/Lan.01	Revision A	Plots 28 & 29
ME-0013-11-Som.SP.05	Revision B	Plot 33
ME-0013-11-Ham.03		Plot 34
ME-0013-11-Ard.04	Revision B	Plots 40 & 41 Elevations
ME-0013-11-Ard.03	Revision A	Plots 40 & 41 Floor Plans
ME-0013-11-Ard/Lan.01	Revision A	Plots 42 & 43 Floor Plans
ME-0013-11-Ard/Lan.02	Revision B	Plots 42 & 43 Elevations
ME-0013-11-Ard/Lan.03	Revision B	Plots 42 & 43 Elevations
ME-0013-11-3B4P.01	Revision B	Plots 44 & 45
ME-0013-11-Fai/Oxb/Lev.01	Revision A	Plots 47-50 Floor Plans
ME-0013-11-Fai/Oxb/Lev.02	Revision A	Plots 47-50 Floor Plans
ME-0013-11-Fai/Oxb/Lev.03	Revision A	Plots 47-50 Floor Plans
ME-0013-11-Fai/Oxb/Lev.04	Revision B	Plots 47-50 Elevations
ME-0013-11-Fai/Oxb/Lev.05	Revision A	Plots 47-50 Elevations
ME-0013-11-Fai/Oxb/Lev.06	Revision B	Plots 47-50 Elevations
ME-0013-11-Lan/Sed.01	Revision A	Plots 51 & 52 Floor Plans
ME-0013-11-Lan/Sed.02	Revision B	Plots 51 & 52 Elevations

ME-0013-11-Bun.01	Revision B	Plot 53
ME-0013-11-2B3P/Far.01	Revision C	Plots 54-56 Floor Plans
ME-0013-11-2B3P/Far.02	Revision C	Plots 54-56 Elevations
ME-0013-11-2B4P.01		Plots 57-59 Floor Plans
ME-0013-11-2B4P.02	Revision A	Plots 57-59 Elevations
ME-0013-11-3B4P/Far/Bun.01	Revision B	Plots 60-63 Floor Plans
ME-0013-11-3B4P/Far/Bun.02	Revision B	Plots 60-63 Plans & Elev's
ME-0013-11-3B4P/Far/Bun.03	Revision B	Plots 60-63 Elevations
ME-0013-11-Dur.04	Revision A	Plots 66 Floor Plans
ME-0013-11-Dur.05	Revision B	Plots 66 Elevations
ME-0013-11-Dur.06	Revision A	Plots 67 Floor Plans
ME-0013-11-Dur.07	Revision B	Plots 67 Elevations
ME-0013-11-Han.04	Revision B	Plots 68
ME-0013-11-Han.06	Revision B	Plots 69
ME-0013-11-Gar.01	Revision A	Garages
ME-0013-11-Gar.02	Revision A	Garages
ME-0013-11-Gar.03		Garages
ME-0013-11-Car.01	Revision A	Carport
ME-0012-11-Car.02	Revision A	Carport
M110_BD_01		Boundary Details
M110_GD_01		Gate Details

- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until samples of the materials to be used in the construction of the external paved surfaces hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details, including location and treatment, of utility boxes, chimneys, verges and barn-gate features have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of waste storage for units within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development relating to Classes A to E of Part 1 Schedule 2 Article 3 shall be undertaken.
- 8) No development shall take place until full details of both hard and soft landscape works, including details of the landscaping for the balancing pond, have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

- 9) If within a period of 5 years from the date of planting any tree or plant is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the local planning authority gives its written approval to any variation.
- 10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 11) No development shall take place until a detailed scheme for the boundary treatment of the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first occupation of any dwelling on the site.
- 12) No development shall take place until detailed plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first occupation of any dwelling on the site.
- 13) The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment (FRA) Revision 2, dated 3 April 2012, Ref: 10172/FRA/01 and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (Section 4).
  2. Provision of surface water attenuation storage in the form of an open water balancing pond (Section 4).
  3. Finished floor levels are set a minimum of 300mm above the banks of the adjacent ordinary watercourse (Paragraph 3.37)

The mitigation measures shall be fully implemented before the first occupation of any dwelling on the site.

- 14) No development shall take place until details of the implementation, maintenance and management of a sustainable surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before the first occupation of any dwelling on the site and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i) a timetable for its implementation
  - ii) limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
  - iii) provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall



- events up to the 100 year plus 30% (for climate change) critical rain storm
- iv) detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements
- v) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime
- 15) No development shall take place at plots 15-21 and at the surface water balancing pond until the culvert forming the existing farm field access crossing forming part of the southern ditch as shown on drawing M110-100 has been removed.
- 16) Before the first occupation of the 26th dwelling hereby approved, the off-site highway works on Moira Road being the provision of a new footway, a crossing facility, speed cushions and a vehicle activated sign (with the exception of the location of the crossing and with the possible relocation of a bus stop) shall be completed in accordance with the details shown on drawing NTP 12006.02.
- 17) Before the first occupation of any dwelling plot hereby approved, the following plot-related access works shall be completed:
- The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.
- Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards.
- The approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the highway authority
- Its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary
- 18) No development shall take place until a programme of archaeological work, commencing with an assessment of the dating of the burnt deposit detected by the trial trenching, has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
- A programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - A programme for post-investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation

The scheme shall include the nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

- 19) No demolition or development shall take place other than in accordance with the written scheme of investigation approved under condition 18.
- 20) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 18 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 21) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control the emission of dust and dirt during construction
  - a scheme for recycling/disposing of waste resulting from demolition and construction works.

