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Meeting	LOCAL PLAN COMMITTEE
Time/Day/Date	6.00 pm on Wednesday, 8 September 2021
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services 01530 454512

AGENDA

Item		Pages
1	APOLOGIES FOR ABSENCE	
2	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring disclosable interests you should made clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3	PUBLIC QUESTION AND ANSWER SESSION	
	To receive questions from members of the public under rule no.10 of the Council Procedure Rules.	
4	MINUTES	
	To confirm and sign the minutes of the meeting held on 7 July 2021	3 - 8
5	LOCAL PLAN REVIEW – HOUSING STANDARDS	
	Report of the Head of Planning and Infrastructure	9 - 20
6	AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT	
	Report of the Head of Planning and Infrastructure	21 - 68
7	BLACKFORDBY NEIGHBOURHOOD PLAN	
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8	NATIONAL PLANNING POLICY FRAMEWORK UPDATE	
	Report of the Head of Planning and Infrastructure	101 - 110

Circulation:

Councillor J Bridges (Chairman)
Councillor K Merrie MBE (Deputy Chairman)
Councillor D Bigby
Councillor R Boam
Councillor D Everitt
Councillor J Houl
Councillor J Legrys
Councillor R L Morris
Councillor A C Saffell
Councillor N Smith
Councillor M B Wyatt

MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Council Chamber, Council Offices, Whitwick Road, Coalville - Public are encouraged to view the live stream of the meeting on WEDNESDAY, 7 JULY 2021

Present: Councillor J Bridges (Chairman)

Councillors K Merrie MBE, D Bigby, D Everitt, J Hoult, J Legrys, R L Morris, A C Saffell and N Smith

In Attendance: Councillors

Officers: Mr C Colvin, Mr C Elston, Ms S Grant, Mr I Nelson and Mrs R Wallace

The Chairman reminded Members that they were not being asked to approve anything in its final form, only to note or approve for subsequent public consultation. In relation to the consultation, Members would have the opportunity in the future to discuss the exact wording of policies. The Chairman also referred to the public questions received in relation to potential sites as identified in the SHELAA which was discussed at the previous meetings and responses had been provided. Members were reminded that there would be no debate on the merits of any particular sites as this could compromise the decision making in the future.

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam and Councillor M B Wyatt.

9 DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillor K Merrie declared a non-pecuniary interest in item 3 – Public Question and answer session as a Leicestershire County Councillor for Coalville South and a District Ward Member for Ellistown and Battleflat, areas which fall under the public question received.

Councillors D Bigby, J Hoult, J Legrys, R Morris, A C Saffell and N Smith declared that they had been lobbied in relation to item 3 – Public Question and Answer Session but still had an open mind.

10 PUBLIC QUESTION AND ANSWER SESSION

The following questions were submitted to the Committee and responses provided.

QUESTION FROM MR D PICKERING

‘Do you know there is a nature reserve close to the edge of the proposed c85 site at Donington-le-heath where Barn owls, kingfishers, otters, and migrating birds of prey including osprey use yes or no?’

RESPONSE

Yes, we are aware of this.

Kelham Bridge lies under 100m from C85 (at its nearest point, the main body of the site is over 200m). Kelham Bridge is a Local Wildlife Site managed by the Leicestershire and Rutland Wildlife Trust (LRWT).

The LCC Ecologist was consulted on C85 as a potential development site. They confirmed that C85 itself is not an ecological designation, but it does contain several potential Biodiversity Action Plan habitats: hedges, ponds, a small river, trees and scrub woodland along the former railway to the south. The site is considered to have potential for badgers. There is also potential for aquatic mammals/crayfish along the River Sence and Great Crested Newts just off-site to the north and also within a pond on site. Further survey work would be needed or mitigation or to enter into a Great Crested Newt District Level Licencing Scheme. The site would require a Phase 1 Survey as well as further survey work to assess the ecological potential of the site with respect to badgers, and otter, water vole and crayfish. It was also recommended that hedgerows are retained with a 5m buffer of natural vegetation to the retained hedgerows (outside of gardens). These comments are noted in the SHELAA assessment.

It should be noted that the LCC Ecologist did not comment on the site's proximity to Kelham Bridge.

QUESTION FROM MR R MADDISON

'Is the Local Plan Committee aware of the difficulties and implications of burying the 400kV cables that currently run over C85?'

RESPONSE

'Overhead cables cross the SW corner of C85. This was not flagged as a constraint by the agent. Generally, in such circumstances, a developer may choose not to build on that part of the site and to ensure development is offset by an appropriate and safe distance. They may also opt to place the cables underground, the cost of which will be factored into the developer's viability assessment of the site.'

QUESTION FROM MS F PICKERING

'Will Oak tree Gardens be used to gain access to e85, yes or no?'

RESPONSE

Oak Tree Gardens does not adjoin C8. Therefore, a direct access to C85 from Oak Tree Gardens is not possible.

QUESTION FROM MR W JENNINGS

With reference to the potential addition of C85.

'What is the considered traffic implications for this scheme on surrounding roads. We refer to additional traffic through Ravenstone, Ellistown and along Ashburton Road in particular the Hugest crossroads which are already known to be over capacity'

RESPONSE

The Highways Authority was consulted on C85. As SHELAA requires only a red line boundary of the proposed site to be submitted the Highway Authority are only able to provide high level comments on the suitability of the site in terms of potential highway issues that may arise if the site was developed. In this instance the Highways Authority acknowledge that any development proposals in or around Donington-le-Heath are likely to have significant transport impacts on Coalville and the A511 corridor, and as such proportionate contributions should be sought towards emerging transport

strategies/scheme packages for these areas to ensure that the cumulative impacts of development on these areas/corridors are addressed.

The Highways Authority also note that the main access routes for traffic to/from the site (including between the site and Coalville town centre) would involve passing through Hugglescote Crossroads and/or the double mini roundabouts in the centre of Ellistown, which are longstanding pinch points on the local highway network.

QUESTION FROM MS S ASTILL

‘Are you aware that the agricultural land in C85 and E9 is high grade farmland?’

RESPONSE

Both the Natural England regional records and the agent state that C85 is Grade 2, thereby comprising Best and Most Versatile (BMV) agricultural land.

E9 (and E7) is shown on the Natural England regional records to be Grade 3. The regional records do not distinguish between Grade 3a (BMV) and 3b, so further evidence would be required to ascertain if the site constitutes BMV agricultural land.

QUESTION FROM MS E PARSONS

‘Considering the Lanes in Donington le Heath are single track with limited footpaths, what are the proposed vehicle access and emergency vehicle access routes for C85?’

RESPONSE

At this stage the site is only being promoted for development and there are not any exact details of the proposed vehicular access.

QUESTION FROM MR S RICE

‘Are you aware the primary and secondary school placements within the parish are currently oversubscribed and a number of local children are unable to get into their nearest school?’

RESPONSE

Through liaison with the education authority, the Council is aware of ongoing issues. In preparing the Local Plan account will be taken of the impact upon school provision.

For his supplementary question, Mr Rice referred to the fact that officers were already aware of the school placement issues, therefore he asked what urgency would be placed on education and was it going to be prioritised above the building of more homes.

A formal response would be provided to Mr Rice outside of the meeting.

11 MINUTES

Consideration was given to the minutes of the meeting held on 26 May 2021.

It was moved by Councillor J Legrys, seconded by Councillor A C Saffell and

RESOLVED THAT:

The minutes of the meeting held on 26 May 2021 be approved as a correct record.

12 WAREHOUSING AND LOGISTICS IN LEICESTER AND LEICESTERSHIRE: MANAGING GROWTH AND CHANGE (APRIL 2021)

The Principal Planning Policy Officer presented the report to Members.

In relation to the rail served need, a Member suggested that this be carefully monitored as it was believed that a great deal could be fulfilled by potential National Distribution centre in Hinckley. A comment was also made regarding the none rail sites, as the consultants report stated that these sites were not needed until 2031 because there was already enough available. As Local Plans are to be revised every five years, the Member felt there was no need to allocate any none rail serve sites at this point. The Planning Policy Team Manager explained that although the Local Plan would be revised every five years, the plan did cover a period up to 2039, therefore it could not be ignored. The provision would need to be made but would not come forward until the right time.

A Member shared their disappointment that the ongoing Freeport discussions were not mentioned within the report as although it was not yet finalised it was something that would have an impact once agreed. It was recognised that there was a reliance on the Hinckley and Bosworth Borough Council sites, which were strongly opposed by local residents and politicians, , officers were asked if the allocation decision would be taken locally or nationally.

Comments were also made in respect of the great deal of uncertainty of growth due to factors out of our control, therefore officers were asked how the uncertainty would be addressed when assessing the sites.

It was agreed for the Planning Policy Team Manager to respond to the questions in writing outside of the meeting.

A Member requested a briefing on this issue before it was brought back to Committee to allow further discussion on uncertainties. All agreed.

It was moved by Councillor J Legrys, seconded by Councillor K Merrie and

RESOVLED THAT:

- 1) The findings of the Warehousing and Logistics Study (2021) which would form part of the evidence base for the substantive local plan review be noted.
- 2) The next steps as set out in the report be noted.

13 LOCAL PLAN REVIEW - RENEWABLE AND LOW CARBON ENERGY

The Planning Policy Team Manager presented the report and referred Members to the amended recommendations set out in the update sheet due to an error in the original report.

Members acknowledged the work undertaken by officers to date and recognised that this was the start of a long journey to make the District greener and more efficient.

In relation to the preferred options as part of the public consultation, a Member felt that the approach of listing the preferred options could seem too leading. In response, the Planning Policy Team Manager explained that the intention was to list the options as preferred at this time as they were based on the information currently available. It was

noted that the process had yet to commence but it was made clear that the approach may have to be changed going forward as more information became available.

Members welcomed the fabric first approach to minimise the need for energy consumption, but reference was made to the current Planning Bill going through parliament and concerns were raised that officers could be setting a target that was moving and therefore unachievable or possibly contradictory to the Planning Bill. The Chairman acknowledged that targets were moving but felt it was important to include it to keep control. The Planning Policy Team Manager agreed and added that if a plan was submitted that went over and above legislation then there was a risk that it could be found to be unsound. A further comment was made on the potential policy wording for the fabric first approach as it was felt that there would be a temptation for developers to install cheaper systems which were expensive to run. Officers were asked to look at the wording and a suggestion was made to add a note to discourage the installation of electric storage heaters. The Planning Policy Team Manager agreed to investigate this further.

A Member queried the inclusion of paragraph 2g in the potential policy wording at appendix 1, as it did not seem to be included in the NPPF. The wording was taken from current policy and did not seem achievable. The Planning Policy Team Manager explained that along with the NPPF, there was also a Ministerial Statement to consider, and this paragraph was most likely from that. In relation to the Ministerial Statement, officers were asked that due to the statement being made in 2016, was it necessary for paragraph 2(g) and 3(a) of the potential policy wording to be included in the Local Plan. The Planning Policy Team Manager explained that it was a fact that the Ministerial Statement was still in place and although it was made some years ago, it could not be ignored.

In relation to the Carbon offset fund, although still in its early stages, a Member felt that that the options were very binary and it was important to look at this in more detail going forward to allow carbon rates to improve. It was suggested that officers look at how the carbon price was set and to make it clear in the consultation how the Council were planning to set it. The Planning Policy Team Manager agreed with the comments made and that the carbon price setting would need to be considered if the Council decided to go down the route of a carbon offset fund.

A reference was made to the last paragraph of the potential policy wording for reducing carbon emissions at appendix 2 as it seemed to be advocating a 100 percent requirement for energy generation to match consumption which was very ambitious. It was suggested that officers look at making the wording clearer. It was also highlighted that there was no reference to the consultant's recommendation for a Local Development Order for retrospective installation of carbon energy efficiency measures to existing houses, officers were asked if this was under consideration. The Planning Policy Team Manager reported that a request had been submitted to the consultants in relation to the resources and cost required for that piece of work but had not yet received a response. Members would be kept informed of the progress.

In response to a concern from a Member in relation to the complexity of the subject matter and the importance of making it easy to understand for the public consultation, the Planning Policy Team Manager stated that he would bear it in mind and work with the communications team on the matter.

For clarity, the recommendations as amended in the additional papers were read out in full before they were put to the vote.

It was moved by Councillor K Merrie, seconded by Councillor J Hault and

RESOLVED THAT:

The potential policy options for –

- a) Renewable Energy (as set out in paragraphs 3.22 – 3.23 of the report)
- b) Energy Efficiency (as set out in paragraphs 4.17 – 4.18 of the report)
- c) Reducing Carbon Emissions (as set out in paragraphs 5.8 – 5.10; 5.18 – 5.20; 5.28 – 5.30 and 5.39 – 5.40 of the report)
- d) Water Efficiency (as set out in paragraphs 6.4 – 6.5 of the report)

be agreed for inclusion in the next consultation stage of the Local Plan.

14 LOCAL PLAN REVIEW - HEALTH AND WELLBEING POLICY

The Planning Policy Team Manager presented the report to Members.

Members welcomed the work undertaken by officers and following discussion they were more minded to include a Health and Wellbeing Policy as per option two rather than to not have one at all.

Some concern was raised in relation to the possible restriction on policy requirements for small and medium sized developers as large developers could use this route to avoid the building of affordable housing. The Planning Policy Team Manager agreed that this could be an issue but there was a requirement to support small and medium sized developers. He added that an alternative approach could be taken to define these developers such as number of dwellings or size of the site rather than the annual turnover, however major developers did build on smaller sites which would go against what was trying to be achieved.

In response to a comment from a Member, the Planning Policy Team Manager explained that the aim of the health impact assessments would be demonstrate that developments had the provision of cycle, pedestrian and open spaces and other factors which helped to make a development healthy from the perspective of future residents, but gathering the information could be more difficult as evidence would be required as a baseline. It was essential for the assessment to be meaningful. Members agreed that the detail was important and there was a need for an overarching policy so that it could be used successfully at Planning Committee when considering planning applications.

It was moved by Councillor J Legrys, seconded by Councillor D Bigby and

RESOLVED THAT:

The potential policy options for –

- a) A Health and Wellbeing Policy; and
- b) A Health and Wellbeing Assessment Policy

be agreed for inclusion in the next consultation stage of the Local Plan.

Councillor D Everitt entered the meeting at 6.30pm.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.25 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – 8 SEPTEMBER 2021



Title of Report	LOCAL PLAN REVIEW – HOUSING STANDARDS	
Presented by	Ian Nelson Planning Policy & Land Charges Manager	
Background Papers	National Planning Policy Framework Planning Practice Guidance Technical Housing Standards – Nationally Described Space Standard (DCLG, 2015) Water stressed areas – final classification 2021 (Environment Agency, July 2021) Severn Trent Water Resources Management Plan (August 2019)	Public Report: Yes
Financial Implications	The cost of the study is met from existing budgets which are reviewed as part of the annual budget setting process. Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report. In due course the policy options set out will be incorporated in a consultation document for the Substantive Local Plan Review. The Local Plan Review process as a whole must accord with the legal requirements set out in legislation and guidance Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report considers whether to pursue the inclusion as part of the Local Plan review policies for housing technical standards.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE AGREES, SUBJECT TO THE OUTCOME FROM A FUTURE	

	<p>CONSULTATION AND CONSIDERATION OF A WHOLE PLAN VIABILITY ASSESSMENT, TO THE INCLUSION OF POLICIES IN THE LOCAL PLAN SUBSTANTIVE REVIEW IN RESPECT OF:</p> <p>I) SPACE STANDARDS;</p> <p>II) WHEELCHAIR ACCESSIBLE AND ADAPTABLE HOUSING AND;</p> <p>III) WATER EFFICIENCY STANDARDS</p>
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1 BACKGROUND

- 1.1 In March 2015 the government published a set of streamlined national technical housing standards relating to internal space, accessible and adaptable housing and water efficiency.
- 1.2 Minimum standards for wheelchair accessibility and water efficiency are required through the respective building regulations. Local planning authorities have the option to exceed these minimum standards through the adoption of Local Plan policies where additional standards can be justified and they do not adversely impact on development viability.
- 1.3 This report considers whether to pursue the inclusion - as part of the Local Plan review - policies on housing technical standards. The report sets out a summary of each of the standards, the benefits of implementing the standards and further work required to support and justify the inclusion of respective policies in the emerging Local Plan. This is done by conducting a high-level assessment of each of the Standards against the available information set out in this report and then making initial recommendations as to whether to pursue policy options.

2 THE NATIONAL PLANNING POLICY CONTEXT

- 2.1 The National Planning Policy Framework (NPPF) states planning policies and decisions should ensure that developments (para.127) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Footnote (46) states: *“Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified”*.
- 2.2 The Planning Practice Guidance ‘Housing: optional technical standards’ reiterates the advice in the footnote. A whole Local Plan viability assessment and the testing of all policies will be completed prior to publication of the Regulation 19 (publication) version of the plan.

3 ADOPTED LOCAL POLICY CONTEXT

- 3.1 There is no policy in the adopted Local Plan requiring standards relating to water efficiency but Policy D1 (Design of New Development) requires development to have regard to sustainable design and construction methods. The supporting text (paragraph 6.24) encourages developers to consider the integration of environmental optional extra features for residential developments, including those that would exceed the environmental performance of new homes required by Building

Regulations. Whilst the text continues to list examples of such features and refers to water management, there is no explicit reference to tighter water efficiency standards.

- 3.2 In relation to internal space standards, Policy D1 also considers the provision of appropriate storage and facilities for waste, recycling and cycle storage but there is no reference to space standards or other storage requirements.
- 3.3 Policy H6 (House Types and Mix) seeks to ensure that market housing meets the needs of the district's current and future residents, delivering a range of types and sizes. Notably, for development of 50 or more dwellings, the policy states the following will be provided: "*A proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities in accordance with Part M4(2) of the Building Regulations*".
- 3.4 The District Council's Good Design SPD, published in 2017, provides supplementary guidance to Local Plan policies for applicants relating to the Council's design aspirations for new developments. Amongst other matters it:
 - seeks to ensure spaces are fit for purpose having regard to their intended use and maximum number of occupants.
 - encourages applicants to demonstrate that sufficient space is provided to include items that would reasonably be expected to be found within a particular room, along with the appropriate space to function in each room.

The SPG does not go as far as specifying the space standards required.

4 NATIONALLY DESCRIBED SPACE STANDARDS

- 4.1 The Nationally Described Space Standards (NDSS) are intended to provide a reasonable minimum level of internal living space, reflective of the proposed level of occupancy for that dwelling. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home such as bedrooms, storage and floor to ceiling height. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 4.2 The NDSS only applies to new build dwellings and not a change of use that requires full planning permission but does apply across all tenures.
- 4.3 A number of benefits are associated with the application of a minimum set of standards including improved family cohesion, reduced overcrowding, space for solitary activities such as studying or home working and suitable daylight and ventilation. These benefits have particularly become more relevant with increased agile working – which is likely to remain for many office based workers – as a result of the COVID-19 pandemic.
- 4.4 Due to the lack of national or local policy relating to space standards, it is not possible to refuse planning applications where space is considered to be inadequate. Inclusion of a policy (or policies) in the Local Plan would address this. However, to justify the inclusion of internal space standards the Guidance states this involves providing evidence of need based on the type and size of development currently being built and assessing the impact on viability. Where a policy has been adopted, there should also be a reasonable transitional period to enable developers to factor the cost of space standards into future land acquisitions.

- 4.5 The PPG also advises that two main impacts could arise from adopting a space standard – the viability of an individual development and as a consequence, the deliverability of potential site allocations for housing and implications on the housing land supply – and on affordability.

Assessment

- 4.6 Taking the PPG advice, a small sample size of the Gross Internal Area (GIA) of dwellings were derived from floorplans and information submitted as part of planning applications. Table 1 provides a summary of the development sizes, their internal floor area and a comparison against the NDSS. Most of the floorplans only included Gross External Area (GEA) and so an assumption has been applied of an average cavity wall thickness 300mm. This equated, on average, to 10% of the GEA which has been deducted from the Gross External Area.

Table 1: Comparison of permitted development GIA to the NDSS

Settlement	Planning Permission	Number of Bedrooms / Occupancy	Gross Internal Floorspace m2*	National Space Standard (internal) m2
Coalville	18/00375/REMM (13/00956/OUTM – 360 dwellings)	1 / 2 (flat)	52.22	50
		2 / 3	72.1	70
		3 / 5	95.95	93
		3 / 6 (3 floors)	120.66	108
		3 / 6 (3 floors)	121.39	108
Coalville	17/00023/FULM (11 dwellings)	1 / 2 (bungalow)	53 (actual GIA)	50
		2 / 4	82.6 (actual GIA)	79
Coalville	17/01381/FULM (14 dwellings)	1 / 2	External – 57.99	58
		2 / 3 (flat)	External – 61.59	61
		2 / 3	External – 77.4	70
		3 / 4	External – 88.56	84
		3 / 4	External – 88.1	84
Moirra	16/00116/FULM (28 dwellings)	1 / 2 (bungalow)	External – 54.9	50
		1 / 2 (flat)	External – 46.92	50
		2 / 4	External – 73.8	79
		3 / 5	External – 88.7	93
Ravenstone	17/00304/FULM (19 dwellings)	2 / 3	External – 73.42	70
		3 / 5	External – 82.8	94
		4 / 6	External – 103.62	106

* All figures are based on Gross External Area minus 10% exclusion of external walls, unless stated.

- 4.7 The figures shaded in grey are those where the GIA is below the NDSS for that development size.
- 4.8 The majority of developments exceed the NDSS, although it is evident, all be it from a small sample, that those that fall below the standards are the two developments in the smaller settlements of Moirra and Ravenstone. This potentially may indicate viability issues with providing the NDSS in the lower order settlements, however a larger sample size would be required to establish whether this is the case, and site

typologies reflective of the settlements and of comparable development sizes would need to be tested through the viability assessment.

Next steps

- 4.9 Considering the potential benefits and the examples drawn from a small sample of developments, it is recommended that a policy on the NDSS in the Local Plan is pursued, subject to undertaking a larger survey of space standards for developments permitted since 2015. The survey should include developments of all sizes from a range of small and large house builders within a number of settlements reflective of each classification in the settlement hierarchy. This will provide sufficient evidence to inform whether a draft policy or policy options should be included in the Local Plan Regulation 18 consultation document.
- 4.10 The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

5 ACCESSIBILITY AND WHEELCHAIR HOUSING STANDARDS

- 5.1 The NPPF (paragraph 61) makes clear that local planning authorities should seek to address the needs of different groups with specific housing requirements in their communities, including older people and those with disabilities.
- 5.2 The PPG states that an ageing population will see the numbers of disabled people continuing to increase and it is important to plan early and meet the needs throughout their lifetime. The PPG continues *“Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require”*.
- 5.3 The provision of wheelchair accessible and adaptable housing built from the outset to meet current and future demand not only enables people to live more independently and not have to move home, but results in savings on a range of health and social costs in the long term.
- 5.4 The PPG draws a distinction between wheelchair accessible (ready for use by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be adapted to meet specific needs). It advises that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling i.e. social housing. All other requirements apply to both market and social housing.
- 5.5 The PPG suggests that the following information is considered when deciding whether to introduce the optional standards:
- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
 - size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
 - the accessibility and adaptability of existing housing stock.
 - how needs vary across different housing tenures.

- the overall impact on viability.

5.6 Basic accessibility requirements are set out in Building Regulations (Part M 2015). However, the PPG includes provisions for local planning authorities to consider requiring enhanced levels of accessibility, adaptability and wheelchair standards in new homes to help address the needs of specific groups. The categories – as set out in Building Regulations Part M10 are:

M4(2): Accessible and adaptable dwellings must be designed to enable most people to access and use the dwelling and incorporate features which:

- make it potentially suitable for a wide range of occupants, including older people and those with reduced mobility; and
- allow adaptation of the dwelling to meet the changing needs of occupants over time.

M4(3): Wheelchair user dwellings includes two different levels:

- Wheelchair adaptable dwellings which must be designed to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs.
- Wheelchair accessible dwellings which must be designed and built with the necessary features/adaptations included to enable it meets the needs of occupants who use wheelchairs.

5.7 The Building Regulations set out performance objectives to identify where a new dwelling has reasonable provision to meet the requirements of the optional accessibility standards. These are included at Appendix A of this report.

Assessing the need for wheelchair accessible and adaptable housing

5.8 A Local Housing Needs Assessment undertaken to support the Local Plan considered the needs of older people and those with disabilities and looks at the potential requirements for housing built to the accessibility and wheelchair technical standards in accordance with the PPG.

5.9 The study identifies that over the period 2018-2036, the district is projected to see a notable increase in the older person population with the total number of people aged 65 and over increasing by 47% over this period. This compares with overall population growth of 13% and a modest increase in the under 65 population of 4%. The proportionate increase in the number of older people in the district is higher than that projected for Leicestershire and East Midlands.

Table 2: Projected Change in Population of Older Persons (2018-2036)

	NWL	Leicestershire	East Midlands	England
Under 65	4.3%	4.8%	1.3%	1.7%
65-74	27.5%	25%	24.7%	26.6%
75-84	61.8%	55.2%	50.5%	46.2%
85+	104%	90.1%	93.4%	83.9%
Total	12.8%	11.5%	9.1%	8.8%
Total 65+	46.6%	42.9%	41.5%	40.6%

5.10 Taking account of future population growth there is projected to be an increase of 61% of the population aged 65 and over with mobility problems. Other notable findings from the report include a future need for all types of specialist housing for

older people; a need for additional care bedspaces; and a need for around 400 dwellings to be for wheelchair users – meeting technical standard M4(3).

- 5.11 The study concludes that there is a clear need to increase the supply of accessible and adaptable dwellings and wheelchair user dwellings as well as providing specific provision of older persons housing. It recommends that the Council considers requiring all dwellings, in all tenures, to meet the M4(2) standards – this is compared to the current policy requirement only applying to applications for 50 or more dwellings. It also recommends at least 5% of homes meeting M4(3) for social housing, although it is not clear whether part M4(3)(2)(a) should also apply to market housing.
- 5.12 The study also recommends that the Council should consider if a different approach is more appropriate for market housing and affordable homes, recognising that registered providers may already build to higher standards.

Next Steps

- 5.13 It is evident that current data suggests an increasing ageing population over a majority of the new plan period. The current evidence suggests the Council should continue with a requirement for proposals to be built to meet the M4(2) standards but explore applying this to all market and social housing proposals. The evidence also suggests the Council should seek to apply part M(3) – wheelchair user dwellings, however further testing would be needed as to whether (2)(a) should apply to both market and social housing.
- 5.14 There is sufficient evidence, at this stage, to inform policy options for inclusion in the Regulation 18 consultation draft. The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

6 WATER EFFICIENCY STANDARD

- 6.1 All new homes already have to meet the mandatory national standard set out in Part G of the Building Regulations (of 125 litres /person /day).
- 6.2 To help manage demand for water, local planning authorities can set out Local Plan policies requiring new dwellings to meet the Building Regulations optional requirement of 110 litres /person /day, where there is a clear local need based on existing sources of evidence. The PPG states that a clear need can be informed by sources of evidence including consultation undertaken with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement.
- 6.3 The higher standard could be met through either a fittings-based approach, which imposes maximum consumption rates for various fittings such as WCs, basin taps, and showers, or calculating the whole house water consumption using a ‘water efficiency calculator’ for new dwellings.
- 6.4 Water efficiency can bring a number of benefits including:
- Reducing water use automatically reduces water charges if a meter is installed;
 - There will be less waste water, reducing the risk of flooding and reducing the cost of treating the water;
 - It reduces a household’s carbon footprint – contributing to national carbon reduction targets;

- It preserves natural resources to help tackle climate change; and
- Reducing the use of hot water and so reducing consumption will also deliver lower energy bills.

6.5 The PPG states that the primary sources of evidence which might support a tighter water efficiency standard for new dwellings are:

- The Environment Agency Water Stressed Areas Classification (2021 now available) -
- Water resource management plans produced by water companies.
- River Basin Management Plans

It also states locally specific evidence may also be used, such as Water Cycle Studies.

Assessment

6.7 The above readily available information sources have been used to understand the current evidence of water stress in the district, the impact of water supply on the local environment and demand pressures.

Water Stress

6.8 The Environment Agency's report on water stress areas was updated in July 2021. The report provides formal advice to the Secretary of State on which areas in England are areas of serious water stress.

6.9 North West Leicestershire is located within the area covered by Severn Trent. This area has been classed as 'seriously water stressed' – the most significant classification. This is a change from the 2013 classification of moderate stress across all demand scenarios with a 'final stress' of 'not serious'.

6.10 One of the reasons for the change in this classification is the use of the latest data from the Water Resource Management Plans (WRMP) published by the water companies in 2019 – including the WRMP for Severn Trent discussed below. The plans provided an improved understanding of water resource needs, including the impact of climate change, pressure on the environment and how to meet the challenges they create. The water stress method takes a long-term view of the availability and the demand for public water supply, rather than a snapshot of shorter or peak periods. It accounts for future population growth, climate change, environmental needs and increased resilience. It reflects and supports the commitments that water companies have made to reduce leakage and water consumption.

Water Resources Management Plan

6.11 Severn Trent is responsible for preparing the WRMP for managing supply and demand across its network. North West Leicestershire is located in the Strategic Grid Water Resource Zone. The WRMP indicates that in the absence of future investment, supply and demand shortfalls within the Strategic Grid are likely. However, the Strategy aims to tackle this predominantly by reducing leakage and connecting the grid to new supply sources. The WRMP also proposes several interventions for managing demand such as water efficiency advice and products.

Humber River Basin District River Basin Management Plan

- 6.12 The Humber River Basin Management Plan (RBMP) (which includes the River Trent as a tributary of the Humber) provides a framework for protecting and enhancing the benefits provided by the water environment. The RBMP highlights areas of land and bodies of water that have specific uses that need special protection, such as those used for drinking water.
- 6.13 A significant water management issues identified by the Plan, is the changes to the natural flow and level of water – affecting 6% of all water bodies in the Plan area. Reduced flow and water levels in rivers and groundwater caused by human activity such as abstraction or less rainfall than usual can result in reduced supply of drinking water and impact and damage habitats – including the potential impact on the River Mease SAC.
- 6.14 The RBMP sets how this issue can be managed by the various regulators, water management companies and policy makers. For local authorities, the Plan specifically states to make sure water is used efficiently, *“Local Government – sets out local plan policies requiring new homes to meet the tighter water efficiency standard of 110 litres per person per day as described in Part G of Schedule 1 to the Building Regulations 2010”*.

North West Leicestershire Water Cycle Study

- 6.15 The North West Leicestershire Water Cycle Study (WCS) was prepared to inform the adopted Local Plan. The WCS identifies long term solutions for preventing further deterioration in water quality and water resources facilitating development.
- 6.16 Section 8 of the study address water efficiency requirements. It identifies water resources that supply the district are under significant pressure. As part of a wider strategy to address water efficiency, the study recommended that all new homes be built to the Code for Sustainable Homes level 3/4 for water (105 l/h/d). The technical housing standard have superseded the CSH and so the 110 l/h/d is the alternative solution.

Next Steps

- 6.17 It is evident that the district is in area of water stress, increased demand and there is a clear need for the issue of water efficiency to be addressed by the responsible authorities. The Council should seek to pursue a policy relating to water efficiency, requiring developments to meet the tighter standard of 110 l/h/d for all developments.
- 6.18 It is considered there is sufficient evidence, at this stage in the plan preparation process, to support the inclusion of such a policy. As recommended by the PPG, further consultation should be undertaken with Severn Trent and the Environment Agency regarding the preferred policy approach – preferably prior to finalising a policy or policy options ahead of the Regulation 18 consultation.
- 6.19 The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

Policies and other considerations, as appropriate	
Council Priorities:	- Developing a clean and green district
Policy Considerations:	None

Safeguarding:	None discernible
Equalities/Diversity:	The Local Plan Review as an entity will be subject to an Equalities Impact Assessment.
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The Substantive Local Plan Review as a whole will Aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal. .
Environment and Climate Change:	The decision, of itself, will have no specific impact. The Substantive Local Plan Review as a whole will Aim to deliver positive environmental and climate change benefits and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	In due course the planning policy considerations outlined in the report will be incorporated in a consultation document for the Substantive Local Plan Review. The consultation arrangements will be governed by requirements in the Statement of Community Involvement
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to minimise risks, including regular Project Board meetings where risk is reviewed.
Officer Contact	Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk

For M4(2) these comprise:

- a) Within the curtilage of the dwelling, or the building containing the dwelling, it is possible to approach and gain step-free access to the dwelling and to any associated parking space and communal facilities that are intended for the occupants to use;
- b) There is step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey;
- c) A wide range of people, including older and disabled people and some wheelchair users, are able to use the accommodation, including its sanitary facilities; and
- d) Features are provided to enable common adaptations to be carried out at a future date to increase the accessibility and functionality of the dwelling;
- e) Wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach.

For M4(3) these comprise:

- a) Within the curtilage of the dwelling or the building containing the dwelling, a wheelchair user can approach and gain step-free access to every private entrance to the dwelling and to every associated private outdoor space, parking space and communal facility for occupants' use;
- b) Access to the WC and other accommodation within the entrance storey is step-free and the dwelling is designed to have and the potential to achieve step-free access to all other parts;
- c) There is sufficient internal space to make accommodation within the dwelling suitable for a wheelchair user;
- d) The dwelling is wheelchair adaptable such that key parts of the accommodation, including its sanitary facilities and kitchens, could be easily altered to meet the needs of a wheelchair user or, where required by a local planning authority, the dwelling is wheelchair accessible;
- e) Wall-mounted switches, controls and socket outlets are accessible to people who have reduced reach.

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Title of Report	DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Ian Nelson Planning Policy & Land Charges Manager	
Background Papers	National Planning Policy Framework National Planning Practice Guidance North West Leicestershire Local Plan Statement of Community Involvement (February 2019)	Public Report: Yes
Financial Implications	The cost of preparing the SPD is being met through existing budgets. Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report. The preparation of the SPD will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report presents a draft Affordable Housing Supplementary Planning Document for consideration with a recommendation that it be published for public consultation. The SPD will provide additional guidance about the application of the Council's planning policies for affordable housing and the Council's wider operational support for affordable housing.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE APPROVES THE DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT IN APPENDIX 1 FOR PUBLIC CONSULTATION.	

1. BACKGROUND

1.1 Officers from the Planning Policy and Strategic Housing Teams have prepared the draft Affordable Housing Supplementary Planning Document (SPD) included in Appendix 1. The SPD provides supplementary information in support of Local Plan Policy H4 – Affordable Housing and Policy H5 – Rural Exceptions Site for Affordable Housing.

1.2 The draft SPD was considered by Cabinet at its meeting on 27 July 2021. The resolution of that meeting was

That Cabinet requests the Local Plan Committee to approve the draft affordable housing supplementary planning document in Appendix 1 for public consultation.

1.3 The covering Cabinet report is included in Appendix 2. The report sets out the reasons for preparing the SPD, a summary of the matters it covers and the proposed next steps.

- 1.4 Since the Cabinet report was prepared, officers from Planning Policy and Development Management have collaborated to suggest some minor changes to the version of the SPD seen by Cabinet. These changes stem from the updated National Planning Policy Framework published on 20 July 2021 and from experience applying the Local Plan policies in practice.
- 1.5 The draft SPD in Appendix 1 includes these changes which are as follows:
- a) update references to the 2021 NPPF and correct the NPPF definition of affordable housing
 - b) clarify that the current Local Plan is the 'Local Plan as amended by the Partial Review'
 - c) clarify that, where a developer states that no Registered Provider (RP) is interested in taking on the affordable units on a site, all the RP responses the developer received are to be shared with the council
 - d) additional information about the approach to legal agreements for affordable-led schemes
- 1.6 The 2021 NPPF has aimed to clarify how the Government's requirements for affordable home ownership should be applied. The wording of the 2021 NPPF (paragraph 64) now states that the expectation is "at least 10% of the total number of homes to be available for affordable home ownership". The underlined wording is an addition in the 2021 NPPF. This means that on a site of 100 dwellings, at least 10 should be for affordable home ownership.
- 1.7 Alongside this, the First Homes requirement is that at least 25% of the affordable housing requirement should be First Homes. So, continuing the example of a 100 dwelling scheme and assuming a 30% affordable housing requirement in Local Plan Policy H4, the site would need to include $30 \times 25\% = 8$ First Homes (rounded up from 7.5). First Homes are a form of affordable home ownership so the 8 First Homes can be counted as part of the 10 needed from the paragraph above. In summary the example site would deliver a total of 30 affordable homes of which at least 10 would be affordable home ownership and, of those 10, at least 8 would be First Homes. The tenure of the remaining 20 would be agreed in accordance with the council's priorities.
- 1.8 Page 7 of the SPD provides further examples of these calculations.