## APPENDIX 5

## HPIG

### Notes of the meeting held on 13<sup>th</sup> June 2013

#### Attendance

Christine Fisher (CEF)	North West Leicestershire DC	Chair
Tom Purnell (TP)	LCC	
Steve Bambrick (SBa)	North West Leicestershire DC	
Rob Back (RB)	Blaby DC	
Stephen Pointer (SP)	Harborough DC	
Mike Richardson (MR)	Leicester City Council	
Kitt McGrath (KM)	HCA	
Adrian Thorpe (AT)	Oadby & Wigston BC	
Andy Rose (AR)	LLEP	
Eilleen Mallon (EM)	Charnwood	
Sally Smith (SS)	Hinckley and Bosworth BC	
Christine Marshall (CM)	Melton BC	

#### Apologies

Bill Cullen	Hinckley and Bosworth BC
Andrew Smith	Leicester City Council
Jo Eynon	LCC

1	<b>Welcome and apologies</b> – noted	
2	<b>Declarations of interest</b> – none	
3	<b>Notes of the meeting held on 9<sup>th</sup> May 2013</b>  Agreed the need for a portfolio holder meeting. Seen as a pre-cursor to Duty to Cooperate meetings. Discussed the purpose of the meeting and the need for terms of reference to be prepared so that members were clear of the purpose. It was agreed that the group would meet no more than 3 times per year.  It was reported that the Public Works Loans Board £32 million loan had not received any expressions of interest. A response is to be sent to Govnt expressing concern at the process for making such monies available.	<b>PM</b>
4	<b>Leicestershire Police - policing contribution 106</b>  Paul Dawkins, Finance Director Leics Police joined the meeting.  PD explained that the scale of developments planned across Leicestershire was certain to have an impact on policing and the Chief Constable and PCC are keen to see those costs can be met. The police are looking for a more constructive way forward.  CM reported that their needed to be a collective understanding of issues at the local level. A workshop with LTA – finance reps and planning reps was encouraged. CM agreed to prepare a brief for the workshop.	<b>CM</b>

	<p>There was also a discussion about the use of viability assessments and the lack of skills within each authority to complete successfully leading to developers bearing additional costs.</p> <p>It was agreed therefore that Paul McKim would be asked to look at the issue of viability assessments and how they might be conducted more efficiently and consistently.</p> <p>Also a discussion on how best to 'design out crime'. RB agreed to ask the Planning Officers Forum for a view on how well this is being achieved at the moment.</p> <p>RB also explained that following previous discussions with the police it was felt necessary to commission a joint piece of legal advice which examined:</p> <p>a) Is what is being asked for meeting the definition of infrastructure?; and b) Does it meet the CIL tests?</p> <p>It was agreed that RB would prepare questions for legal advice and would copy in Heads of Planning and HPIG for comments.</p>	<p><b>PM</b></p> <p><b>RB</b></p> <p><b>RB</b></p>
<b>5</b>	<p><b>Developing a joint evidence base/SHMA</b></p> <p>HPIG considered SP's report. This examined the different options available for commissioning a SHMA.</p> <p>HPIG agreed that it was imperative that work should commence on the updated SHMA.</p> <p>A project group approach was agreed as being important. EM agreed to act as project executive on behalf of HPIG.</p> <p>The project team will now meet and plan out the detailed process for SHMA including a robust communications strategy.</p> <p>HPIG also discussed financial contributions. It was agreed that each authority would pay according to the formula used for previous studies subject to an understanding of what, if any, contribution could be made by the LLEP – AR to confirm</p>	<p><b>EM</b></p> <p><b>AR</b></p>
<b>6</b>	<p><b>Leicester and Leicestershire Gypsy and Traveller Study</b></p> <p>RB reported that the final study was now available.</p> <p>HPIG confirmed they were happy with the methodology and robustness of study and were content to agree the final study.</p>	
<b>7.</b>	<p><b>CIL update</b></p> <p>CM agreed to re-circulate previous table with a request for authorities to check their latest positions.</p>	<b>CM/ALL</b>
<b>8.</b>	<p><b>Duty to Cooperate</b></p> <p>Nothing to report at this stage</p>	