2. NEXT STEPS

- 2.1 Subject to the Committee's decision, the draft SPD will go out to public consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 require a minimum of 4 weeks for consultation, but it is the Council's established practice as set out in the Statement of Community Involvement to undertake consultation over a 6-week period.
- 2.2 Following the public consultation a further report amending the draft SPD will then need to be brought back to Cabinet (amendments having been made pursuant to the consultation response) recommending that Local Plan Committee approve the revised draft SPD.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of the Affordable Housing SPD will be particularly relevant for the following Council Priority; - Local people live in high quality, affordable homes
Policy Considerations:	Adopted Local Plan National Planning Policy Framework
Safeguarding:	None specific

Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The SPD, if approved, will have social benefits by supporting the delivery of affordable housing in the district
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	The draft SPD will be published for consultation. The consultation arrangements will be governed by the Council's Statement of Community Involvement.
Risks:	None specific.
Officer Contact	<p>Ian Nelson Planning Policy & Land Charges Manager 01530 454677 IAN.NELSON@nwleicestershire.gov.uk</p> <p>David Scruton Housing Strategy & Systems Team Manager 01530 454612 DAVID.SCRUTON@nwleicestershire.gov.uk</p>

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Introduction

North West Leicestershire District Council has a strategic responsibility to meet the housing needs in the District.

The National Planning Policy Framework 2021 (NPPF) defines Affordable Housing as “*housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)*”. . The NPPF sets out the types of tenures that are acceptable forms of Affordable Housing.

The purpose of this Supplementary Planning Document is to support the delivery of affordable housing in North West Leicestershire particularly through the operation of Policies H4 and H5 of the North West Leicestershire Local Plan 2017 (as amended by the Partial Review)

https://www.nwleics.gov.uk/pages/local_plan . The SPD covers the following specific matters;

- alternative ways to secure site-based provision which should be explored before commuted sums are considered
- examples of circumstances which could be sufficiently ‘exceptional’ to justify commuted sums
- two approaches for calculating commuted sums
 - where viability is an issue, the contribution is that which can be afforded based on an independent review of the applicant’s viability assessment. The requirements for the viability assessment are set out in the SPD.
 - in all other cases, the contribution is based on the value of the affordable housing which would have been provided on site. The methodology is set out in the draft SPD.
- timings of when commuted sums must be paid
- the types of measures commuted sums could be spent on
- information about what we expect to see in viability statements where viability has been raised as a concern;

Planning Policy Position

Overview of National Planning Policy

The NPPF sets out the three overarching objectives of the planning system namely an economic objective, a social objective and an environmental objective. One aspect of the social objective is to ensure that “a sufficient number and range of homes can be provided to meet the needs of present and future generations”.

Relevant sections of the NPPF which relate to affordable housing include the following:

- the definition of affordable housing which includes affordable housing for rent, discounted market sales and other affordable routes to home ownership (Annex 2 Glossary).
- plan policies should set out the levels and types of affordable housing which will be required as part of development and should do this in a way which does not undermine the overall deliverability of the plan (paragraph 63)
- the size, type and tenure of homes required for different groups in the community (including those who require affordable housing) should be assessed and reflected in plan policies (paragraph 62)

- the presumption is that affordable housing will be provided on site unless “a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.” (paragraph 63)
- affordable housing should not be sought on schemes which are not major development (paragraph 64)
- in certain circumstances, a reduced affordable housing requirement applies to schemes which reuse/redevelop vacant buildings (paragraph 64)
- subject to some exceptions, at least 10% of the homes on major sites should be for affordable home ownership (paragraph 65)
- opportunities for local affordable housing needs to be met by means of rural exception sites should be supported and this could be enabled by the inclusion of an element of market housing in the scheme (paragraph 78).
- Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area (paragraph 72).

Overview of Local Planning Policy

Local Plan

The North West Leicestershire Local Plan 2017 as amended by the Partial Review provides the local planning policy framework for the district for the period to 2031. The plan contains 15 overarching objectives; objective 2 is to “support the delivery of new homes balanced with economic growth to provide a stock of housing that meets the needs of the community, including the need for affordable housing”.

Local Plan Policy H4 deals with the matter of affordable housing. The policy sets out the affordable housing percentage requirements according to a) settlement and b) whether the site is greenfield or brownfield, where a site is being brought forward as general market housing.

The policy does not provide detail on the tenure of affordable housing being delivered however Part (3) states

“The Council’s preference is for on-site affordable housing provision which should:

- include a mix of types and tenure that reflects the type and nature of any need at the time that the application is determined;”

The evidence base for the adopted Local Plan (currently under review) revealed a tenure split 80:20 between social/affordable rent and intermediate tenures. ([HEDNA 2017](#) Table 43 paragraph 7.57) The viability study prepared in support of the adopted Local Plan tested affordable housing scenarios based on 81% rented provision (split evenly between social and affordable rent) and 19% Shared Ownership ([Paragraph 3.3.1](#) (Local Plan Viability Study 2015) and section 3 (Proposed Publication Version Local Plan, Viability Review (Addendum) 2017)).

Part (2) of the policy identifies that site characteristics and financial viability will be taken into account when agreeing affordable housing provision and that the council will take a positive approach when viability is an issue.

Part (4) deals with legal agreements and part (5) addresses affordable housing for the elderly.

A copy of policy H4 is attached at Appendix 1

Policy H5 sets out the considerations which will apply to applications for rural exceptions sites. The purpose of the policy is to enable the delivery of affordable housing to meet local housing needs in locations outside the Limits to Development where new housing would not normally be allowed. Policy H5 requires the local affordable housing need to be demonstrated through evidence and confirms that legal agreements will be used to ensure that the affordable housing is for local needs and remains affordable in perpetuity. The policy also sets out site specific criteria and describes the circumstances when an element of market housing would be acceptable on a rural exceptions site.

A copy of policy H5 is attached at Appendix 2

Policy H6 deals with housing types and mix. It sets out that “We will seek a mix of housing types, size and tenures in new housing developments of 10 or more dwellings, in order to meet the identified needs of the whole community.” This policy is applicable to both market and affordable housing lead schemes. To ensure that identified needs are met it is expected that all affordable rented housing delivered in the district is covered by a nominations agreement with the Housing Department in line with our standard legal agreements.

A copy of Policy H6 is attached at Appendix 3

Neighbourhood Plans

There are currently two made Neighbourhood Plans in the district. Policy H5 of the Ashby de la Zouch Neighbourhood Plan is concerned with affordable housing. The percentage requirements and site size thresholds it contains match those in Local Plan Policy H4 and it also requires at least 40% of the affordable housing to be 1- or 2-bedroom homes. Commuted sums, where justified, should be used to fund affordable housing in Ashby de la Zouch or specialist accommodation elsewhere in the district.

Policy H2 of the Ellistown and Battleflat Neighbourhood Plan requires a mix of affordable housing types and sizes to match parish needs. The provision of smaller affordable homes and those for people with a local connection is supported.

Changes to National Policy since the adoption of the local plan

Since the Local Plan was adopted in November 2017, the Government has introduced or announced several changes which are relevant to the content of this SPD.

1. **Site size threshold.** The NPPF confirms that the threshold for affordable housing is ‘major development’ namely schemes of 10 dwellings or more or where the site is 0.5Ha or more. This means that the local plan policy is misaligned with the NPPF as Local Plan Policy H4 sets a threshold of 11 dwellings/1,000sqm which was based on a previous Written Ministerial Statement on the subject. The council applies the national site size threshold to application proposals. This creates a scenario where sites of 10 dwellings are subject to the national policy requirement for affordable housing as explained below whilst the Policy H4 applies to sites of 11 or more (or more than 0.5Ha). Also in practice the 10 dwelling threshold is applied to full planning applications where the number of homes is known whilst the 0.5ha threshold is more applicable at outline stage when dwelling numbers may not be confirmed.
2. **10% Affordable Home Ownership.** The NPPF expects that at least 10% of the total number of homes on a site should be for affordable home ownership (provided the site is large enough to trigger an affordable housing requirement). The council applies this requirement to application proposals. The NPPF glossary gives examples of affordable home ownership products and this includes discounted market sales housing, shared ownership, equity loans, other low cost homes

for sale and rent to buy. Therefore, sites of 10 units are subject to this provision and at least 1 home should be provided as affordable home ownership.

3. **Starter homes.** Whilst the statutory framework for Starter Homes is provided by the Housing and Planning Act (2016), the necessary secondary legislation to enable Starter Homes to be delivered through the planning process has never been laid before Parliament. The Ministry of Housing, Communities & Local Government no longer has a budget dedicated to the delivery of Starter Homes.
4. **Entry Level Exception Sites.** Entry level exception sites are exception sites providing housing suitable for first-time buyers or renters. They are sites unallocated in the local plan on the edge of existing settlements. The government has proposed that changes to the NPPF will see this category removed, but at the present time it has not published the change.
5. **First Homes.** First Homes are a form of discounted market housing specifically for first-time buyers where the discount is at least 30% of the full market value. The Government introduced First Homes in the Written Ministerial Statement of 24 May 2021 and in updated planning practice guidance issued the same day. Homes which meet the specified First Homes criteria qualify as 'affordable housing' for planning purposes (from 28 June 2021 onwards). The discount must be secured through a legal agreement so that it is available to future purchases in perpetuity. The Written Ministerial Statement specifies that at least 25% of the affordable housing requirement on a site should be First Homes.

Planning Policy Guidance for First Homes states that “once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy.”¹

The Government’s stance on the prioritisation of social rented units recognises their importance as part of a tenure mix. Policy H4 of the adopted Local Plan does not specify a tenure breakdown. However, evidence used to develop the plan identified was based on 81% of provision as rented units with the remaining 19% as Intermediate Equity Based Housing. Once account is taken of the requirement for 25% of the affordable housing requirement to be First Homes, the Council’s strong preference is for the balance of any requirement to be met with social rented units which are the most suitable tenure option for those in the greatest housing need.

Any alterations to the First Homes criteria to make them more locally specific must be set through a Local Plan and such changes would need to be justified with evidence. This will be a matter for the Council to consider through its Local Plan Review process. In the meantime, the national criteria will be applied in planning decisions.

What do these changes mean for the application of policy H4?

The combined effect of the changes in national policy in respect of a) the First Homes requirement and the 10% affordable home ownership requirement on the requirements in Local Plan Policy H4, is best illustrated using examples:

¹ <https://www.gov.uk/guidance/first-homes>

Proposal	10% affordable home ownership	Policy H4 requirement	First Homes requirement	Remainder
80 dwellings on a greenfield site in Ashby de la Zouch	10% of 80 = 8 affordable home ownership	30% = 24 affordable homes	25% of 24 = 6 First Homes which will be part of the affordable home ownership requirement	16 x other affordable tenures
30 dwellings on a brownfield site in Coalville Urban Area	10% of 30 = 3 affordable home ownership	5% = 1.5 rounded up to 2 affordable homes	25% of 1.5 = 0.38 First Homes rounded up to 1 (as 25% is a <u>minimum</u> requirement) which will be part of the affordable home ownership requirement.	Nil
50 dwellings on a brownfield site in Measham	10% of 50 = 5 affordable home ownership	15% = 7.5 rounded up to 8 affordable homes	25% of 7.5 = 1.88 First Homes rounded up to 2 which will be part of the affordable home ownership requirement.	3 x other affordable tenures

Cascade Approach to Affordable Housing

Policy H4 sets out the level of affordable housing that should be delivered on sites based on location and site type. These contributions were set following viability testing of the overall plan and so the expectation is that any site coming forward can deliver the prescribed affordable housing and remain viable.

The assumption for any development should be that provision will be onsite. We would expect this to form part of the design brief for any new proposal and the site be designed accordingly.

With creativity and forethought it is expected that almost any site can be designed to support an on-site affordable housing contribution.

The Council's preference, therefore, as set out in Policy H4 is for affordable housing to be delivered onsite and we expect developments to be planned with this approach in mind.

Furthermore, we would secure this expectation through a section 106 agreement.

This agreement will include a cascade approach. This approach will establish the steps that are required to be taken in the event that post the conclusion of a S106 Agreement it is suggested that

the agreed on-site provision is not possible. The cascade approach adopts the following priority order:

- consideration of alternative on-site provision then,
- off-site provision then
- the use of commuted sums.

These are considered in more detail below.

On Site Provision

Where a site has viability constraints that make a policy compliant contribution undeliverable the Council will in the first instance discuss either a reduction in the amount of affordable housing and/or a switch of tenure to create a more favourable financial position. The developer will need to evidence via a viability assessment why the policy compliant contribution cannot be achieved.

The assessment will then need to consider what if anything the site could deliver having regard to the following which are not in priority order -

- a) A different mix of tenures
- b) all rented
- c) all Affordable Home Ownership
- d) a different mix of properties
- e) overall numbers
- f) changing the delivery timescale

Off Site Provision

Where it is concluded that a development cannot provide the affordable housing on site or the site has such constraints that the affordable housing on site would severely constrain the development, then the equivalency principal will be applied whereby we would expect the equivalent level of affordable housing provision to be delivered off-site or through a commuted sum payment as would have been secured on site.

Where off -site provision is to be made the developer should look to provide the equivalent affordable housing provision offsite through alternative development on land under their control or by making arrangements with another developer to provide the same. Any off site provision should account for the affordable housing requirement of the combined sites treated as a whole.

Where a developer promotes this approach, the Council will require clear evidence as to why on-site provision cannot be achieved or demonstrate the added value that delivering offsite would bring over and above the onsite contribution. This will be entirely at the discretion of the Council.

Commuted Sums

Where provision cannot be delivered onsite or through offsite provision then a commuted sum payment will be agreed in lieu of housing where it is demonstrated the site can generate one.

A commuted sum is a capital payment by a developer towards the cost of providing essential infrastructure as part of new development.

Commuted Sums and Planning Policy

The NPPF presumes that affordable housing will be provided on site unless there is clear evidence to support a commuted sum approach:

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.”
(paragraph 63, emphasis added)

The adopted Local Plan reflects the NPPF position and states:

“In accordance with the NPPF our preference is for any provision to be made on-site. However, in exceptional circumstances, for example because of site specific constraints or demonstrable viability issues, then we may accept a sum of money (usually referred to as a commuted sum) instead and use this money to make provision for affordable housing on another site(s). ” (paragraph 7.34, emphasis added).

Situations where on-site provision may not be achieved

There may be a limited number of situations where on-site provision is not possible and so the requirement for onsite provision may be waived. Exceptional circumstances will need to be demonstrated.

The situations described below may qualify as ‘exceptional circumstances’. In all cases, it would also need to be demonstrated how the approach would help to achieve mixed and balanced communities in accordance with the NPPF. It is recognised that one or more of these issues could impact upon the viability of a proposed development.

Local Plan Policy H4(2) identifies that site constraints can impact on affordable housing provision. As a starting point, however, a site which can physically accommodate market housing and is a sustainable location for market housing, should also be able to accommodate affordable housing.

Accordingly, there are likely to be limited circumstances where it can be agreed that a site is physically unsuitable for affordable housing. The Council would need to be convinced that the constraints identified could not be addressed and that the site is still likely to deliver market housing that was sustainable.

Building conversions

Where an existing property is being converted, the existing physical structure may limit the ability to provide accommodation which would meet the standards expected for social housing such as space standards. Where a conversion does generate an amount of development which would require an affordable housing contribution, it would be for the developer to demonstrate how they have tried to incorporate affordable housing into the design and why this could not be achieved.

Leasehold Properties

There may be circumstances where a development for practical purposes needs to be provided on a leasehold basis, for example in as part of an apartment based scheme.

Management arrangements and service charges can make such units unfeasible for transfer to a Registered Provider or may significantly impact the offer a Registered Provider would be able to make due to the need to fund future service charges out of the rent.

In the first instance we would expect such schemes to be designed in such a way as to allow the freehold of a proportion of the site to be transferred thereby putting all charges within the control of a Registered Provider and the requirements of policy H4 (3) to ensure affordable housing is indistinguishable may be waived.

Specialist housing

There may be situations where specialist housing, usually with support provision, make it unfeasible to have affordable housing mixed with market units in the same residential block due to the need to manage the balance of residents centrally or because of the practicality of separating our access to communal facilities. As with general needs leasehold schemes however we would expect in the first instance an onsite solution to be considered.

Where a need can be better met elsewhere

There may be very rare occasions where there is a particular need for a specific type of affordable housing. Where the Council has identified this specific need and where the Council (or a Registered Provider) has developed proposals, additional resources may be required to bring this forward. In such circumstances on occasion, the Council may agree to take a commuted sum to support development nearby in the district. This should only occur when a specific development has been identified and there is a need for additional financial support to bring it forward. Such circumstances will be discussed with the applicant.

Lack of Registered Provider interest

There may be sites where there is no Registered Provider interest for reasons other than the number of dwellings. Occasionally Registered Providers may not have capacity in their Business Plans to be able to offer on planning gain sites and decline to offer on units. Historically North West Leicestershire has remained an area where Registered Providers still look for planning gain units and where demand has been lower than expected Registered Providers without stock in the district have stepped in.

Where there is a lack of interest from a Registered Provider, the developer should inform the Council of this in writing and provide the following information

1. The marketing strategy used to dispose of the Affordable Housing including copies of all marketing material and details of the length of time the Affordable Housing were marketed;
2. a copy of any offer letter and pack on which the Registered Provider was asked to offer; and
3. a copy of all the responses received to the marketing or offer letter.

The Council will respond in writing informing the Owner/developer either:

1. that it is satisfied by the evidence provided and we move onto alternatives set out in the cascade; or
2. that the evidence we received is insufficient to make a decision and request further information and until we receive this the on site requirements remain; or
3. that we will look to either extend the timescales for entering into a contract for the transfer of the Affordable Dwellings to a Registered Provider or renegotiate the tenure split to reflect any Registered Provider's offer(s) to date .

The degree of flexibility afforded to the Council is dependent on the size of development, with fewer options available on smaller sites. **The preference will still be to maximise the onsite provision.**

Calculation of Commuted Sum

There are two methodologies that may be applied for calculating a commuted sum. The first is the equivalency basis. This is where there will be an accepted policy compliant level of affordable housing but it has been agreed this will not be delivered onsite. The decision may be made at

planning application stage under a number of limited circumstances or after construction has started if it is identified that there is no RP willing to take on the affordable housing negotiated as part of the permission.

The alternative methodology is the viability basis. This is where a permission has been granted for a site where it has been demonstrated that no onsite delivery of affordable housing would be viable but where instead a commuted sum is to be paid.

Calculating a commuted sum on an equivalency basis

Where a commuted sum is being paid on an equivalency basis the Council will identify the value of the units that were expected to be delivered as affordable housing . It will then seek notional offers for the units were a Registered Provider to be willing to take them on and the commuted sum will be calculated by subtracting the notional offer from the market value to calculate the “subsidy level”.

A more detailed explanation of this calculation together with guidance notes is included in Appendix 4.

Calculating a Commuted Sum on the Viability basis

Where a developer believes that a development cannot deliver any onsite affordable housing this will in the first instance need to be backed up with a viability assessment.