9.	<p><b>HCA update</b></p> <p>KM reported on a number of HCA programmes and agreed to circulate a note after the meeting.</p>	KM
10.	<p><b>Highways and Transportation</b></p> <p>CEF/ID meeting to discuss capacity of Highways Authority and issue of district representative on LTB.</p> <p>Comments from HPIG members that continued concern over capacity of LCC to support Local Plan processes.</p>	
11.	<p><b>City Deal</b></p> <p>Meeting held on 12<sup>th</sup> June with rep from Cabinet office. Impressed with Leaders meeting on 23<sup>rd</sup> May and the engagement in City Deal.</p> <p>Some encouragement for bringing forward the City Deal submission to November.</p> <p>There are continued calls for clarity over how the City Deal fits in with the strategic work of the LLEP</p> <p>CEF producing a briefing note for Chief Executives next week</p>	CEF
12.	<p><b>LLEP Board</b></p> <p>It was reported that Michael Heseltine will be visiting Leicester on 4<sup>th</sup> July.</p>	
13.	<p><b>AOB</b></p> <p>TP reported that LCC Cabinet had recently committed an extra £0.5 million new homes bonus to extra care and support.</p> <p>CEF reported on meeting with National Housing Federation. There was a discussion on how the Federation links to other housing developers and how to improve links to HPIG. It was agreed that CEF would consider this and report back to HPIG.</p>	CEF
14.	<p><b>NEXT MEETING</b></p> <p>2pm, 14<sup>th</sup> July @ NWL offices</p>	

## APPENDIX 6

# Melton Borough Core Strategy Public Examination

Inspector: Harold Stephens BA MPhil DipTP MRTPI

Programme Officer: Jane Strachan

c/o Melton Borough Council

Parkside

Station Approach

Burton Street

Melton Mowbray

Leicestershire LE13 1GH

email: melton.programmeofficer@gmail.com

0789 465 9088

11 April 2013

Mr. H. Rai  
Head of Communities and Neighbourhoods  
Melton Borough Council  
Council Offices  
Parkside  
Station Approach  
Burton Street  
Melton Mowbray  
Leics LE13 1GH

Dear Mr. Rai,

## **Inspector's Preliminary Conclusions on Melton Core Strategy**

1. A Pre Hearing Meeting into the Melton Core Strategy was held on 18 December 2012. At that meeting I said that I would be focussing on whether the Core Strategy met the tests of soundness as set out in paragraph 182 of the NPPF.<sup>1</sup> The four tests of soundness are:
  - (I) **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet the objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development;
  - (II) **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - (III) **Effective** – the plan should be deliverable over the period and based on effective joint working on cross-boundary strategic priorities; and
  - (IV) **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

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<sup>1</sup> National Planning Policy Framework



2. From all the evidence submitted and including various site visits, I consider that there are matters of fundamental concern with the Melton Core Strategy which cannot be overcome through changes (main modifications). The main concerns are outlined in the following paragraphs:
3. The plan is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. The assessment of the housing requirement in the Core Strategy is not 'NPPF compliant'. Moreover, the proposed level of housing provision fails to meet the objectively assessed needs as required by the NPPF. Paragraph 47 of the NPPF requires Local Planning Authorities to ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the relevant housing market area (HMA). Relevant evidence includes the SHMA (EB24), SHLAA 2012 with excluded sites (EB77a) and the Leicester and Leicestershire Housing Requirements Project (EB21). Relevant evidence to help inform this assessment includes the 2008 household projections. Benchmarking these projections against the 2011 Census data suggest that the projections underestimate population growth and therefore household and dwelling requirements.
4. The Core Strategy proposes that 170 homes a year are provided over a plan period ending in 2026. Paragraphs 4.3 - 4.8 of the Core Strategy explain why alternative growth figures identified in the Leicester and Leicestershire Housing Requirements Project have not been selected. Given the revocation of the East Midlands Regional Plan (as of 12 April 2013), it is important that the Core Strategy makes provision to meet objectively assessed housing needs.
5. The Leicester and Leicestershire Housing Requirements Project (EB21) set out projections for a range of scenarios from trend based growth to a 10% employment growth option. The Final Report concluded that for the HMA, the provision of between 4,000 and 4,500 homes a year would represent a positive planning framework which would ensure that housing provision did not constrain the ability of the sub-region's economy to achieve a level of growth above the baseline forecast. This approach would be consistent with the Government's aspirations to grow the economy.
6. With the release of the 2011 Census data, it is also possible to benchmark the projections in EB21 against the actual population recorded in the Census at 2011. For Melton the Census shows a population of 50,376 at 2011. This is above all the scenario projections set out in the Leicester and Leicestershire Housing Requirements Project (EB21). A further source of evidence is the 2008 household projections. For Melton the projections indicate a 3,000 increase in households between 2006 and 2026.
7. These household increases need to be converted into likely dwelling requirements. A nationally accepted model set out by the NHPAU<sup>2</sup> requires the consideration of constrained demand, second homes and vacancies. Applying this methodology indicates that the Core Strategy significantly underestimates the full objectively assessed housing needs for the area and that provision should be increased to 200 dwellings per year to provide some 4,000 homes over the period to 2026.

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<sup>2</sup> National Housing and Planning Advice Unit

8. Furthermore, past build rates for the period 2006-2012 show that this level of provision is achievable. The average completion rate for 2006-2012 was 212 dwellings per year, with a peak of 284 dwellings completed in 2008-2009. The Regional Strategy uses 2004 based projections which I consider to be seriously out of date.
9. A further issue of serious concern is the **timeframe** of the plan. The plan period covers the 20 years from 2006-2026. The Local Development Scheme 2012 Timetable Update indicated that the Core Strategy is expected to be adopted in May 2013, with the Sustainable Urban Extension Area Action Plan in December 2013 and the Land Allocations and Settlement Boundaries DPD in December 2014. At its meeting on 9 January 2013, the Rural, Economic and Environmental Affairs Committee approved a revised Local Development Scheme (SD13a). This now indicates adoption of the Core Strategy in July 2013 and proposes the production of a Melton Mowbray North Local Plan, with adoption scheduled for April 2014, and a 'telescoped' Melton Local Plan, which will effectively merge a review of the Core Strategy, rolling it forward to 2031 or 2036 along with site allocations and policies. The revised Local Development Scheme envisages that this document will be adopted in February 2016.
10. At best therefore the plan has a timeframe of 12 - 13 years. The revised Local Development Scheme means that, other than for the proposed sustainable extension, other site allocations will not be identified in an adopted development plan document until February 2016. Paragraph 157 of the NPPF indicates that a 15 year time horizon is preferable. I consider that there is an essential need to plan for at least a 15 year period to take account of long term requirements. Indeed the need to plan for a 15 year period and take account of longer term requirements is recognised in the recent report to the Rural, Economic and Environmental Affairs Committee on the revised Local Development Scheme, 2013. In the context of the revocation of the East Midlands Regional Plan, and taking account of the available evidence to identify the objectively assessed housing needs for the HMA, and extending the plan by two years to 2028, I consider that provision should be made for 4,400 dwellings at an annual rate of 200 dwellings per year. This increased requirement would mean around an additional 1,000 homes would need to be provided for as part of the Strategy.
11. In terms of the housing trajectory, the AMR 2013 provides the latest position. This provides for a 5.4 years supply and a surplus of 75 dwellings for the period 2013-2018. I seriously question the assumptions on delivery from the identified components of supply both for years 0-5 and 6-10 in relation to existing commitments, SHLAA sites and assumptions on small sites provision. The Table submitted by Pegasus to the Examination highlights these concerns site by site. The amended timetable for the delivery of the northern SUE<sup>3</sup> presented to the Examination reduces the supply to 4.96 years before any consideration of the robustness of assumptions of delivery from the other components of supply. This confirms the need for the Core Strategy to provide greater flexibility to ensure the delivery of objectively assessed needs in accordance with the NPPF.

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<sup>3</sup> Sustainable Urban Extension

12. I have serious concerns about the apportionment of 80% of total development to Melton Mowbray and 20% to the Rural Centres and Sustainable Villages. Whilst there appears to have been some detailed assessment and evaluation undertaken in respect of the various options for the SUE, there does not appear to have been much detailed evaluation or assessment of the three options advanced for the apportionment of development between Melton Mowbray and the Rural Centres/Sustainable Villages and it is unclear as to the evidence upon which the decision for an 80%:20% apportionment is based. I consider the assessment of the three options is subjective and unreliable. The excessive constraint on new open market housing, particularly within the Rural Centres may have implications for the delivery of new affordable housing.
13. Policy CS2 is too inflexible and does not accord any preference to Rural Centres above Sustainable Villages in terms of housing sites. Changes are needed to the Strategy to enable consideration of market housing allocations where appropriate to deliver a proportion of affordable housing in high need areas. This would ensure a more appropriate distribution of housing in the rural areas. Rural Centres need a specific housing provision to provide a robust basis for Neighbourhood Planning. Moreover, with 80% of the development directed towards Melton and a significant proportion of that development to be delivered by way of a SUE, there is a significant risk that delivery of the strategy could be jeopardised, in the event, for whatever reason, the SUE cannot be delivered or delivery is delayed.
14. A key component of the Core Strategy is the proposal for a SUE to the north of Melton. The direction of growth for this SUE is shown on the Key Diagram and Policy CS23 sets out the requirements associated with the SUE. From the evidence submitted to the Examination I cannot support this overall strategy for several reasons:
- The proposed northern SUE is not sustainable on the basis that it has an unacceptable impact on the landscape, agricultural land and biodiversity. The proposal is contrary to advice in the NPPF about the use of such resources.
  - In terms of **landscape**, the northern area is categorised as having the highest value landscape around the town, this was confirmed in EB45 in 2006 and again in 2011. The NPPF specifically deals with the value of landscape at paragraphs 109, 110 and 170
  - In terms of **agricultural land** (EB7), the northern SUE includes substantial amounts of Grade 3a land which is noted as the best and most versatile and which should be safeguarded (NPPF paragraph 112). The southern SUE contains less Grade 3a land – (the Northern SUE 17.9%: the Southern SUE 12.7%).
  - In terms of **biodiversity** EB41 includes the grading of the various land parcels. Northern sites BC are graded higher than areas F and G in the southern areas and whilst Area A has a lower grading, consultation with the maps within the document shows that Area A includes substantial biodiversity resources. The cutting off from the open countryside of the Country Park will also have an adverse effect upon biodiversity. The

ecological land offset required for the northern SUE is 22.9 hectares whereas the offset required for the southern SUE is 9.3 hectares demonstrating the requirement for more substantial mitigation in the north.