The onus, in accordance with national policy, is on the applicant to demonstrate that market conditions and extraordinary costs mean that either a fully policy compliant provision on site is not viable or that no on-site provision is viable. Any viability assessment will need to be consistent with that set out in national policy (include reference to PPG).

To assist developers who are seeking to demonstrate a site is not viable with onsite affordable housing the Council has developed an Economic Viability Assessment Checklist, attached as **Appendix 5** to this document.

Any viability assessment submitted should comply with this checklist.

The Council will expect that the applicant will meet the cost of the viability assessment along with the Council’s reasonable costs for the independent checking and verification by the District Valuer or other independent valuer appointed by the Council.

It should be noted that any comparators in relation to costs or sale prices provided should be directly applicable to the development in question. If there are no developments in the same area, the Council would expect that similar developments in comparable market areas are used.

A decision will be reached based on the outcome of the independent viability assessment to ascertain what level of commuted sim can be supported.

This will then be secured through a section 106 agreement or amendment to the existing agreement if one is in place and will include details of the amount, or basis for calculating the amount if it is still to be determined and the phasing of payments.

Payment of Commuted Sums

The timing of further payments is negotiable and will generally reflect the size of development. The Council recognises that on small schemes it may not be possible to front load payments but unless specified in the legal agreement it is expected that payments will be delivered in the following tranches:

- 50% at commencement (or occupancy of a percentage of the market properties as contained in the legal agreement)
- 50% on occupation of the 80% market property (or as contained in the legal agreement)

Use of Commuted Sums

Committed sums in lieu of onsite affordable housing are ring-fenced and can only be used to support the delivery of affordable housing.

When financial contributions are received, these will be spent on the provision of affordable housing through a range of mechanisms, including:

- grant aid to RPs to help them provide affordable housing in the District
- the Council's own programme for building affordable homes;
- any development company that may be formed by the Council;
- acquisition of land for affordable housing;
- to offset the cost of any land being provided by the Council which might otherwise be sold on the open market;
- purchase of second hand units for use as affordable housing;

The committed sum may be used to provide affordable housing anywhere in the district.

Whenever committed sum money is committed a pro-forma will be completed demonstrating the strategic fit of the spend, as well as identifying the contribution being released to demonstrate that the use meets the criteria of the receipt.

To recognise the timescales involved in progressing affordable housing scheme the Council will as standard include a 10 year spend period for any sums received before payments will be returned if unspent. However where committed sums have been ringfenced for specialist provision this period will be extended to 20 years in recognition of the added complexities involved.

Monitoring

The Council will publish information yearly highlighting on the amount of committed sums received, the amounts spent & the schemes supported with committed sums and schemes with committed supported

Affordable Housing-led Schemes

Although the majority of new housing sites will be market-led schemes, it is recognised that affordable housing-led schemes can make a significant contribution to the delivery of affordable housing in the district and may be a more appropriate vehicle for meeting specialist need. A scheme is considered an affordable-led scheme where the majority of units being proposed are an affordable tenure, but with an element of market housing as well to allow cross subsidy and to support a more balanced housing mix.

Application of Local Plan Policies on Affordable Housing-led Schemes

Affordable-led schemes are still expected to adhere to the policies set out in the local plan.

As a result, affordable-led schemes are expected to demonstrate how they satisfy the requirement of policy H6 in terms of achieving a mix of housing types, sizes and tenures.

Furthermore policy H6(3) will apply on affordable-led schemes, unless an exception can be demonstrated, whereby a proportion of dwellings will be expected as suitable for the elderly and a proportion particularly suitable for people with disabilities on sites of 50 units or more.

In situations where the proposed provision of affordable housing is over and above the policy requirements but helps to make the development acceptable in planning terms, a legal agreement will be used to secure the enhanced level of affordable housing. Where the extra units offered do not have a bearing on the acceptability of the site, the legal agreement will be used to secure, as a minimum, a policy-compliant level of affordable housing.

Other considerations that applicants should be aware of

Design standards

The Council expects all rented properties be well designed and to be an adequate size for the households likely to occupy them. It is the Council's view that the space standards contained within the HCA Housing Quality Indicators document still reflect an appropriate standard to be achieved. All rented homes will be expected to meet the higher standards in terms of household numbers, for each property type.

In accordance with policy H4 the affordable housing should be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site.

To maintain affordability the council seeks to design out service charges at an early stage in the planning process. In general, flatted accommodation with communal areas will not be accepted as affordable housing as shared areas incur additional costs making the accommodation less affordable. It is therefore unlikely that flatted accommodation above two storeys will be supported as part of the Affordable Housing Scheme.

The Council will accept properties with communal areas where flatted schemes are designed to meet specific, specialist needs. Such specialist needs may include extra care schemes, enhanced sheltered schemes, or group supported schemes for households with for example, Learning Disabilities or for homeless accommodation

Ownership of Affordable Housing

The Council expects any rented or shared ownership units to be transferred to a Registered Provider of Social Housing. This means:

A registered provider, as defined by the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act) and registered under the provisions of the Housing and Regeneration Act 2008 or any company or other body approved by Homes England the for receipt of social housing grant as may be proposed by the Owner and approved by the District Council.

The Council's preference is to work with Registered Providers who are registered as development partners with Homes England so that we can support them to develop a broad portfolio of properties within the district.

The Registered Provider will also be expected to enter into a nomination agreement with the Council for all new rented affordable homes delivered as specified in our standard legal agreement.

In limited circumstances, we may agree to shared ownership properties being retained by a non-Registered Provider such as the developer who has built the homes. In such circumstances, we would expect the owner to demonstrate the mechanisms they have in place to provide a professional management service comparable with those covered by the social housing regulator and to enter in to a S106 agreement to secure these properties in perpetuity.

Eligibility and Qualification for Affordable Housing

Eligibility for affordable housing is generally set out in law and relates to an applicants immigration status. Qualification relates to who is deemed in need of affordable housing.

In the first instance this has regard to someone's financial position and ability to meet their housing need within the market – or otherwise.

Qualification for rented housing via the housing register is set out in the Council's Allocation Policy² whereas qualification for Shared Ownership, is set by central government at a national level for areas outside London. The Council has adopted the nationally set threshold for Shared Ownership and by extension this applies to other Affordable Home Ownership Products.

Rural Exception Sites

Policy H5 of the local plan covers Rural Exception Sites for Affordable Housing

Rural Exception Sites are sites in the countryside (outside the Limits to Development in the Local Plan) that are granted planning permission as an exception to normal planning policies to meet a local identified affordable housing need in rural areas. The approach recognises the issues of affordability that many households face in rural areas and the need for communities to evolve and grow in a sustainable way which supports both the community and the economic stability of the village.

A number of fundamental principles will apply to such developments.

The S106 Agreement will include provisions to ensure that properties will be restricted to those who can demonstrate a strong local connection to the settlement in the first instance. In the event that no one with a connection to the settlement is identified, the S106 Agreement will set out a cascade approach whereby preference will be given to those with a connection to adjacent parishes before moving further out into the district. Further information about this cascade approach is set out below under A definition of locally identified affordable housing need.

As part of a S106 Agreement properties will be secured as affordable housing in perpetuity. Shared Ownership properties are either capped at 80% ownership or allow staircasing to 100% if the Registered Provider agrees to purchase the property (Rural Buy Back) and to resell as a shared ownership property. All rented housing on a Rural Exception Site is also protected in perpetuity with no Right to Acquire or Right to Buy.

As a rural exception site would not secure permission for market housing the expectation is that the values are significantly below open market value. This ensures the deliverability of such sites in areas of land shortage. Where such sites remain unviable the inclusion of market homes may be permitted purely to subsidise the affordable housing in line with the conditions highlighted in Local Plan Policy H5.

² https://www.nwleics.gov.uk/files/documents/allocations_policy_2018/Allocations+Policy+2018+Final+v2.pdf

Evidence for Rural Exception Sites

To comply with Policy H5, an applicant must supply evidence that the housing will meet an identified local need for affordable housing. The provision of evidence should be done in consultation with the local community and can be done using a variety of means such as surveys, consultation events alongside additional supporting secondary data.

The information supplied must provide certainty that there is a genuine local affordable housing need. The information must be sufficiently compelling to merit planning permission being granted as an exception to the restrictive policies which would normally apply to sites outside the Limits to Development.

In the Council's view this is best achieved through a local housing need survey which provides an assessment of the actual and potential need for affordable housing from people living in, and connected to, the village in question. Whilst the survey should be the primary source of evidence, this can be supplemented with other information including demographic data and waiting list information. Whatever approach is used, applicants should ensure that the information has been gathered through meaningful engagement with the local community.

The local housing need survey form used by Midlands Rural Housing (Appendix 6) is considered to be an example of good practice and the Council encourages its use by applicants for rural exception sites.

A definition of locally identified affordable housing need

As highlighted in the introduction, Affordable Housing is defined in the NPPF as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.

Identifying those with a locally identified affordable housing need is critical for two purposes. Establishing the need for development in the first place and when a development is completed ensuring that the properties meet the need for which they were intended. The Council considers that households, who meet any of the following will have identified a strong local connection to a settlement.

- was born in the Parish or;
- presently resides in the Parish and has, immediately prior to occupation, been lawfully and ordinarily resident within the Parish for a continuous period of not less than twelve months or;
- was ordinarily resident within the Parish for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing or;
- is presently employed or self-employed on a full time basis in the Parish and whose main occupation has been in the Parish for a continuous period of not less than twelve months immediately prior to occupation or;
- has a close family member who is lawfully and ordinarily resident within the Parish and who has been lawfully and ordinarily resident within the Parish for a continuous period of not

less than three years immediately prior to occupation and for the purposes of this clause a “close family member” shall mean a mother, father, brother or sister or;

- has a need to move to the Parish to be close to a relative or other person in order to provide or receive significant amounts of care and support.

Other locally identified need

The Council recognises that there are people who are able to meet their housing needs on the open market who are seeking a home in a rural area. However, a Rural Exception Site can only meet the housing needs of those households that do not have the income necessary to be able to meet their own needs on the open market. Proposed housing that is aimed at meeting other needs, such as those who have a local connection and have the income to enable them to purchase or rent on the open market, will fall to be considered against the countryside policy of the adopted Local Plan

Designated Protected Areas

There are a number of areas within the District that are classified as Designated Protected Areas (DPA) under Sections 300-302 of the Housing and Regeneration Act 2008. This has implications for the provision of shared ownership properties in these areas.

The areas are identified in schedule 13 and 14 of the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 available on the following links [The Housing \(Right to Enfranchise\) \(Designated Protected Areas\) \(England\) Order 2009 \(legislation.gov.uk\)](#) and [The Housing \(Right to Enfranchise\) \(Designated Protected Areas\) \(England\) Order 2009 \(legislation.gov.uk\)](#)

In most circumstances the purchaser of a shared ownership property can usually staircase out in to full ownership. However, to combat the loss of affordable homes in the rural areas shared ownership within DPAs either caps equitable ownership of homes at 80% or requires the homes to be sold back to the Registered Provider who owns the freehold once full ownership is reached through the insertion of a clause within the lease.

It is the developer’s responsibility to ensure that shared ownership schemes within Designated Protected Areas, have DPA compliant leases and understand their on-going DPA obligations.

Planning authorities have the right to waive the DPA restrictions for new developments.

The Council will not support a waiver where delivery is either under an exception type policy or application has been considered favourably because of meeting a locally identified need.

However, in settlements where the boundaries of the DPA have not been changed, for example where urban areas have grown as a result of development into surrounding greenfield areas, the Council may support a waiver.

Developers, both market builders and Registered Providers, should be aware that if DPA restrictions apply, this might affect the viability of proposed sites. All developers are strongly urged to reappraise the amount paid for the land if a site falls in area covered by DPA restrictions.

The Regulations and Order are applicable regardless of whether the homes have received grant-funding from Homes England or otherwise. Shared ownership properties provided by private developers through planning gain S106 sites are also subject to DPA restrictions.

More information on the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 can be found at

<https://www.legislation.gov.uk/uksi/2009/2098/contents/made>

Policy H4 – Affordable Housing

(1) To support the provision of mixed, sustainable communities the Council will seek the provision of affordable housing on new housing developments. The provision of affordable housing will be subject to the following thresholds above which the level of contributions will be sought:

Greenfield Sites

Settlement	Affordable Housing Contribution	Threshold
Ashby de la Zouch	30%	11 or more dwellings OR 1,000sqm (gross floor space)
Castle Donington	30%	11 or more dwellings OR 1,000sqm (gross floor space)
Coalville Urban Area	20%	11 or more dwellings OR 1,000sqm (gross floor space)
Ibstock	20%	11 or more dwellings OR 1,000sqm (gross) floor space
Kegworth	30%	11 or more dwellings OR 1,000sqm (gross) floor space
Measham	30%	11 or more dwellings OR 1,000sqm (gross) floor space
All other settlements	30%	11 or more dwellings OR 1,000sqm (gross) floor space

Previously Developed Land

Settlement	Affordable Housing Contribution	Threshold
Ashby de la Zouch	15%	30 or more dwellings OR sites of 1Ha or more
Castle Donington	5%	30 or more dwellings OR sites of 1Ha or more
Coalville Urban Area	5%	30 or more dwellings OR sites of 1Ha or more
Ibstock	5%	30 or more dwellings OR sites of 1Ha or more
Kegworth	5%	30 or more dwellings OR sites of 1Ha or more
Measham	15%	30 or more dwellings OR sites of 1Ha or more
All other settlements	5%	30 or more dwellings OR sites of 1Ha or more

- (2) In agreeing the provision of affordable housing account will be taken of:**
- **site size and site constraints; and**
 - **financial viability, having regard to the individual circumstances of the site.**

Where it can be demonstrated that the full affordable housing requirement would adversely affect the viability of a proposed development then the Council will agree to look at other measures to increase viability in accordance with policy IM1 (Implementation and Monitoring of the Local Plan) before agreeing to a lesser amount of affordable housing subject to the provision of part (4) below.

- (3) The Council's preference is for on-site affordable housing provision which should:**
- **include a mix of types and tenure that reflects the type and nature of any need at the time that the application is determined; and**
 - **be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site.**
- (4) Planning permission will be subject to a legal agreement to secure the provision of the agreed amount of affordable housing. Where a site is likely to be developed in phases over the longer term the agreement will include a suitable mechanism to review the amount of affordable housing provided over time as viability improves.**
- (5) The Council will encourage the provision of affordable homes to meet the needs of elderly people. Where bungalow provision is made the Council will consider reducing the overall level of affordable housing contribution, having regard to the type and size of other affordable housing provided across the site.**

Policy H5 – Rural Exceptions Sites for Affordable housing

- 1. The provision of affordable housing outside of the Limits to Development will be allowed as an exception where:**
 - (a) the housing is demonstrated to meet an identified local need for affordable housing, and**
 - (b) the development is well-related to and respects the character and scale of the settlement and its landscape setting; and**
 - (c) the development allows accessibility to community services and facilities within it, where appropriate.**
 - 2. Planning permission for ‘Exception’ Sites will be subject to conditions, or a planning obligation will be sought, to ensure that all initial and subsequent occupiers of the affordable dwellings will:**
 - (a) be local people in housing need; and**
 - (b) benefit from the status of the dwellings as affordable housing in perpetuity.**
 - 3. On sites that are outside of, but well related to, a sustainable village or a small village the inclusion of market housing on ‘Exception’ Sites will be supported where:**
 - (a) it is demonstrated that there is insufficient subsidy for the scheme to go ahead without the inclusion of market housing; and**
 - (b) it can be demonstrated through detailed financial appraisal that the scale of the market housing component is the minimum necessary for the successful delivery of the development; and**
 - (c) the majority of the homes provided are affordable.**
 - 4 Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.**
- A Supplementary Planning Document will be produced to aid those submitting applications for rural exception sites for affordable housing.**

Policy H6 – House types and mix

- (1) We will seek a mix of housing types, size and tenures in new housing developments of 10 or more dwellings, in order to meet the identified needs of the whole community.**

- (2) In considering proposals for developments of 10 or more dwellings we will have regard to the following:**
 - (a) evidence of housing needs including the most up to date Housing and Economic Development Needs Assessment, Older People’s Housings Needs Study, local housing needs surveys, parish plans and other evidence of market demand; and**
 - (b) the mix of house types and sizes already built and/or approved when compared to the available evidence; and**
 - (c) the size of the proposed development in terms of numbers of dwellings proposed; and**
 - (d) nature of the local housing sub-market; and**
 - (e) needs and demands of all sectors of the community; and**
 - (f) character and context of the individual site; and**
 - (g) development viability and deliverability.**

- (3) Developments of 50 or more dwellings will provide:**
 - (a) A proportion of dwellings that are suitable for occupation by the elderly, including bungalows, having regard to factors (c) and (g) above; and**
 - (b) A proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities in accordance with Part M4 (2) of the Building Regulations.**

Appendix 4: The Equivalency Calculation for Commuted Sums

The developer will contact three local estate agents for open market valuations. These three valuations will be provided to the Council who will take the average of the three valuations to calculate the Open Market Values (OMV)

The Council will then contact three active “Not for Profit” Registered Providers, who are registered with Homes England to obtain a price that they would pay to purchase the affordable units from the developer. The Council will use the highest offer level received to determine the RP offer price.

The level of contribution required will be equivalent to the difference between the OMV and the maximum price that the RP could pay.

The Council seek to use Not for Profit Registered Provider Offer levels. Not only are there a greater number of not for profit (NFP) RP’s, any offer information provided by these organisations will be more suited to the specific housing market conditions in NWLDC which reflects their greater experience of working in the district. The Council do not wish to create a situation whereby inflated offers, not reflective of the local housing market, push the cost of providing affordable housing beyond the point of sustainability moving forwards.

If three offers from not for profit RP’s cannot be obtained the Council may choose to contact a for profit RP for an offer level, but the average RP offer price will be used to reflect higher levels

The following is an example of how the calculation works:

Example Calculation of Affordable Housing Contribution

On a scheme of 10 dwellings it is agreed that four affordable dwellings would have been required, three for affordable rent and one shared ownership.

Based on the average of three independent valuations for all properties the open market value is agreed to be £150,000.

Based on the average of three Registered Provider offers for affordable rented properties the registered provider is able to pay a maximum of £80,000 whilst for shared ownership it is able to pay £100,000.

The level of commuted sum will be:

- £210,000 for the affordable rented properties (open market value (£150,000) – maximum price payable by registered provider (£80,000) = £70,000 per Dwelling X 3 = £210,000) and

- £50,000 for the shared ownership property (open market value (£150,000) – maximum price payable by registered provider (£100,000) = £50,000 per Dwelling).

Thus, the total commuted sum will be £260,000 (£210,000 + £50,000).

Appendix 5: Viability Checklist

The following section details the type of information that the Council and independent Assessors are likely to expect to be provided to enable site viability to be assessed.. A simple checklist is provided as guidance for applicants to assess their viability against.

Providing full, clearly presented and fully justified details on development viability, on an open book basis, are key to enabling a streamline planning application process and allow a collaborative approach.

The Council will expect to see the calculations set out in enough detail for viability to be properly assessed and tested. Any 'assumptions' must be clearly explained and justified. This evidence will be assessed on whether the figures prove that the scheme would be unviable if it were to meet all affordable housing and other planning obligation requirements.

The Council's approved independent professional, will undertake a full review of the total development costs and projected development income in order to determine the level of provision that may be sought from a development. This will involve close scrutiny of all figures.

All costs must be justified, with clear references to supporting evidence, and will be critically scrutinised to ensure each element is robust.

All assessments of development viability will only consider the viability of the particular development site in question. Assessments will not take into account the specific financial circumstances of any given applicant.

In line with NPPF applicants will be expected to show evidence that they have taken known development costs into account in agreeing realistic land values, and only costs that were unforeseeable at the time of acquisition and taking into account appropriate levels of due diligence will be considered abnormal for the purposes of affordable housing negotiations.

General requirements:

- Use the policy compliant position as the starting point for appraisal.
- The level of supporting evidence (i.e. valuations, costs etc.) will depend upon how far the viability inputs deviate from acceptable parameters.

Information to be submitted:

- Open market sale income
- Affordable housing for rent income
- Shared ownership income
- Other affordable home ownership income
- Any other potential revenues to the scheme, such as grant/subsidy; ground rents; income from a commercial element

Development costs:

- Cost estimates should be provided by a Quantity Surveyor or other suitably qualified professional.
- Build costs should be provided as £ per m2 of Gross Internal Area (GIA)
- External works and infrastructure
- Other development cost data.

Site value:

- An estimate of site value should be provided. Where necessary full justification for this valuation should be provided.
- Where a site has an evidenced existing use, the value of the site should be based on the Existing Use Value (EUV), and not a theoretical value based on obtaining consent for residential use. The EUV is what the site is worth in its current use and condition and evidence in the form of a valuation will be required.
- The site valuation should reflect relevant planning policies and associated planning obligations.
- The site valuation should not be inflated by the specific needs of land owners to maximise the amount they are paid for land to facilitate, for example, the relocation of a service to an alternative location.

Developer margin/profit:

- Developer margin on open market units should be shown as a percentage of the Gross Development Value (GDV).
- Developer margin on affordable units should be shown as a percentage of costs.
- The level of developer profit will reflect the degree of risk to the developer. The required profit margin should be fully justified.
- For affordable units the level of profit should be significantly less than for open market units, to reflect the lower risk profile.

Phasing:

- The anticipated build period should be stated along with an estimate of the projected selling prices and projected development costs for the period of the build.
- The applicant should indicate the phasing assumptions for the affordable housing or other Section 106 contributions

Development process:

- The applicant should state how the development will be procured e.g. is the scheme being developed by a company that has its own building arm, or will the scheme be developed on a Design and Build basis

Appendix 6: Midlands Rural Affordable Housing Survey

Title of Report	DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Councillor Robert Ashman 01530 273762 robert.ashman@nwleicestershire.gov.uk	
Background Papers	National Planning Policy Framework National Planning Practice Guidance North West Leicestershire Local Plan Statement of Community Involvement (February 2019)	Public Report: Yes Key Decision Yes
Financial Implications	The cost of preparing the SPD is being met through existing budgets. Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report. The preparation of the SPD will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report presents a draft Affordable Housing Supplementary Planning Document for Cabinet's consideration with a recommendation that it be referred on to Local Plan Committee. The SPD will provide additional guidance about the application of the Council's planning policies for affordable housing and the Council's wider operational support for affordable housing.	
Recommendations	THAT CABINET REQUESTS THE LOCAL PLAN COMMITTEE TO APPROVE THE DRAFT AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT IN APPENDIX 1 FOR PUBLIC CONSULTATION.	

1. BACKGROUND

- 1.1 Officers from the Planning Policy and Strategic Housing Teams have prepared a draft Affordable Housing Supplementary Planning Document which is attached at Appendix 1 of this report.
- 1.2 A supplementary planning document (SPD) is a document which provides further information about a policy or policies in a development plan. A SPD can be a helpful way to provide guidance on such matters as how a policy should be interpreted in development control decisions, what information applicants need to supply to meet the requirements of a policy and procedural arrangements. Importantly an SPD is not itself part of the development plan but it is capable of being a material consideration in planning decisions.
- 1.3 The Council previously had an Affordable Housing SPD dating from January 2011. Amongst other things, the 2011 SPD contained details of how commuted sums would be calculated where these are agreed in lieu of on-site affordable housing.

- 1.4 Following the adoption of the North West Leicestershire Local Plan (2017), Cabinet agreed that a number of SPDs and planning guidance documents, including the 2011 Affordable Housing SPD, should be withdrawn as a result of them becoming out of date and/or inconsistent with the adopted Local Plan.
- 1.5 More recently, an internal audit review of the Council's affordable housing Section 106/commuted sums process undertaken between October 2019 and February 2020 identified that the withdrawal of the 2011 SPD means that the Council no longer has a clear and publicly stated position on the calculation it uses for commuted sums. This risked an inconsistent approach and sums not being robustly justified. The review recommended that a new Affordable Housing SPD be prepared to address these matters with a target date of the end of August 2021.
- 1.6 Further, Local Plan Policy H5 – Rural Exceptions Sites for Affordable Housing states that an SPD will be prepared to help those preparing planning applications on rural exceptions sites.

2. DRAFT AFFORDABLE HOUSING SPD

- 2.1 Importantly, an SPD cannot be used to change or add to the policies in the adopted Local Plan. Such policy changes can only be made through the Local Plan Review.
- 2.2 As outlined, the primary instigation for the SPD was the need for clarity concerning affordable housing commuted sums. Nonetheless, the acceptance of commuted sums is very much a last resort. The National Planning Policy Framework (NPPF) expects affordable housing to be provided on-site (paragraph 62) whilst Local Plan Policy H4(3) affirms that “the Council's preference is for on-site affordable housing provision” and the supporting text confirms that “exceptional circumstances” must be demonstrated for commuted sums to be accepted. This is the Council's expectation and is very much emphasised in the draft SPD.
- 2.3 In respect of commuted sums, the draft SPD sets out;
 - alternative ways to secure site-based provision which should be explored before commuted sums are considered
 - examples of circumstances which could be sufficiently ‘exceptional’ to justify commuted sums
 - two approaches for calculating commuted sums
 - where viability is an issue, the contribution is that which can be afforded based on an independent review of the applicant's viability assessment. The requirements for the viability assessment are set out in the SPD.
 - in all other cases, the contribution is based on the value of the affordable housing which would have been provided on site. The methodology is set out in the draft SPD.
 - timings of when commuted sums must be paid
 - the types of measures commuted sums could be spent on
- 2.4 The SPD is also an opportunity to set out a number of wider matters, namely;
 - information about the Council's general approach to affordable housing with respect matters such as to local connection requirements, the role of Registered Providers and eligibility criteria
 - how the Government policy requirements for 10% affordable home ownership and for First Homes, both introduced since the Local Plan was adopted, will be applied in planning decisions
 - the information the council requires to invoke the cascade arrangement in a signed section 106 agreement where changed circumstances mean the agreed affordable housing provision cannot be achieved

- confirmation of the policy approach to housing schemes which are predominantly or wholly affordable
- 2.5 The SPD also includes a section on rural exceptions sites. To recap, a rural exceptions site is a site in the countryside which is exceptionally permitted in order to meet a local, affordable need. To that effect, the draft SPD covers the following matters;
- evidential requirements including local affordable housing needs surveys
 - how 'locally identified affordable housing need', as required by Policy H5, is defined
 - approach to shared ownership on rural exceptions sites
- 2.6 SPDs do not require a Sustainability Appraisal whilst a Strategic Environmental Assessment screening is not required for this SPD as the environmental effects of the Local Plan policies to which the SPD relate, have previously been tested through the Local Plan process.
- ### 3. NEXT STEPS
- 3.1 Formulation of an SPD is an Executive function but adoption is a Council function which has been delegated to the Local Plan Committee.
- 3.2 Therefore, Cabinet are asked to request the Local Plan Committee of 8 September 2021 to approve the draft SPD go out to public consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 require a minimum of 4 weeks for consultation, but it is the Council's established practice as set out in the Statement of Community Involvement to undertake consultation over a 6 week period.
- 3.3 Following the public consultation a further report considering the responses to the consultation and amending the draft SPD as necessary will then need to be brought back to Cabinet and then to the Local Plan Committee for final approval.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of the Affordable Housing SPD will be particularly relevant for the following Council Priority; - Local people live in high quality, affordable homes
Policy Considerations:	Adopted Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The SPD, if approved, will have social benefits by supporting the delivery of affordable housing in the district
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	The draft SPD will be published for consultation. The consultation arrangements will be governed by the Council's Statement of Community Involvement.
Risks:	None specific.
Officer Contact	Ian Nelson Planning Policy & Land Charges Manager

01530 454677
IAN.NELSON@nwleicestershire.gov.uk

David Scruton
Housing Strategy & Systems Team Manager
01530 454612
DAVID.SCRUTON@nwleicestershire.gov.uk

Investigation into Rural Housing Need In Xxxx Parish



Xxx Date

Please return this survey either online in the prepaid envelope no later than XXX Date

How To Complete Your Survey

Please only fill in 1 survey per household unless your household contains more than one person/family who requires a home in the Parish. If you need additional forms, please contact Midlands Rural Housing.

You can complete and return this paper questionnaire in the freepost envelope provided, or you can complete the survey online by visiting:

INSERT LINK

You can also scan the QR code on your smartphone or tablet, and you will be taken to the online survey.

INSERT CODE

This survey comes in 2 parts and seeks to collect basic information about your household and the people who live with you.

Part 1

The lead householder should complete Part 1, taking into account all members of the household.

Part 2

Part 2 should only be completed if the household as a whole, or any individual household member needs to find a home in the Parish at any time within the next 5 years. If more than one person in the home has a housing need, please contact Midlands Rural Housing on 0300 1234 009.

If you are in need and want Midlands Rural Housing to be able to assess you, then please make sure you read the privacy statement and tick the box on page 5.

By completing the first two sections of this survey you agree to Midlands Rural Housing analysing the results and producing a report which will be published and may be distributed online. The report may also be shared with the organisations noted in the privacy notice at section 3 on page 5. Your comments may be included in our analysis but your personal information and identity will not be revealed and we will ensure that readers of any report will not be able to identify you.

The results of this survey will provide an indicative level of need for homes required in the Parish. It is not an assumption of a need for additional housing and it is not definite that housing will be developed as a result of the survey.

Please return your completed questionnaire either online or in the FREEPOST envelope by XXX Date.

Part 1: General information

1. How long have you lived in this parish?

- Less than 2 years 5—10 years
 2 - 5 years Over 10 years

2. Which category best describes your household? (please tick one box)

- One person household
 Two person household (not in a relationship)
 Couple
 Family with children
 Other, please specify

4. Which of the following best describes your current accommodation?

- Own your own home outright
 Own your home with a mortgage
 Renting from the Council
 Renting from a Housing Association
 In shared ownership with a Housing Association
 Renting from a Private Landlord
 Living with parents or relatives
 In housing tied to your job
 Lodging with another household
 Other, please specify

3. Please complete the table below for all those currently living in your household

	Male/ Female	Age	Relationship to you (e.g. husband, daughter etc)
You			
Person 2			
Person 3			
Person 4			
Person 5			
Person 6			

5. What type of home do you live in and how many bedrooms do you have?

Bedrooms	House	Bungalow	Flat	Other
1 Bed				
2 Bed				
3 Bed				
4 Bed				
5 Bed				
6 + Beds				

**6. Please tell us what type of housing you think is needed in the parish?
Please tick all that apply.**

- No further homes are needed
- Family homes (2-3 bedrooms)
- Family homes (4+ bedrooms)
- Homes for single people (1-2 beds)
- Homes for elderly people
- Homes for people with disabilities
- Other, please specify below

7. Would you support building new homes in the parish to meet the needs of local people?

- Yes No
- Don't know

Please briefly explain the reason for your answer below:

8. Have any members of your household left this parish over the last 5 years?

- Yes No

9. If yes, please indicate how many members of your household have left and why?

Reason for member of household leaving	1 person	2 people	3+ people
For employment elsewhere			
Marriage or separation			
Due to lack of affordable housing			
To go to university or college			
Lack of facilities e.g. school, pub ...			

If there are other reasons why members of your household have left the area, please write them below.

10. If you know of any former resident who may wish to return to the parish and would complete a survey form, please give their details.

IF YOU OR A FAMILY MEMBER HAVE A NEED FOR HOUSING AT ANY TIME WITHIN THE NEXT 5 YEARS PLEASE CONTINUE TO PART 2.

If you have any questions or need additional forms for anyone you know who may have a need for housing in the Parish, please contact Midlands Rural Housing:

t: 0300 1234 009

e: enquiries@midlandsrural.org.uk

w: www.midlandsrural.org.uk

If nobody in your household has a need for housing, then you do not need to complete Part 2.

What is meant by the term 'affordable housing'?

Affordable housing is defined as housing for sale or rent, for those whose needs are not met by the market. It includes housing that provides a subsidised route to home ownership and/or is essential for local workers. To be acceptable as a form of affordable housing, the tenure must comply with one or more of the following definitions, as set out within the National Planning Policy Framework.

Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)

Starter homes: is as specified in sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

Discounted market sales housing: is that sold at a discount of at least 20% below market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount or future eligible households.

Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

PLEASE READ THE INFORMATION GIVEN ON THIS PAGE

If you want us to register your housing need and are happy for us to use the information given in Part 2 as set out below, then you must tick this box.

For the purposes of the survey we may share your data:

- Internally within Midlands Rural Housing (MRH) in order to ensure our records are accurate, up-to-date, and to improve the standard of the services we deliver

MRH sometimes shares your data with the following:

- Externally with Council services in order to ensure their records are accurate, up-to-date, and to improve the standard of the services they deliver
- Externally with a Housing Association in regard to opportunities for new rural housing developments in the local area.

MRH uses your personal data to provide you with information about opportunities for rural housing.

It processes your personal data for the following purposes:

- To be able to inform you about opportunities for rural housing
- To keep you updated on progress of rural housing opportunities

All personal information you provide is held and shared securely. Midlands Rural Housing will not disclose your personal data to third parties for marketing purposes. All information you provide is held in accordance with Midland Rural Housing's Privacy Policy. This can be viewed online at:

www.midlandsrural.org.uk/content/privacy-notice

Part 2: Your housing requirements

Please fill out Part 2 with the details of the family member who requires housing.

11. Are you or a member of your household in need of a new home in the parish?

Yes No

12. How soon will you or your family be in need of new or alternative housing in the parish?

- Now
- Within 12 months
- Within 3 years
- Within 5 years

13. What is your local connection to the parish?

- I was born/grew up here
- I currently work here
- Close family live here
- I live here now
- I am starting a job here
- Other, please specify

14. Reason for housing need (Please tick all that apply)

- First independent home
- Present home too small
- Present home too expensive
- Need permanent accommodation
- Renting, but would like to buy
- Disabled, need specially adapted home or ground floor accommodation
- To be closer to employment
- Couple setting up home together
- Present home too large
- Family break up
- Cannot manage stairs
- Moved away but wish to return
- To be closer to parent or other family member to give or receive support
- Present home in poor condition
- Other, please specify

15. If you are looking to downsize please provide details of the home that you are looking to leave and what type of home would suit your needs.

16. Type of housing - what would best suit you?

- Buying on the open market
- Privately renting
- Shared ownership (part rent, part buy)
- Self Build
- Renting from a Housing Association
- Sheltered housing
- Extra care (rented)
- Extra care (open market)

17. What type and size of home do you require? (Please tick)

Bed-rooms	House	Bungalow	Flat	Adapted Property
1				
2				
3				
4				
5+				

18. Are you registered with any of the following?

- | | Yes | No |
|------------------------------|--------------------------|--------------------------|
| Choice Move | <input type="checkbox"/> | <input type="checkbox"/> |
| Housing Association Register | <input type="checkbox"/> | <input type="checkbox"/> |
| Private Lettings Agency | <input type="checkbox"/> | <input type="checkbox"/> |

The information and questions overleaf are designed to help you to understand what you could afford in terms of a new home, and also to enable Midlands Rural Housing to undertake an affordability assessment in relation to your housing need. We can only carry out this assessment if we have full income and financial details. Without these, we will not be able to process your form, or include your household in the affordable housing figures. This financial information will remain confidential, and there is no possibility of you being identified by providing the information.

19. If we need further information

and you are happy to be contacted, please provide your details.

Name

Address

Tel No.

Email

If you have any questions or concerns, please do contact Midlands Rural Housing and we will be happy to help.

Tel: 0300 1234009

Email: enquiries@midlandsrural.org.uk

If you wish to be considered for affordable rented housing when any becomes available, you MUST be registered with Choice Move, the Choice Based Lettings scheme used to allocate affordable housing in xx Council. The scheme is managed by xxx on behalf of xx District Council.

TENURE TYPES AND AFFORDABILITY

Affordable Housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

A) Affordable Housing for Rent: homes are usually owned by a Housing Association or Local Authority. Rents are based on Local Housing Allowance levels which in your Parish are likely to be around the following amounts:

1 bed = £xx per week

2 bed = £xx per week

3 bed = £xx per week

4 bed = £xx per week

B) Discounted Market Sales Housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

C) Starter Homes: eligibility to purchase a start home is limited to those with a particular maximum level of household income.

D) Other Affordable Routes to Home Ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes Shared Ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

Zoopla's Estimated Open Market House Values for your Parish are as follows:

Detached	£xxx
Semi Detached	£xxx
Terraced	£xxx
Flats	£xxx

To afford a mortgage for a home, lenders usually ask for a deposit of 10% - 20% of the purchase price. The maximum amount of any mortgage offer will usually be between 3.5 and 4.5 times your annual household income.

Private Rented Sector There were no properties available for **Private Rent** at the time of this survey

20. Your household employment

How many people in the household wishing to move are.....

(Please indicate the number of people in each category in the most appropriate box)

- Working full time
- Working part time
- Unemployed
- Retired
- In full time or further education
- Claiming Universal Credit
- Claiming Carer's Allowance
- Claiming Contribution Based Job Seeker's Allowance
- Claiming Employment and Support Allowance
- Other, please specify

21. Your savings

Do you have any savings or equity which could be used towards the purchase of a home?

Please use joint savings where applicable.