- In my view, the assessment made in EB86 by Scott Wilson on pages 70 and 71 in relation to the growth options was robust and in accordance with the NPPF paragraph 165.
- Further, the timescale for the delivery of the northern SUE is unrealistic and the proposal has not proven to be viable in accordance with the requirements of the NPPF paragraph 173. There is no detailed analysis of **viability** of the scheme including the provision of infrastructure, the S106 requirements, and the normal site development costs. On this basis I consider that the Core Strategy is flawed because there is no certainty that it can be delivered.
- The requirements set out within the infrastructure delivery plan are not adequate to meet the Leicestershire Police Authority's infrastructure requirements. Changes to the plan are necessary to meet the objectively assessed development and infrastructure requirements of the Police. The current Core Strategy is unsound because of the inadequate consideration of the need for additional Police infrastructure and is in conflict with paragraph 182 of the NPPF.
- A number of **transport** studies have been undertaken to consider options for a SUE to Melton Mowbray and associated bypass to support the Core Strategy. Overall it can be concluded that a partial northern bypass would provide a slightly greater level of traffic relief within Melton Mowbray Town Centre compared to a partial southern bypass. However, the mitigation provided improves significantly, and is very similar, for either SUE with a half or three quarters bypass option. There is therefore little to differentiate the traffic mitigation benefits by the bypass, particularly for the longer alignments.
- To achieve the greater level of traffic mitigation, Policy CS11 of the Core Strategy sets out a strategy to provide a half bypass. This is identified as a route between Leicester Road and Thorpe Road. (Sections 3-9). This decision was in part influenced by the apparent deliverability of the northern part of this route, with the partial bypass between Nottingham Road (Point 6) and Melton Spinney Road (Point 8) to be funded by the SUE.
- However, the various traffic studies have identified that the alternative of a southern half bypass would provide similar traffic mitigation benefits to Melton Mowbray. Furthermore, a southern partial bypass is equally deliverable under a similar strategy as set out in Policy CS11, funded by a southern SUE. Such an approach would not only avoid the potential environmental impacts identified in the Sustainability Appraisal as associated with a northern SUE, but it would also be the least expensive once the SUE funded sections of the bypass are taken into account.

- Finally, the transport studies show that the southern SUE comes out as better located in terms of accessibility to sustainable transport modes. It has better opportunities to provide walking and cycling to local amenities and accessibility for buses is much better. Both developments would be expected to enhance the existing provision, and this would be more expensive, in my view, for the northern SUE because greater effort will be required to bring the provision to an acceptable level. It is also the case that the southern SUE is better related to the existing and proposed areas of employment, the Town Centre and the Railway Station.
  - In short, the sustainability credentials of the southern SUE are better. For all the above reasons, the Core Strategy proposal for a northern SUE is not sustainable and cannot be supported. The Core Strategy is therefore fundamentally unsound as the evidence base does not support the strategy – paragraph 182 of the NPPF refers.
15. The Core Strategy is also unsound with respect to sustainable economic growth. The Council has chosen to select a northern SUE and a western Employment Growth Area. Failure to prioritise the economy when the growth options were selected has compromised the vision, objectives and delivery of the Core Strategy. The cumulative effects of the preferred growth options are identified in EB86. The report details the logic of, and the positive synergy that is created, when the southern housing growth option and the western employment growth option work together. EB86 paragraph 5.2.23 provides a written summary of the effect. The fourth bullet point states *“The cumulative impact on reducing the need to travel, improving access to public transport and reducing traffic congestion is positive. The bypass to be developed as part of the housing growth option and the location of the employment growth option will ensure traffic congestion is relieved in the town centre. Both would also implement new public transport provisions”*.
16. EB80 states<sup>4</sup> that *“Other than Melton Mowbray, the key destinations for employment for residents of the borough are Nottingham and Leicester, plus southwards on the A1 or M1 corridors in places such as Northampton and Corby”*. It is logical to conclude that a southern SUE is better placed to allow residents to access the majority of these areas, especially the PUA around Leicester. In my view it is illogical to select a northern SUE and a western Employment Growth Area. When the combined effects of the Council’s decisions are reviewed in total the only logical conclusion is that the Core Strategy does not reflect the most appropriate strategy for Melton. The Core Strategy would not create optimal conditions for a sustainable and developing economy and that several elements of the vision and objective of the Plan have been compromised.
17. The Sustainability Appraisal (SA) is not examined for soundness. Any shortcomings in the SA should be directed to the soundness of the plan. You cannot retrofit the process. What is required is for the SA to be done throughout the plan. The objectors have identified a number of shortcomings in the SA process. It is unclear how the SA process influenced the final plan. Because the final SA report (SD7a) acknowledges (pages 43 and 44) that the Core Strategy is in conflict with the SA of the Direction of Growth Options (pages 40 and 41). The

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<sup>4</sup> EB80 page 4

SA identified a southern housing growth option as the best. The final Core Strategy Plan and final SA report do not recognise new evidence base documents, or revisions to earlier studies, which should have caused the Council to review its preferred options for housing growth. In my view the SA process appears to contain serious errors. Critically it is not evident that the sustainability considerations have informed the site selection process. This makes the plan very vulnerable to legal challenge.