- No Savings
- Under £4,999
- £5,000 - £9,999
- £10,000 - £19,999
- £20,000 - £29,000
- Over £30,000

22. Your income

Please indicate the annual income of the household member wishing to move.
Please use joint income where applicable.

- Below £14,999
- £15,000 - £19,999
- £20,000 - £29,999
- £30,000 - £39,999
- £40,000 - £49,999
- £50,000 - £59,000
- £60,000 - £69,999
- £70,000 - £79,999
- Over £80,000

23. Please indicate where this money is coming from.

- Savings
- Equity
- Family help
- Borrowing
- Other

Thank you for your time in completing this survey.

Your opinions are very much appreciated and will help us assess the need within your parish for new homes for local people.

Please return online or in the pre-paid envelope provided by

xxx Date.

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LOCAL PLAN COMMITTEE – 8 SEPTEMBER 2021

Title of Report	BLACKFORDBY NEIGHBOURHOOD PLAN (SUBMISSION DRAFT) AND NEIGHBOURHOOD PLANNING UPDATE	
Presented by	Ian Nelson Planning Policy & Land Charges Manager	
Background Papers	National Planning Policy Framework Planning Practice Guidance Blackfordby Neighbourhood Plan Local Plan Committee June 2019 - draft Blackfordby Neighbourhood Plan	Public Report: Yes
Financial Implications	<p>The Blackfordby Neighbourhood Plan will incur direct costs to the District Council to support an independent Examination of the plan and, should the Examination be successful, a local referendum. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the authority to support this agenda, but is unlikely to meet the costs in full.</p> <p>Once the neighbourhood plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the District Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	<p>Support for the Neighbourhood Plan, including arranging an Examination is provided by officers from Planning Policy.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To determine the District Council's response to the submission draft of the Blackfordby Neighbourhood Plan	
Recommendations	<ol style="list-style-type: none"> 1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT OF THE BLACKFORDBY NEIGHBOURHOOD PLAN IN APPENDIX A; 2. THAT THE LOCAL PLAN COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE BLACKFORDBY NEIGHBOURHOOD PLAN; 3. THAT THE COMMITTEE NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER'S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING & REGENERATION WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR 	

	<p>THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM;</p> <p>4 THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING & REGENERATION WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE ‘MADE’;</p> <p>5 THAT COMMITTEE NOTES THE DECISION TO SEND THE HUGGLESCOTE AND DONINGTON LE HEATH NEIGHBOURHOOD PLAN TO REFERENDUM</p>
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1. BACKGROUND

- 1.1 Neighbourhood planning was introduced under the Localism Act 2011 to give local communities a more hands-on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area. Neighbourhood Plans can be prepared by a parish or town council (or neighbourhood forums in areas not covered by a parish or town council) once they have been designated as a neighbourhood area by the district council.
- 1.2 Neighbourhood Plans should consider local and not strategic issues and must be in line with higher level planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want, and the plan’s policies must;
- a) have regard to national planning policies and guidance;
 - b) contribute to the achievement of sustainable development;
 - c) be in general conformity with the strategic policies of the development plan; and
 - d) be in line with EU obligations and human rights requirements.
- 1.3 The district council as Local Planning Authority (LPA) has an important role to play in the neighbourhood plan process even though the council is not responsible for its preparation. The key stages in producing a neighbourhood plan, as governed by The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015, are;

Regulation	Stage
Reg 6A	Designate a neighbourhood area
	Prepare a draft neighbourhood plan
Reg 14	Pre-submission publicity and consultation
Reg 15	Submit the neighbourhood plan to the LPA
Reg 16	Publicise the draft neighbourhood plan (6 week consultation)
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the examiner’s report and decision whether the plan can go forward to referendum
Para 12, Sch 4B TCPA 1990	Referendum
Reg 19	Decision to ‘make’ the neighbourhood plan
Reg 20	Publicise the made neighbourhood plan

- 1.4 This report considers the suggested response of the district council to the submission draft Blackfordby Neighbourhood Plan.

2. BLACKFORDBY NEIGHBOURHOOD PLAN

2.1 The Blackfordby Neighbourhood Plan Area covers that part of the Ashby Town Council area not the subject of the Ashby de la Zouch Neighbourhood Plan and was designated in January 2018. The Ashby Town Council consulted on a pre-submission version of the plan in May 2019 and the District Council's response to the plan agreed by Local Plan Committee on 26 June 2019 can be viewed via the following link from the background papers above.

2.2 The Ashby Town Council considered all the comments it received and has amended the plan. There has been a delay in the plan's preparation as it was necessary for the Town Council to commission a Strategic Environmental Assessment (SEA) in view of the potential impact of a proposed housing allocation on the River Mease SAC. Having completed this work and subsequently amended the plan, the Town Council has now requested that the District Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regs 15,16,17). This consultation has been arranged for a 6-week period from Friday 23 August – 8 October 2021. The draft submission version of the plan, and the supporting documentation, can be viewed on the District Council's website using the following link: [Blackfordby Neighbourhood Plan](#)

2.3 In overview, the neighbourhood plan policies cover the following broad areas;

- the location of new development including defining Limits to development and proposing the allocation of one housing site
- the design of new development
- housing mix, affordable housing and windfall development
- policies to protect the heritage and ecology of the parish, including the designation of areas as Local Green Space
- the protection of, and support for, community facilities
- the protection of employment premises, support for new small-scale employment development and home working
- transport, including traffic management and footpaths

2.4 Officers have reviewed the draft submission plan taking account of the comments that were made by this council at the previous stage. The schedule in Appendix A sets out those previous comments and identifies where changes have been made in response. The final column in the schedule identifies the outstanding matters which officers recommend form this council's response to the submission draft plan and which, in due course, will be considered by the Examiner. These matters are categorised as either an 'objection' or as a 'comment':

- an objection is made where an aspect of the plan is considered to be in conflict with one of the requirements listed in paragraph 1.2 above.
- a comment relates to a less fundamental aspect but which, if it were addressed, could improve the application of the plan's policies. It will be at the Examiner's discretion whether (s)he decides to take account of these points in his/her consideration.

2.5 The Committee is invited to consider these objections and comments and, with amendments as appropriate, to agree them as the council's response to the submission draft plan.

Next Steps

2.6 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will be appointing an independent Examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the Ashby Town Council.

- 2.7 At the close of the consultation, the neighbourhood plan documentation and any representations received will be sent to the Examiner. Neighbourhood plan examinations are usually undertaken by means of written representations but the Examiner could decide to hold hearings if the matters at issue are more complex. The Examiner will set out conclusions on the plan in an Examiner's Report.
- 2.8 Following receipt of the independent examiner's report, the District Council must formally decide whether to send the plan to referendum (with or without modifications proposed by the examiner or NWLDC). Reg 17A(5) of the 2016 Regs gives the District Council 5 weeks from receipt of the Examiners report to decide whether to proceed with the referendum or not. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Planning & Regeneration will exercise the executive power of making this decision as delegated to them in the Constitution (paragraph 5.2.1 of the Scheme of Delegation). This is allowed for in the recommendations.
- 2.9 Should the plan be sent to referendum, and the referendum declares in favour of the Neighbourhood Plan, then the District Council is required to make (i.e. adopt) the plan within 8 weeks of the referendum (Reg 18A(1) of the 2016 Regs). The decision to adopt is an executive decision. If time permits then a report would be brought to a future meeting of this Committee first. However, in view of the timescales required to make such a decision, it is likely that this would be done by the Strategic Director of Place, in consultation with the Portfolio Holder for Planning & Regeneration under the Scheme of Delegation.
- 3.0 HUGGLESCOTE AND DONINGTON LE HEATH NEIGHBOURHOOD PLAN**
- 3.1 The Hugglescote and Donington le Heath Neighbourhood Plan was submitted to this council on 4 March 2021. Following initial verification checks, a six-week period of public consultation on the Plan was held from Friday 12 March to Friday 23 April 2021. A total of 16 responses were received to the consultation, including one from this council.
- 3.2 With the agreement of Hugglescote & Donington le Heath Parish Council, Mr Andrew Mead was appointed as the independent Examiner of the plan. All the representations received to the submission version of the Neighbourhood Plan and the neighbourhood plan documents were forwarded to the Examiner for his consideration. The Examiner was satisfied that all the responses could be assessed without the need for a public hearing.
- 3.3 The final Examiner's Report was received on 8 July 2021 and is available on this council's website https://www.nwleics.gov.uk/files/documents/hugglescote_and_donington_le_heath_neighbourhood_plan_examiners_report/Hugglescote%20and%20Donington%20le%20Heath%20NP%20Examiner%20Report%20FINAL%2008JULY2021.pdf . The report recommends that, subject to the modifications proposed by the Examiner, the Plan should proceed to a Referendum.
- 3.4 The Council is required to make a decision as to whether to a) accept the Examiner's recommendation and b) whether the Neighbourhood Plan should go forward to Examination within 5 weeks of receiving the Examiner's Report. As this date was 12 August 2021, the decision to agree the above was taken by the Portfolio Holder on 9 August 2021. This was allowed for in the decision of Local Plan Committee at its meeting on 15 January 2020.
- 3.5 The date for the referendum is provisionally set for Thursday 21 October.
- 3.6 The referendum will follow a similar format to an election. All the registered electors within the Neighbourhood Area (in this case Hugglescote & Donington le Heath parish) will be given the opportunity to vote in the Referendum. Local residents will receive a ballot paper with the question:

Do you want North West Leicestershire District Council to use the neighbourhood plan for Hugglescote & Donington le Heath to help decide planning applications in the neighbourhood area?

- 3.7 Residents will be given the opportunity to vote ‘yes’ or ‘no’. If more than 50% of those voting in the referendum vote ‘yes’ then the Local Planning Authority is required to ‘make’ the plan (i.e. adopt the Plan so it becomes part of the Development Plan for Hugglescote & Donington le Heath alongside the adopted North West Leicestershire Local Plan).

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of neighbourhood plans can impact on the following council priorities: <ul style="list-style-type: none"> • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development. The Blackfordby Neighbourhood Plan specifically contains policies that will help support the local economy, local community facilities and the provision of affordable housing amongst other things.
Environment and Climate Change:	Neighbourhood plans can also deliver positive environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Blackfordby Neighbourhood Plan specifically contains policies that will help conserve biodiversity and heritage assets in the parish and will potentially enable additional EV charging points.
Consultation/Community Engagement:	Neighbourhood plans are subject to at least 2 stages of public consultation.
Risks:	The proposed response in Appendix A identifies that, in a limited number of instances, the neighbourhood plan is considered to be in conflict with policies in the adopted Local Plan. Bringing this to the attention of the independent Examiner enables him/her to assess these matters and to reach a reasoned conclusion. This will bring clarity for all users of the plan in the future.
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APPENDIX A

NWLDC OFFICER RESPONSE TO PRE-SUBMISSION DRAFT
BLACKFORDBY NEIGHBOURHOOD PLAN

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Reg 14 Plan: Section/Policy Number	Reg 14 Plan: Planning Officers' and Conservation Officer's Responses	Reg 15 Plan: Page number and Commentary	Reg 15 Plan: Objections/Comments
General	The document would benefit from paragraph numbering to assist when determining applications.	This has now been done.	None
Contents (P3)	Policies should be section 4 and not 5 Section D Sustainability missing Monitoring and review should be section 5 and not 4	These have been corrected.	None
Foreword (P4)	The application for designation was 24.10.2017 (as per the letter from the Town Council). Area was designated on 23.01.2018 not 22.09.2017	Page 3 This has been corrected.	None
Introduction (P6)	It would be more accurate to say ' <i>Whilst planning applications will still be determined by North West Leicestershire District Council, <u>or for certain types of application</u>, Leicestershire County Council...</i> '	Page 5 Plan amended as suggested	None
		Page 10 Paragraph 2.1 states that Blackfordby was "established by the C9" but paragraph 4.49 refers to "the village's C8 origin" and paragraph 4.62 says	Comment Consistency required in terms of date for establishment of Blackfordby. The Conservation Area appraisal notes that "Blackfordby had been

		that Blackfordby was “established probably in the C8”. The Methodist Chapel (paragraph 2.2) was erected c.1926-29 (not “in the 1930s”).	established by the ninth century” Delete “in the 1930s” and replace with “c1926-29”
Blackfordby Profile (P12)	When determining housing requirements for Blackfordby last year, officers calculated the population at the 2011 Census to be 1159 residents and 514 households. This is different from the figures contained on page 11. The issue is that the Neighbourhood Plan has taken figures from the Census Profile in Appendix 4.1 – the area of which doesn’t correlate fully with the Neighbourhood Plan area as it also includes parts of Norris Hill outside of the NP area. All of the statistics which use this incorrect boundary (within the NP and the appendices) therefore need re-calculating. This can easily be done by basing all data on four 2011 Census Output areas (E00131686, E00131687, E00131688 and E00131689). Added together, these should correlate to the correct boundary.	Page 11 Population figure amended	None
Blackfordby Profile (P12)	The NP refers to a separate area of housing extending along Heath Lane and along the Leicestershire side of the A511, as far as the traffic lights marking the start of Woodville. It might be useful and provide greater clarity to refer to this as the hamlet or boundary? (this should say the hamlet of boundary)	Page 11 Amended to clarify that this part of the hamlet of Boundary	None
Vision for Blackfordby (P14)	Key objective b) refers to “encourage development”. Is this what is really intended? If not would it be more appropriate to say “To ensure that development maintains the character of	Page 13 Plan amended to reflect comment	None

	<i>Blackfordby</i> ”.		
Vision for Blackfordby (P14)	<p>Key objective e) <i>To ensure that infrastructure is in place to meet the predicted needs of the village prior to expansion of housing being permitted.</i></p> <p>It is acknowledged that new development should be supported by the necessary infrastructure and facilities. Appropriate infrastructure contributions can be sought through the planning system. However, if relying on developers to provide the infrastructure, the infrastructure cannot be required prior to a development being permitted.</p> <p>The layout of the following gives the impression that this section is a sub-section of the paragraph above.</p> <p>If this is not correct it would be worth examining the layout of this section.</p>	<p>Page 13 Objective amended. Now makes clear that the issue of the type and amount of infrastructure required is to be determined at the time of any planning application.</p>	None
G1 (P17)	<p>It would be useful to also include reference in the first part of the policy to complying with the Local Plan as well as the Neighbourhood Plan</p>	<p>Page 17 No change made</p>	<p>Comment</p> <p>To ensure that applicants also take in to account the Local Plan, it is considered that including a reference to having regard to the Local Plan in the policy would be appropriate.</p>

<p>G2 (P18)</p>	<p>It is pleasing to see that in reflecting local character the Plan is open to contemporary interpretations.</p> <p>Has any viability evidence been produced to justify the policy given the likely additional cost to developers of meeting accessibility standards M2 and M3?</p>	<p>Page 18 No changes</p> <p>A number of new criteria have been included in the policy</p> <p>e) deals with potential impact on River Mease SAC f) deals with sustainable drainage which was previously included as part of sub criterion d) and has been expanded g) requires access to broadband with a minimum speed of 30 mbps h) was previously e) i) deals with biodiversity issues previously included in former G3</p>	<p>Comment – it is assumed that the reference to M2 and M3 should be M4(2) and M4(3).</p> <p>Objection – Policy H6(3)(b) of the adopted Local Plan states:</p> <p>“(3) Developments of 50 or more dwellings will provide:</p> <p>(b) A proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities in accordance with Part M4 (2) of the Building Regulations.”</p> <p>The proposed policy includes more stringent requirements which conflict with the adopted Local Plan.</p> <p>The PGG (Paragraph: 020 Reference ID: 56-020-20150327) requires that any internal space standards should be justified taking account of need, viability and timing. Whilst this guidance specifically refers to local planning authorities and It is appreciated that the evidence required to support a</p>
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			<p>Neighbourhood Plan is not as great as that for a local plan, the Council would expect that there would be some form of evidence to justify the inclusion of these requirements in Policy G2 h.</p> <p>Furthermore, the Planning Practice Guidance states that “Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy.” (Paragraph: 005 Reference ID: 41-005-20190509)</p> <p>Reason – the policy as worded would not be in general conformity with the strategic policies of the adopted Local Plan and also conflucits with National Policy advice.</p>
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G3 supporting text (P19)	<p>Sustainability covers a wider range of subjects than just biodiversity so it may be helpful to change the first sentence to be in line with the subject covered by the policy.</p> <p>Replace reference to NPPF with Planning Practice Guidance.</p>	Policy now incorporated in to G2	None
G3 policy (P19)	<p>The bullet points of the policy refer to a narrow selection of biodiversity with assumptions that all developments, from house extensions to farm buildings, need the same approach. Is this suitable for a general policy or is this best suited in the Env policies?</p> <p>If it is retained as a general policy, it may be helpful to widen the scope of the policy to consider other elements of biodiversity and that each site or development will have different needs and impacts, on both the site and surrounding area, so that biodiversity is protected and enhanced without being too onerous.</p>	As noted this policy has now been incorporated in to policy G2. It is considered that it sits better as part of a general design policy.	None
H1 supporting text (P21)	<p>The NP period is stated as being to 2031 and that 147 dwellings would be an appropriate target. However, these figures are not as quoted from NWLDC. An email of 02/07/2018 identifies indicative housing figures for the NP area for the plan period 2011-2031 to be 126 dwellings and 2011-2036 to be 147 dwellings. If the NP period is to 2031 the housing target needs amending to 126 dwellings.</p> <p><i>“there have been recent planning approvals totalling 197”</i> Unsure what the base date for this figure is and the figure does not tally with information/figures previously sent by the council</p>	<p>Page 21 Amended to reflect comments as plan period is to 2031</p> <p>Now includes updated figure of 217 dwellings.</p>	None

	via email.		
H1 (P21)	The supporting text states that the housing allocation is to meet an identified need (i.e homes for elderly people, small family homes, homes for people with disabilities and homes for young people). PolicyH1 refers to “residential accommodation” which is vague. There is an opportunity for the policy to refer to the types of housing identified as being needed.	Page 22 Policy expanded to include reference to biodiversity, River Mease SAC and landscape.	Comment Policy refers to a Landscape and Visual Impact Assessment being required as part of planning applications and to not causing harm to important view, but figure 12 includes 3 views. Policy needs to clarify whether it is only one of these views, in which case which one or if it is all the policy should state “views”.
H2 supporting text (P22)	Reference is made to the housing mix provided by the HEDNA - suggest it is made clear that this refers specifically to market housing. Does ‘the appropriate mobility standards’ mean the accessibility standards M2 and M3 set out in Policy G2? If so, the same comments relating to viability evidence apply.	Page 24 Text now makes clear that HEDNA reference is in respect of market housing No change to policy.	Comment It would be helpful to clarify as to whether ‘the appropriate mobility standards’ mean the accessibility standards M2 and M3 set out in Policy G2.
H4 (P24)	The Council does not operate local lettings policies that restrict homes to households with a local connection unless the properties are provided on Rural Exception Sites. There have been circumstances where a housing association has agreed that preference will be given, on advertising, to households with a local connection, and while the Council is content to support this on sites in rural villages, we would not be supportive of a move to enshrine this in any legal agreement	Pages 25-26 The policy has now been amended to include requirements that would restrict occupancy of new affordable housing to those with a local connection. The proposed wording is as flows: “Where possible, newly developed	Objection It is proposed that this requirement for a local connection should be deleted from the policy for the following reasons; a) it does not accord with the affordable housing eligibility criteria applied by the district council’s Housing team.