18. My overall conclusion is that the plan is unsound because:
- the strategy does not seek to meet the objectively assessed development and infrastructure requirements of the area.
  - the strategy is unjustified as the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
  - reasonable alternatives, including a western growth option, were not fully considered.
  - the plan is not consistent with national policy in that it does not enable delivery of sustainable development in accordance with the policies in the NPPF.
19. It is also worth recording three other matters: (i) the Core Strategy attracted significant opposition at the public consultation stage with a 2,500 signature petition submitted against the preferred option (ii) when serious shortcomings were identified in the SA, at the Pre Hearing Meeting held in December 2012, this again attracted a significant number of fundamental objections from local residents, and (iii) the plan is seeking to deal with an extremely complicated situation but fails to deal properly and comprehensively with circumstances which are likely to arise. The number and extent of the Main Modifications required would be so significant as to amount to the plan being re-written.
20. Given the totality of the further work required including revision of the evidence base, the review of housing and employment growth options, further transport modelling, sustainability appraisals, viability work on selected sites, a completely new implementation programme and at least two rounds of public consultation, I consider that the changes required are so significant that I am unable to deal with the matter through modifications and that the best course of action is for the Council to consider withdrawing the plan. Part of my concern with the submitted plan relates to the uncertainty about delivery/capacity on the SUE. A new Local Plan which included site allocations would allow some of this uncertainty to be resolved.

I should be grateful if you would let me know your intentions as soon as possible (through the Programme Officer). I have asked the Programme Officer to furnish all those who made representation with a copy of this letter, and to put it on the Melton website.

Yours sincerely,

*Harold Stephens*

Inspector

cc Steve Carnaby, PINS

## APPENDIX 7

See separate sheet

SITE	COMPLETIONS2 006/07 - 2011/12	COMPLETIONS 2012/13	COMPLETIONS 2006/07 -2012/13	CAPACITY AT APRIL 2013	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	TOTAL
SMALL SITES ALLOWANCE					47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	47	846
EXISTING COMMITMENTS					349	340	307	185	97	57	30	18	47	47	47	47	47	47	47	47	47	47	1383
ASHBY DE LA ZOUCH	366	18	374	605																			374
Direction for Growth																							605
CASTLE DONINGTON	51	74	125	895																			125
Direction for Growth																							895
COALVILLE URBAN AREA	698	93	791																				791
Direction for Growth (south-east)																							2820
Direction for Growth (south-west)					15	115	115	115	115	95	50	50	50	50	50	50	50	50	55				720
REST OF COALVILLE	75	43	118	322	19	18	20	25	25	25	25	25	25	25	25	25	25	15				322	
IBSTOCK AREA				191																			118
Direction for Growth																							191
KEGWORTH AREA	39	51	90																				90
MEASHAM AREA	58	6	64	440																			64
Direction for Growth																							440
SUSTAINABLE VILLAGES	296	29	325	126	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	126
Past Completions	1,573	314	1,887																				
Projected Completions					437	667	701	684	656	596	510	477	459	409	409	409	409	399	349	309	234	234	
Cumulative Completions (Projected)	1,887				2,324	2,991	3,692	4,376	5,032	5,628	6,138	6,615	7,074	7,483	7,892	8,301	8,710	9,109	9,458	9,767	10,001	10,235	
Projected affordable housing completions (Included in the above)					147	223	124	106	147	86	86	86	86	86	84	76	56	56	36	30	30	30	1575





Appendix 2 of the 2012 Core Strategy (Housing Trajectory) has been updated to provide information as at April 2013.

The revised trajectory provides slightly different information from that contained in the 2012 Core Strategy by also including completions since 2012 by the policy areas used in Settlement Hierarchy (Policy CS7). In addition, the windfall allowance has been re-named 'small sites allowance' to more accurately reflect what the allowance is for.

There are a number of changes from that included in the pre-submission document:

- The overall amount of predicted completions is reduced to 10,235 dwellings;
- The small sites allowance has been decreased from 60 per annum to 47 per annum representing 234 dwellings less over the period 2013 – 31 (i.e. 13 X 18). This is because the previous figure had included an allowance for development in non-sustainable settlements. The revised figure takes account of this.
- The amount of development anticipated to be accommodated in south-west Coalville has reduced from 800 dwellings to 720 dwellings. The original figure was based on the 2011 SHLAA (Document 13.2). Site C29 of the SHLAA was assessed as having capacity for 173 dwellings, that at C31 212 dwellings and that at C40 500 dwellings. This gave a figure of 885 dwellings, but a more conservative 800 dwellings was considered to be more likely. However, planning applications have been submitted on each of these for 130 dwellings, 190 dwellings and 400 dwellings respectively. More detail about these applications is available in Appendix 8.
- The Rest of Coalville figure has reduced from 400 in the 2012 version to 322 to take account of the fact that 78 dwellings were built on sites of 10 or more dwellings (i.e. large sites) during 2012/13.
- The capacity of the Broad Location at Castle Donington has reduced from 970 dwellings to 895 dwellings to reflect the recent planning permission which the Council has resolved to approve in this location (see Appendix 8).
- The capacity of the Broad Location at Ibstock has reduced from 220 dwellings to 191 dwellings as a result of a resolution to grant planning permission. However, this has been more than offset by the decision to permit 111 dwellings on a site elsewhere in Ibstock so ensuring that the overall amount of development in Ibstock will still accord with the requirements of policy CS15.

## APPENDIX 9

## **COALVILLE URBAN AREA**

### **South-East Coalville Broad Location (Policy CS36A)**

Application Reference: 12/00376/OUTM

Location: Land North Of Grange Road, Hugglescote, Coalville

Applicant: Bloor Homes East Midlands

Residential development of up to 800 dwellings with associated highway works, including demolition of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (outline all matters (other than part access) reserved)

Status (July 2013): Application Permitted (12 Jul 2012)

Application Reference: 12/00922/OUTM

Location: Land South Of Grange Road, Hugglescote, Coalville

Applicant: Taylor Wimpey East Midlands

Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (Outline – All matters other than vehicular access off Grange Road reserved)

Status (July 2013): Application Pending

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### **South-West Coalville Broad Location (Policy CS36B)**

Application Reference: 13/00055/RESM

Location: Land off Coalville Lane and Ravenstone Road, Coalville

Applicant: St Modwen Developments

Erection of 190 dwellings, open space, access, parking and landscaping (reserved matters to outline planning permission 12/00325/OUTM)

Status (July 2013): Application Permitted (26 March 2013) and development commenced

Application Reference: 12/00688/OUTM

Location: Land to The Rear Of Jackson Street / Wentworth Road, Coalville

Applicant: Taylor Wimpey East Midlands

Demolition of no. 2 Wentworth Road and erection of up to 130 dwellings and relocation of allotments within the site together with associated infrastructure (outline - all matters other than part access reserved)

Status (July 2013): PERMIT subject to a Section 106 Agreement

Application Reference: 12/00007/OUTM

Location: Land North of Standard Hill and West of Highfield Street, Coalville

Applicant: Miller Homes Limited

Erection of up to 400 dwellings with associated road and service infrastructure, drainage ponds, landscaping and open spaces (outline - all matters other than part access reserved)

Status (July 2013): Pending Consideration

**Rest of Coalville**

Application Reference: 11/01054/FULM  
Location: Land Off Frearson Road, Coalville  
Applicant: Bloor Homes East Midlands Division

Erection of 188 no. dwellings with associated garaging/parking, infrastructure, construction of new access off Frearson Road and formation of open space, landscaping and balancing pond.

Status (July 2013): Pending Consideration

**ASHBY DE LA ZOUCH (Policy CS37)**

Application Reference: 13/00041/OUTM  
Location: Money Hill Site North, off Wood Street, Ashby De La Zouch  
Applicant: Money Hill Consortium

Development of 130 residential dwellings, a new healthcare centre and new public open space (outline - all matters other than part access reserved)

Status (July 2013): Pending Consideration

**CASTLE DONINGTON (Policy CS38)**

**Broad Location**

Application Reference: 09/01226/OUTM  
Location: Land North and South of Park Lane, Castle Donington  
Applicant: Miller Homes Limited And Clowes Developments (UK) Limited

Residential development of up to 895 dwellings with associated highway works, including a new western relief road linking Back Lane with Hill Top, 6.07ha of employment uses (B1: 7,613 sq m; B2/B8: 24,546 sq m), new primary school (1.1ha); a public house (Use Class A4: 0.2ha), public open space, play areas and strategic landscaping (Outline - all matters reserved other than access in respect of the proposed relief road and proposed junctions serving the remainder of the development)

Status (July 2013): PERMIT subject to a Section 106 Agreement

**IBSTOCK**

**Broad Location (Policy CS39)**

Application Reference: 12/00453/FULM  
Location: Land South of Ashby Road, Ibstock  
Applicant: Bellway Homes (East Midlands) Limited

Application for the erection of 191 residential units, structural landscaping, open space provision and access roads

Status (July 2013): PERMIT Subject to Section 106 Agreement

Other Ibstock

Application Reference: 12/00264/OUTM

Location: Land East of Ravenstone Road, Ibstock

Applicant: Davidsons Developments Limited

Residential development of up to 120 dwellings, including vehicular access, pedestrian and cycle links, public open space, children's play area, structural landscaping, sustainable urban drainage and woodland planting (outline - all matters other than part access reserved)

Status (July 2013): Application Permitted (28 Nov 2012) and development commenced

**MEASHAM**

Broad Location (Policy CS41)

Application Reference: 13/00141/OUTM

Location: Land at Measham Waterside, Burton Road, Measham

Applicant: Measham Land Company Limited

Development of up to 450 residential dwellings and reinstatement of 1.1km of associated canal, provision of public open space and vehicular, emergency and footpath access (Outline application - All matters reserved except access)

Status (July 2013): Pending Consideration



# The Planning Inspectorate

Date: 25 July 2013  
Ref: PINS/G2435/429/3

To:  
Mr Ian Nelson  
Planning Policy and Business Focus Team Manager  
North West Leicestershire District Council  
Council Offices  
Coalville  
Leicestershire, LE67 3FJ

Dear Mr Nelson

**PLANNING & COMPULSORY PURCHASE ACT 2004 (AS AMENDED)  
EXAMINATION OF THE NORTH WEST LEICESTERSHIRE CORE  
STRATEGY (CS)**

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1. I refer to your response to my initial note of 9 July 2013. I can comment as follows.
2. Thank you for clarifying that it is the April 2013 version of the CS that has been submitted for examination. Your comments about the scope of the consultation exercise in respect of the subsequent changes and supporting Sustainability Appraisal and Habitats Regulations Assessment are noted. Your responses in respect of Traveller Sites and viability are also noted: in principle, these are matters that could be discussed in more detail at hearing sessions, should such sessions take place.
3. However, a number of concerns remain about the Plan's potential soundness and legal compliance. I set out the most serious of these below. These comments should be read in conjunction with my previous note and, as before, are made without prejudice to any final report that I may write.