	<p>attached to sites, as this could affect future levels of delivery of affordable housing.</p>	<p>affordable housing within the Plan Area shall be allocated to eligible households, within each Housing Register band in turn, starting with Band 4 (Priority Housing Need), with a connection to the Plan Area defined as follows:</p> <ul style="list-style-type: none"> a) Was born in the Plan Area or; b) Presently reside in the Plan Area and has, immediately prior to occupation, been lawfully and ordinarily resident within the Plan Area for a continuous period of not less than twelve months; or c) Was ordinarily resident within the Plan Area for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing; or d) Is presently employed or self-employed on a full time basis in the Plan Area and whose main occupation has been in the Plan Area for a continuous period of not less than twelve months immediately prior to occupation; or e) Has a need to move to the Plan Area to be close to a relative or other person in order to provide or receive significant amounts of care and support; or f) Has a close family member who is lawfully and ordinarily resident 	<p>The criteria require a connection to the district, not to the local area; and b) it is not in general conformity with Policy H4 of the adopted Local Plan which includes no such local connection requirement.</p> <p>On a practical level, a consequence of a local connection requirement is that people in housing need who come from places with no/limited new development would never have their needs met. Local connection requirements can also constrain Registered Providers' ability to secure funding for new affordable housing schemes.</p> <p>It is also objected to because it would require the District Council, as the housing authority, to review the Allocation Policy every two years. This is matter for the District Council and is goes beyond the remit of a Neighbourhood Plan.</p> <p>A similar approach has been advocated in other Neighbourhood Plans in the district and has not been supported by Examiners.</p>
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		<p>within the Plan Area and who has been lawfully and ordinarily resident within the Plan Area for a continuous period of not less than three years immediately prior to occupation and for the purposes of this clause a 'close family member' shall mean a mother, father, brother or sister.</p> <p>If there are no Priority Band households with a connection to the Plan Area, then the properties will be made available to other applicants in the Priority Band on North West Leicestershire District Council's waiting list. Properties will then be allocated to eligible households in the other Bands in turn according to the same principle.</p> <p>This Policy will be incorporated into the District Council's wider Allocations Policy.</p> <p>This Policy will be reviewed at least every two years after implementation (and every two years thereafter) so outcomes can be monitored and any necessary adjustments made."</p>	<p>Supporting such an approach would be inconsistent.</p> <p>It is proposed that the requirement should be deleted from Policy H4</p> <p>Reason – the policy as worded would not be in general conformity with the strategic policies of the adopted Local Plan.</p>
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Existing Environmental Designation (P26)	<p>The plan area is also within the River Mease Special Area of Conservation – a recommendation on whether a Habitats Regulation Assessment is required will be provided separately.</p> <p>The count of certain sites could be evidenced with plans - for example the number of Local Wildlife Sites in the Phase 1 survey appears to number 6 not 14. This is an old survey and it may be prudent to check with the County Ecologist to get up to date data.</p> <p>The reference to 12 further sites of historic significance is confusing as figure 6 shows four sites, which does not include the ridge and furrow shown in figure 10?</p>	<p>Page 29 Additional paragraphs now included.</p> <p>There is no change to the numbers. Whilst sources for the information are quoted, the actual source itself has not formed part of the evidence base and so it is difficult to verify the information.</p> <p>However, whilst these refinements and additions could have been beneficial, their exclusion is not considered to be fundamental to the effectiveness of the plan.</p>	None
Environmental Inventory (P27 + P28)	P27 refers to 9 criteria for Local Green Space selection whereas P28 refers to using 8 criteria for LGS designation.	<p>Page 31 Paragraphs 4.60 and 4.61 both refer to 9 criteria from the NPPF. Table 1 of Appendix 6 only lists 8 factors. It appears from Appendix 5 that 'special' has been included as a criterion. However, the NPPF refers to sites being special by virtue of various factors, including beauty etc</p> <p>Para 4.60 -refers to NPPF 2018 – needs to be updated.</p>	<p>Comment</p> <p>Paragraphs 4.60 and 4.61 should refer to 8 criteria not 9. 'Special' is not a category in its own right, but rather sites are considered special by virtue of their beauty, accessibility etc</p> <p>Para 4.60 -refers to NPPF 2018 – updated reference required.</p>

ENV1 (P28)	<p>Unclear what “<i>exceptional circumstances</i>” might be, therefore it maybe worth detailing what is meant by this.</p> <p>Policy identifies 3 sites to be designated as Local Green Space however Appendix 5 identifies 4 sites that have scored 18/24 or more.Does the Policy therefore also need to include site 020?</p>	<p>Page 31 No change</p> <p>No change</p> <p>The policy identifies 3 sites as Local Green Space (LGS). These are sites which have scored 18 out of 24. However, there is a fourth site which scores the same but this is not included as LGS. It is not clear why this is the case.</p>	<p>Object</p> <p>Unclear what “<i>exceptional circumstances</i>” might be. It would assist decision making to understand what such circumstances might be , even if just through the provision of text.</p> <p>Reason – to give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p> <p>Objection - Policy ENV1 identifies 3 sites that are to be designated as Local Green Space. Paragraph 4.62 refers to sites which scored 18 out of 24 as meeting “the essential requirements for designation as Local Green Space “.However, Appendix 5 details one other site that scores 18 and would therefore meet the scoring requirement to be designated as Local Green Space. It is not clear as to why these other sites have been excluded; they may also meet the criteria in paragraph 102</p>
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			of the NPPF (July 2021). Reason – consistency with national policy (NPPF paragraph 102)
		Page 29 onwards Paragraph numbering has gone wrong	Comment Paragraph numbers need correcting
ENV2 (P30)	The policy states the sites are mapped and listed but there is no list in the supporting text or policy. The policy refers to “(natural and/or historical)” but then continues as if every site has both designations. It may be helpful to sub divide the policy to its respective topics to provide clarity.	Page 33 Policy now cross refers to Appendix 5. Policy now distinguishes between natural and historical features	
Important Open Spaces(P31)	Cannot find the Open Space Audit 2017. The term OSSR is not defined anywhere in the document.	Page 31 onwards. Now refers to study from 2008 No longer included	None
ENV3 (P31)	Please note that the District Council is the Local Planning Authority and as such the decision maker on any application. The reference to “the community and Ashby de la Zouch Town Council” should be replaced with ‘Local Planning Authority’.	Page 34 Change made	None

		<p>Page 35</p> <p>Paragraph 4.49 states that:</p> <p>“New development will be required to take into account their settings as defined, on a case by case basis, by Historic England.”</p> <p>As worded this implies that Historic England will define the settings. This is incorrect, they only provide a definition of what constitutes a setting.</p>	<p>Comment</p> <p>Reword to state:</p> <p>New development will be required to take into account their settings, <i>as defined, by English Heritage</i>, on a case by case basis, by Historic England</p>
Local Heritage Assets(P33)	It is the responsibility of the District Council to designate Local Heritage Assets. In order to maintain this list in the plan it may be better to title the section ‘Key Buildings’ instead as only one of the buildings has been included on the list of Local Heritage Assets.	<p>Page 36</p> <p>No change made. This is confusing as policy ENV4 refers to Non-Designated Heritage Assets – Hugglescote</p>	<p>Comment</p> <p>There is inconsistency between the title of this section (Local Heritage Assets) and the policies that follow which, correctly, refer to ‘non-designated buildings’ or assets. For consistency this section should be re-titled ‘Non-designated Heritage Assets’.</p>

ENV4 (P34)	The policy title and text should be amended to remove references to Local Heritage Assets as per the comments on the supporting text.	<p>Page 37 Reference to Local Heritage Assets now removed from the policy. Instead refers to 'non-designated buildings'.</p> <p>Paragraph 4.60 states that “the conservation area appraisal identified a number of non-listed [sic] buildings and structures ... that were considered to be of local significance for architectural, historical or social reasons. The council’s Conservation Officer notes that the reference to “social reasons” is not consistent with the conservation area appraisal (i.e. they were not identified for social reasons).</p> <p>In respect of the list:</p> <ul style="list-style-type: none"> • The outbuilding to the Old House is a grade II listed building; • The council has granted planning permission to demolish the Blue Bell PH (19/01142/FUL); • The conservation area appraisal recognises 7 Main Street but the NP does not; • The conservation area appraisal recognises 12 Main Street but the NP does not. 	<p>Object</p> <p>Delete reference to ‘social reasons’ at paragraph 4.60</p> <p>Delete The outbuilding to the Old House, Main Street from the list as it is a listed building.</p> <p>Delete Blue Bell Public House from list</p> <p>Add numbers 7 and 12 Main Street to the list</p> <p>Reason</p> <p>To be consistent with evidence/factual information</p>
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Ridge and Furrow (P35)	Figure 10.2 and 10.3 do not seem to fully correlate with the location of the surviving ridge and furrow locations.	Page 38 No changes	Comment It is not clear as to why the ridge and furrow area has been defined in the way it has compared to the available evidence.
ENV5 (P36)	<p>The policy seems to contradict itself stating that any loss or damage is to be avoided and then allowing for a consideration of a proposal.</p> <p>Perhaps add the ridge and furrow to the previous policy as the same level of protection is being sought.</p>	Page 38 The policy refers to local heritage assets	<p>Objection – the policy should avoid reference to local heritage assets as it is the responsibility of a local planning authority to identify them (see the definition of ‘heritage asset’ in NPPF Annex A) albeit they can come to light through the neighbourhood plan process. This helps to ensure that inclusion on a local heritage list is based on sound and consistent evidence and criteria. The policy should be amended to refer to ‘non-designated heritage assets’.</p> <p>Reason – to ensure consistency with the NPPF (Annex A).</p>
Heading ‘General Policies’(P36)	There is a heading for general policies after Env 5. Is this needed?	Page 39 No change	None

Biodiversity and habitat connectivity (P36)	The text refers to 2 strategies, however, there are three bullet points.	Page 40 Change made	None
ENV6 (P37)	In figure 11 there is no reference to the fact that corridor 1 is bisected by the built-up area as defined in figure 2.	Page 40 Now referenced	None
ENV7 (P38-39)	<p>There is some confusion over how this policy would be applied and clarification would be useful. It is our understanding that development must not harm the identified views. However unsure how to apply <i>“should include a statement of proposed mitigation and/or protection of views.”</i> Should a proposal be supported by a statement of proposed mitigation or a statement of protection of views? Or should it be supported by both statements.</p> <p>Is there evidence to support or justify these views and what their features are, why they are designated for protection. It would be useful to have this as an Appendix to the Plan – this would also give assistance to those submitting a planning application and would support their preparation of the necessary supporting statement.</p> <p>Fig 12 - is there a reason that the arrows are a different size? If not it is suggested that they are all of the same size.</p> <p>View 3: Has the impact of the new housing under construction at Butt Lane been considered when designating this view.</p>	<p>Page 41</p> <p>This policy is numbered ENV7, but there is already another ENV7, so this and subsequent policies need to be re-numbered.</p> <p>There now only 3 views.</p> <p>No change</p> <p>No change</p> <p>Supporting text explains that the arrow sizes relate to length and scope of views.</p>	<p>Objection – There is a lack of evidence to justify the specific identification of the these views. Such evidence would enable applicants and decision makers to understand why the views are important and hence how harm can be avoided and the mitigation to propose.</p> <p>Reason – to give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>

Natural and Historic Environment (P39)	No Policy Env8	Corrected	None
ENV9 (P39-40)	<p>It is not correct to state that “This Neighbourhood Plan adds detail to the Local Plan and provides the environmental evidence to which consideration should be given when assessing proposals for such developments.” The NP does however refer to and list evidence that has informed the North West Leicestershire Local Plan.</p> <p>Suggest for ease of use that the 1st part of the policy is amended to read <i>‘Small-scale solar and wind generation infrastructure will be supported, subject to their complying with the environmental protection conditions listed in North West Leicestershire Local Plan Policy Cc1 (1).’</i> It is suggested that the inclusion of the wording <i>“localresident, business, amenity or community-initiated”</i> is not necessary. Also unclear what is meant by amenity solar and wind generation infrastructure.</p> <p>The second part of the policy comes across a little confusing.Perhaps it would be clearer to state that:</p> <p><i>‘Large and medium scale turbine developments will only be supported,if in conformity with North West Leicestershire Local Plan Policy Cc1 (2a) and the detail and legend on the map of suitability for large and medium scale wind energy to which the policy refers, and Policy Cc1 (2b).’</i></p>	<p>Pages 42 - 43</p> <p>Now policy Env 8</p> <p>Policy amended as suggested</p> <p>Policy amended as suggested</p> <p>Two additional requirements added</p>	<p>None</p> <p>None</p> <p>None</p> <p>Comment</p>

		<p>to the policy:</p> <ul style="list-style-type: none"> • Require submission of a Landscape and Visual Impact Assessment • Comprehensive restoration of site required after use ceases, including net improvement in landscape quality where feasible and appropriate 	<p>As written the policy appears to apply to all proposals renewable energy generation proposal , including solar panels on dwellings. If so, a requirement for a Landscape and Visual Impact Assessment appears to be somewhat excessive.</p> <p>It is not clear how net improvement in landscape quality will be judged.</p>
ENV10 (P40-41)	<p>It is suggested that clarification is provided with respect to this policy. Policy wording gives the impression that this is countryside designation (as defined by Policy G1) and countryside type uses would be permitted. If this is the case, it is suggested that the type of uses to be allowed should be detailed in the policy, for clarification. Alternatively, if appropriate, reference could be made to Policy S3 of the NWL Local Plan.</p> <p>However as this particular area has been defined as an Area of Separation should more stringent controls be applied and a more limited form of development be allowed e.g. agriculture, forestry, nature conservation. Leisure, sport, recreation?</p>	<p>Pages 43-44 Now policy ENV9</p> <p>This policy has now been reworded. The previous version mirrored closely the wording of Local Plan policy S3 (Countryside). The Local Plan policy refers to development not undermining “either individually or cumulatively with existing or proposed development, the physical and perceived separation and open and undeveloped character between existing nearby settlements”.</p> <p>The wording in the proposed policy states: “Development proposals in the</p>	<p>Objection - The proposed wording of the policy conflicts with Local Plan Policy S3 (Countryside). The reference to maintaining the separation is consistent with Policy S3. However, the reference to enhancing the separation is inconsistent with Policy S3 which does not include such a test. The proposed wording would undermine Local Plan Policy S3 which is a Strategic Policy.</p> <p>The following rewording is suggested:</p> <p>To retain the physical and visual separation between Blackfordby and Woodville</p>

		<p>identified gap should be located and designed to maintain, and wherever possible, enhance the separation of the identified areas”</p> <p>Whilst the policy does refer to maintaining the separation consistent with Policy S3, it also refers to enhancing the separation. This is a different test to Policy S3 and undermines a Strategic policy of the Local Plan.</p> <p>The previous wording of the policy is considered to be more appropriate.</p>	<p>and the A511 corridor, an area of open land will be designated as an Area of Separation as shown in Figure 13. Development proposals in the identified gap should be located and designed to maintain, and wherever possible, enhance the separation of the identified areas. <u>Development will not be permitted if, either individually or cumulatively, it would adversely affect or diminish the present open aspect of the designated area.</u></p> <p>Reason – the policy as worded would not be in general conformity with the strategic policies of the adopted Local Plan.</p>
CFA1 (P45)	<p>It is suggested that it may be more appropriate to include the ‘bolded wording’ within the text supporting the policy, rather than in the Policy itself.</p> <p>b) The existing community facility is, demonstrably, no longer economically viable or able to be supported by the community – such viability and support includes fundraising and volunteering by parishioners and others; or...</p>	<p>Page 48 Change made</p>	<p>None</p>

BE1 (P46)	<p>Does this policy apply to all employment uses or just 'B' class uses?</p> <p>How is 'land that provides future potential employment opportunities' defined?</p> <p>How does this relate to criterion a? For example, the policy doesn't make clear if the active use for an area that is a future potential employment opportunity has to be employment related.</p> <p>In criterion b, land that has future potential for employment opportunities may not be able to comply as it cannot be redeveloped or reoccupied if it hasn't previously been developed.</p> <p>How is 'an activity that does not provide employment opportunities' defined?</p> <p>Is the 12 months referred to in a) and the 6 months referred to in b) in effect 18 months in total? Or can they be undertaken in parallel?</p> <p>Can the valuation report refer to any employment generating uses?</p>	<p>Page 49</p> <p>Now omitted</p> <p>No longer an issue in view of change made</p> <p>No longer an issue in view of change made</p> <p>Not defined</p> <p>No change</p> <p>No change</p>	<p>Objection - the Use Classes Order has been amended such that B1 uses (offices, R&D, light industry) are now incorporated in a new, expansive Use Class E 'commercial, business and service uses' which includes former A class uses, and indoor health, sport and community uses. The policy should reflect these changes so it is fit for purpose by being clear about the uses to which it applies. "There will be a strong presumption against the loss of commercial premises or land that provides employment (<u>offices, industry, storage/distribution</u>). "</p> <p>Reason – consistency with national policies and guidance</p> <p>Objection – it is not clear whether the 12 months referred to in a) and the 6 months referred to in b) are in effect 18 months in total or can they be undertaken in parallel? In addition, it is not clear what type of uses the valuation report will need to consider. This lack of clarification represents an issue for potential applicants in terms of being confident that they are supplying the necessary evidence, but also</p>
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			<p>for the local planning authority to ensure that such evidence is what was envisaged.</p> <p>Reason – to give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p> <p>Objection–Policy BE1 requires commercial premises to be empty for 12 months which is 6 months longer than the equivalent policy in the adopted Local Plan (Policy Ec3(3)). This means that the requirements are more onerous in the neighbourhood plan area than in the rest of the district and the justification for this should be explained in the plan.</p> <p>Reason – the policy as worded would not be in general conformity with the strategic policies of the adopted Local Plan.</p>
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BE2 (P47)	<p>What are likely to be the exceptional circumstances referred to in criterion a? This could be interpreted very widely/loosely.</p> <p>What is development appropriate to a countryside location?</p> <p>It is presumed that a development is expected to meet all of these criteria (rather than just one) but this is not explicitly stated in the policy.</p>	<p>Page 50 No change and whilst these refinements and additions could have been beneficial, their exclusion is not considered to be fundamental to the effectiveness of the plan.</p> <p>No change</p>	<p>None</p> <p>Objection - It is presumed that a development is expected to meet all of these criteria (rather than just one) but this is not explicitly stated in the policy.</p> <p>Reason – to give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>
BE3 (P48)	<p>To avoid any confusion, it would be helpful to state in the supporting text that in many cases planning permission is not required for home working. Then the policy could also start with “Where planning permission is required...”</p>	<p>Change made</p>	<p>None</p>