**Assessing Housing Needs**

4. I note your view about the status of the Leicester and Leicestershire Housing Requirements Study (LLHRS), and I am clearly aware of the way in which national planning policy has developed in respect of this matter since the publication of the previous Planning Policy Statement 3 (PPS3). Nevertheless, you will realise that the soundness of submitted Local Plans must be assessed in the context of the requirements of the National Planning Policy Framework – including those set out in paragraphs 47, 159 and 182, as summarised in my previous note.

5. As I have already said, in the absence of an up-to-date Strategic Housing Market Assessment (SHMA), it will be difficult to reach a conclusion that the CS is sound. Irrespective of the factors that you refer to in support of the LLHRS, including the interim 2011-based DCLG household projections, that document does not amount to an adequate substitute for a properly prepared SHMA. While you suggest that additional wording should be added to policy CS1 to take into account the potential implications of future SHMA preparation, the assessment of housing needs within the market area is a central part of the evidence base that should inform, rather than follow, Local Plan preparation. Furthermore, such an assessment should be made in the context of the housing market area (HMA) as a whole. It is not clear that this has been satisfactorily undertaken, a matter considered below in the context of the Duty to Co-operate.

### **Housing Supply**

6. While detailed and up-to-date housing land supply information remains to be seen, the recent appeal decision that you have attached (Appendix 4 of your response)<sup>1</sup> confirms my concerns about the District's housing land supply position. There appears to be a serious and urgent shortfall. The submitted Local Plan takes no action to resolve this problem. No sites are allocated. The Council's view that 'a more pragmatic approach' should be taken 'to ensure that applications were considered as speedily as possible'<sup>2</sup> is at odds with the plan-led approach that is advocated by the National Planning Policy Framework (see below). The fact that a more detailed evidence base may be required to support specific site allocations is not in itself a reason to avoid making such allocations.
7. You say that 'it is not clear to the Council why it can be suggested that the Core Strategy is not 'positively prepared' when development is being brought forward even though the Core Strategy is not yet adopted'<sup>3</sup>. I refer you to paragraph 17 of the Framework, notably the first bullet point which states that 'planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.' Paragraph 182 of the Framework explains that 'positive planning' means (among other matters) that the Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.' As already noted, the submitted Plan does not take such action.

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<sup>1</sup> Land south of Moira Road, Ashby (ref APP/G2435/A/13/2192131).

<sup>2</sup> Paragraph 4.12 of the Council's response.

<sup>3</sup> Paragraph 4.14 of the Council's response.



8. The absence of provision for an adequate future supply of housing represents a major flaw in the Plan as submitted. It is difficult to see how this could be remedied in the context of the present examination. The addition of specific site allocations at this late stage would, first, represent a substantial change from the submitted Plan and, second, as already noted, require to be supported by relevant and robust evidence.

### **Duty to Co-operate**

9. While the above matters point to serious concerns about the Plan's soundness, I am also concerned that the absence of a strategic policy approach towards meeting housing needs within the housing market area (HMA) as a whole may amount to a failure to satisfy the duty to co-operate (DTC). It should be noted that the relevant requirement<sup>4</sup> requires engagement to be *constructive*, active and on an ongoing basis (my italics). While the actions undertaken in your DTC topic paper<sup>5</sup> are noted, it is clear that such a strategic approach is not in place. Indeed, substantial differences remain between your Council and several other authorities within the HMA in respect of this matter. As I have previously advised, failure to satisfy the legal DTC cannot be remedied.

### **Conclusion**

10. In the light of the above, I propose to hold an Exploratory Meeting (EM) in which I will set out my concerns in more detail and explain their implications for the examination's future progress. The Programme Officer (PO) will be in touch to arrange a suitable time and venue. This meeting will be open to the public (and will need to be advertised accordingly), but will not be an opportunity to test the Council's evidence in detail or hear any discussion of individual representations. Such matters are properly addressed in hearing sessions, should the examination proceed to that stage. I will not be accepting any further representations or evidence prior to the EM.
11. In the meantime, can I ask your Council to consider whether it wishes to withdraw the Core Strategy in order to minimise the further time and expense that would be associated with holding the EM.
12. This note, along with your response, should be made available on the examination website. If you have any queries on the above, please let me know via the PO.

Yours sincerely

*M J Hetherington*

INSPECTOR

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<sup>4</sup> Section 33A(2) of the Planning & Compulsory Purchase Act 2004.

<sup>5</sup> Document 7.1.