<p>TR1 (P53)</p>	<p>It is not clear as to whether all of a) to f) have to be satisfied, particularly as there is an 'and' between d) and e) but not other criteria.</p> <p>Why does the policy only apply to housing and commercial development? Also, what is meant by commercial development?</p> <p>Criterion f) refers to there being a “<i>significant increase in traffic</i>” whilst the first part of the policy refers to the need to “<i>minimise any increase in vehicular traffic</i>”. Would it be better to say in the first part of the policy “<i>minimising the impact of any increase in vehicular traffic</i>”?</p>	<p>Page 55 No change</p> <p>Now refers to all development</p> <p>Amended as suggested</p>	<p>Objection - It is presumed that a development is expected to meet all of these criteria (rather than just one) but this is not explicitly stated in the policy.</p> <p>Reason – to give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>
<p>TR2 (P54)</p>	<p>As written the first part of the policy will be difficult to apply to new development. It might be better to say “<i>The maintenance, upgrading and , where appropriate, extension of the pedestrian footpath network in the Plan Area will be supported as part of new developments :</i></p> <p style="padding-left: 40px;">a) <i>provide connections to the existing pedestrian footpath network</i></p> <p>Then b) and c) as drafted.</p>	<p>Page 56 Amended as suggested</p>	<p>None</p>

TR3 (P54)	No comments but we will forward separately an article which may be of interest in relation to this.		
Additional comment			<p>Comment</p> <p>Since the plan was prepared anew NPPF has been published. It would be appropriate to update all references in the document accordingly.</p>
Appendix 3 Housing Site Assessments	<p>Refers to there being 2 housing allocations (rear of 31 Main Street and the Blue Bell Inn) – but Policy H1 only identifies 1 housing allocation.</p> <p>Refers to ‘HDC’s emerging Local Plan’. This will need amending. The acronyms TG and HTG need writing in full on first use.</p> <p>Suggest that the RAG Score needs some explanation.</p> <p>Would be useful to see how the sites scored in each category to understand how the final scores were arrived at.</p>	<p>Amended</p> <p>Acronym’s not clarified</p> <p>Some clarification now provided</p> <p>Not clarified, instead sites are only ranked.</p>	<p>Comment</p> <p>It would be helpful to include the full titles for the acronyms TG and HTG on the first time of referring to them.</p> <p>Comment</p> <p>It would be helpful to see how the sites scored in each category to understand how the final scores were arrived at.</p>
Appendix 4 Housing Needs Report	Need to delete all references to MSOA E02005612 and Rockingham, Cottingham, East Carlton and Middleton.	Amended	None

Appendix 5 Environmental Inventory	It would be useful to have a map showing the location of the parcels of land.	Not changed but it is presumed that the reference numbers cross refer to Figure 6	
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Title of Report	REVISED NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021) – UPDATE & IMPLICATIONS FOR THE LOCAL PLAN REVIEW	
Presented by	Ian Nelson Planning Policy and Land Charges Manager	
Background Papers	National Planning Policy Framework (2021) Government response to the National Planning Policy Framework and National Model Design Code: consultation proposals National Model Design Code	Public Report: Yes
Financial Implications	Some of the changes set out in the NPPF may have resource implications. These are highlighted in the report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The NPPF is material consideration when preparing Local Plans and so its content will influence the Local Plan substantive review.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To outline the revisions made to the National Planning Policy Framework in July 2021 and to highlight potential implications for the Local Plan review.	
Recommendations	THAT THE LOCAL PLAN COMMITTEE NOTE: (I) THE PUBLICATION OF A REVISED NATIONAL PLANNING POLICY FRAMEWORK (II) THE POTENTIAL IMPLCIATIONS FOR THE LOCAL PLAN SUBSTANTIVE REVIEW AS OUTLINED IN THIS REPORT	

1. BACKGROUND

- 1.1 Members will be aware that to be sound, Local Plans are required to be consistent with national policy contained in the National Planning Policy Framework (NPPF). The original version of the NPPF was published in March 2012. Further versions were published in July 2018 and February 2019.
- 1.2 Between 30 January and 27 March 2021 the government consulted on draft revisions to the NPPF. At the same time, the government consulted on the National Model Design Code (NMDC). The final revised NPPF and the NMDC were published on 20 July 2021.

- 1.3 The government has been clear that the updated NPPF does not represent a wholesale revision nor reflect proposals for wider planning reform (as detailed in the August 2020 'Planning for the Future consultation). In a letter to local planning authorities dated 5 February 2021, the Chief Planner noted that over 40,000 responses had been received in response to the Planning for the Future consultation and that a way forward on wider planning reforms and the role of the NPPF would be announced in due course. The government's response had been expected in the spring but is now anticipated in autumn 2021. Wider planning reform could have greater implications for the Local Plan Review than the revised NPPF and Local Plan Committee will be updated on this in due course.
- 1.4 The main changes in the revised NPPF relate to:
- Design quality in new development
 - Environment related changes, including amendments on flood risk and climate change
 - Minor changes arising from legal cases, primarily to clarify policy
 - Minor factual changes to remove out-of-date text
 - A recent change made by Written Ministerial Statement about retaining and explaining statuses
 - An update on the use of Article 4 directions
- 1.5 Many of the updates relate to design quality, to ensure that the NPPF is consistent with the publication of the NMDC. The purpose of the NMDC is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide (2019), which reflects the government's priorities and provides a common overarching framework for design. NWLDC is one of 14 local planning authorities selected to take part in a NMDC pilot programme. Officers are currently working to update the Council's Good Design Guide Supplementary Planning Document in line with the principles and guidance in the NMDC.

2. SUMMARY OF CHANGES AND POTENTIAL IMPLICATIONS FOR THE LOCAL PLAN REVIEW

Chapter 2: Achieving sustainable development

- 2.1 In defining sustainable development, a new reference to the UN 17 Global Goals for Sustainable Development has been added.
- 2.2 The social objective of planning has been amended to emphasise the importance of achieving "beautiful" places (paragraph 8b).
- 2.3 The phrases "contribute to" and "helping to" have been removed from the environmental objective, thereby setting a higher bar for achieving this objective (paragraph 8c)
- 2.4 The presumption in favour of sustainable development has not been amended with respect to decision-taking (paragraph 11c and 11d). However, for plan-making, paragraph 11a has been amended to read:

"all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;"

Comment

- 2.5 The emphasis of achieving 'beautiful' places features frequently in the updated NPPF and is a response to the recommendations of the Building Better, Building Beautiful Commission. Beautiful is a subjective term and means different things to different people.

In its response to the consultation proposals, the government has confirmed that “*beautiful should be read as a high-level statement of ambition rather than a policy test*” and that “*local planning authorities, communities and developers are encouraged to work together to decide what beautiful homes, buildings and places should look like in their area.*” NWLDC benefits from having an adopted Good Design SPD and being on the NMDC pilot scheme. As work progresses on updating the Good Design SPD, it will be informed by consultation with a wide range of stakeholders.

- 2.6 The presumption in favour of sustainable development for plan making has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change.
- 2.7 In terms of climate change, the government has commented that its commitment to reach net zero will be addressed in its forthcoming response to the Planning for the Future white paper. NWLDC has its own Zero Carbon Roadmap in place and planning policy officers are working on policy options which align with the Roadmap and which ensure new development incorporates appropriate measures to mitigate or adapt to the effects of climate change (as reported at 7 July 2021 Local Plan Committee). Officers may need to revisit their work once the government has provided more guidance.
- 2.8 The specific reference to aligning growth and infrastructure is welcomed, as is the reference to promoting “*a sustainable pattern of development*”.

Chapter 3: Plan making

- 2.9 A strategic policy should now be set for the *design quality of places* (paragraph 20).
- 2.10 Strategic policies should continue to look ahead over a minimum 15-year period. However, where larger scale development is proposed (such as new settlements and extensions to existing towns and villages) plans should look at least 30 years ahead (paragraph 22). It is confirmed at Annex 1 (paragraph 221) that this policy of larger scale development applies only to plans that have not reached Regulation 19 (pre-submission) stage at 20 July 2021.
- 2.11 An addition to the tests of soundness has been made. As well as being consistent with policies in the Framework, Local Plans should also be consistent with “*other statements of national planning policy, where relevant*” (paragraph 35). The consultation document stated this would ensure the most up-to-date national policies (for example Written Ministerial Statements) would be taken into account.

Comment

- 2.12 With regards to paragraph 22, the government has not provided a threshold for ‘larger scale development’ and has advised that this is something that the local planning authority is best placed to determine (albeit providing the examples of new settlements/urban extensions) and that this will be tested at examination.
- 2.13 There is nothing to suggest that the timeframe proposed for the Local Plan (2020-2039) is no longer suitable. However, applying the new transitional arrangements at Annex 1, the Local Plan Review will need to incorporate a 30-year vision for any larger scale development that is proposed; this will extend beyond the proposed end date of the Local Plan.
- 2.14 At present it is not clear what evidence will be required to demonstrate to a Local Plan Inspector that a 30-year vision for a development is achievable. The Secretary of State wrote to the Planning Inspectorate on 2 August 2021, confirming that further guidance on this subject will be available ‘shortly’.
- 2.15 Local Plans will now have to be consistent with other national planning policy such as those contained in Written Ministerial Statements. Such statements are not subject to

consultation and tend to come into effect automatically. The content of any future national planning policy documents is unknown so it is difficult to predict the extent to which they will impact production of the Local Plan Review. Furthermore, it is not known whether there would be any transitional arrangements if the Local Plan Review was at an advanced stage.

Chapter 4: Decision making

2.16 The key change in this chapter relates to the use of Article 4 directions:

The use of Article 4 directions to remove national permitted development rights should:

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
- *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.*

Comment

2.17 The government's proposed changes seek to encourage "*the appropriate and proportionate use of Article 4 directions.*" The government wants to enable greater flexibility of use and the delivery of new homes through permitted development rights. Essentially the tests for Article 4 directions have been made stricter and the onus will be on the local planning authority to provide *robust* evidence for their use.

Chapter 5: Delivering a wide choice of high-quality homes

2.18 For the purposes of clarity, paragraph 64 has been amended to make clear that at least 10% of the *total number of homes* proposed should be available for affordable home ownership.

2.19 To remove the suggestion that neighbourhood plans can only allocate small or medium sites, it is now stated that neighbourhood planning should "*give particular consideration to*" the allocation of small and medium sites (paragraph 70).

2.20 Where delivery of new settlements or significant extensions are proposed, strategic policy makers should ensure that site are supported by "*a genuine choice of transport modes*" and that "*appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community*" (paragraph 73).

2.21 Policies and decisions should continue to avoid isolated homes in the countryside subject to certain caveats described at parts a) to e) of paragraph 80. Part e) has been amended by removing the former reference to *innovative* development. This was done to ensure that the design quality is always truly outstanding, removing the previous potential loophole for designs that are not outstanding but are in some ways innovative.

Comment

2.22 Officers are working on the preparation of an Affordable Housing SPD which is informed by the government's latest policies on affordable home ownership and is considered elsewhere on the agenda for this meeting.

- 2.23 Paragraph 73 sets out a list of criteria which strategic policy making authorities need to address when identifying larger scale development. As set out above, this type of development now needs to plan ahead 30 years. Further guidance on what is expected from this 30-year vision is anticipated from the government shortly.

Chapter 8: Promoting healthy and safe communities

- 2.24 In achieving places which are safe and accessible, policies and decisions should now take into account whether pedestrian and cycle routes are *attractive* and *well-designed* as well as being clear and legible (paragraph 92b).

- 2.25 A new paragraph has been added (paragraph 96) which focuses on the delivery of significant public service infrastructure:

“To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

- 2.26 The benefits of open space/sport have been broadened to include the delivery of *wider benefits for nature and support efforts to address climate change* (paragraph 98).

Comment

- 2.27 The appearance of pedestrian and cycle routes is addressed in the adopted Good Design SPD and will be reviewed/taken forward as part of the update.

- 2.28 The government has confirmed that further guidance on the role of biodiversity in open space will be considered as part of the planned long-term review of the NPPF and updates to Planning Practice Guidance on transport, expected ‘in due course’. This could have implications for open space and ecological requirements set in the Local Plan, particularly with the requirement for biodiversity net gain being brought forward through the Environment Bill. It could also impact on the masterplans for proposed allocations as well as the viability of allocated sites.

Chapter 9: Promoting sustainable transport

- 2.29 This section reiterates the need for pedestrian and cycle routes and networks which are *“attractive and well-designed”* and also include *“supporting facilities such as secure cycle parking.”* (Paragraph 106).

- 2.30 An additional requirement has been added for the assessment of sites in highways terms; *“the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code”* (paragraph 110). Footnote 46 supplements this requirement by stipulating that *“policies and decisions should not make use of or reflect the former Design Bulletin 32 which was withdrawn in 2007.”*

Comment

- 2.31 The design of walking and cycling routes, cycle parking, streets, parking areas etc. is addressed in the adopted Good Design SPD and will be reviewed/taken forward as part of the update. There is however the potential for conflict between design aspirations and the requirements of the local highways authority which will need to be taken into account as the revised SPD is developed.

Chapter 11: Making effective use of land

- 2.32 In relation to achieving appropriate densities, additional text has been added which states that *“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places”* (paragraph 125).

Comment

- 2.33 As with other design factors, the consideration of density will be reviewed as part of the update to the Good Design SPD.

Chapter 12: Achieving well designed places

- 2.34 As well as creating high-quality buildings and places, the NPPF now stipulates that these should be “beautiful” and “sustainable” (paragraph 126).
- 2.35 Neighbourhood plan groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development *“both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers”* (paragraph 127).
- 2.36 Paragraph 128 sets an expectation that *“all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences”* and the *“geographic coverage, level of detail and degree of prescription [of codes or guides] should be tailored to the circumstances and scale of change in each place and should allow a suitable degree of variety.”*
- 2.37 Paragraph 129 provides additional information on the scope of design guides and codes. It advises that they *“can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.”* It goes on to state that *“Landowners and developers may contribute to these exercises but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area.”*
- 2.38 Paragraph 131 is a new paragraph on trees:
- “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*
- 2.39 Footnote 50 to paragraph 51 confirms that new streets should be tree-lined “unless in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.
- 2.40 Paragraph 134 attributes significant weight to local design policies and government guidance on design:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”

- 2.41 It goes on to advise that significant weight should be given to proposals *“which reflects local design policies and government guidance on design”*, taking into account any local design guidance and supplementary planning documents and/or *“outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area.”*

Comment

- 2.42 A key update to the NPPF is that paragraph 134 gives local planning authorities greater power to refuse planning applications which don't accord with local/national design policies. In this regard, having an updated Good Design SPD which accords with the NMDC will strengthen the Council's position on design matters.
- 2.43 In terms of specific settlements/areas, paragraph 127 encourages Neighbourhood Plan Groups to engage with design policy, either engaging through the formulation of local authority policy or their own Plans. It will be important to ensure consistency between the Local Plan Review and Neighbourhood Plans. In terms of site allocations, there is an opportunity for Neighbourhood Plan Groups to set their own design parameters for small and medium sized sites and for Neighbourhood Plan Groups and Parish Councils to engage with NWLDC officers on larger-scale development within their areas.
- 2.44 In terms of specific sites, paragraph 129 confirms that landowners and developers can either contribute to codes being prepared as part of planning policy or can prepare design codes as part of a planning application submission. The preparation of codes at the policy stage are likely to be required given the requirements for larger-scale development described above and should provide more certainty for all parties. They will need to be subject to consultation with a range of stakeholders.
- 2.45 The new paragraph on trees will be fed into the Good Design SPD. There can be highways issues with tree lined streets, although such development has been achieved in the District in recent years. It will be important to find a deliverable, flexible policy solution to this issue.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

- 2.46 Amendments have been made to clarify that the sequential test should take into account all/any sources of flood risk (paragraphs 161 & 162).
- 2.47 Paragraph 161c has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).
- 2.48 Paragraph 167 (was 163) has been expanded to incorporate a definition of resilient with respect to flood risk; *“such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment”*.

Comment

- 2.49 The amendments made in this chapter seek to clarify the government's position on flood risk, although further guidance is anticipated in conjunction with the publication of the government's Flood Review.

- 2.50 There is an opportunity to review sustainable drainage as part of the Good Design SPD review as well as set parameters as part of the information required to support large scale allocations.

Chapter 15: Conserving and enhancing the natural environment

- 2.51 When determining planning applications, it has been clarified that opportunities to improve biodiversity in and around developments “*should be integrated as part of their design*”, especially where this can secure measurable net gains for biodiversity “*or enhance public access to nature where this is appropriate.*”

Comment

- 2.52 The opportunity for biodiversity net gain as part of the delivery of specific sites should be considered at an early stage and may require more detailed work by the developers and key stakeholders at the policy stage (to feed into a policy masterplan for example).
- 2.53 Enhancing public access to nature may not always be appropriate in biodiversity terms and this is something that will need to be considered on a site-by-site basis.

Chapter 16: Conserving and enhancing the historic environment

- 2.54 A new paragraph has been added:

“In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”

Comment

- 2.55 The paragraph reflects the content of a Written Ministerial Statement dated 18 January 2021 and this is now a material consideration in the determination of planning applications.

Annex 1

- 2.56 This confirms that the changes in the NPPF will have to be reflected in Local Plans that have not reached Regulation 19 (Pre-submission) stage on the date at which the NPPF was published. This includes the substantive Local Plan review.

Annex 2

- 2.57 New definitions have been added for:

- Article 4 Direction
- Design Guide
- Mineral Consultation Area
- Recycled Aggregates
- Secondary Aggregates

- 2.58 Amendments have been made to the following definitions:

- Green Infrastructure (to broaden the scope and benefits)
- Housing Delivery Test (measures net homes delivered – was ‘additional dwellings provided’)
- Minerals resources of local and national importance (to include coal derived fly ash in single use deposits)
- Sustainable Transport Modes (to refer to ultra-low and zero emission vehicles)

Annex 3

2.59 A new Annex 3 has been added so that the Flood Risk Vulnerability Classification which was previously included in the PPG is now in the NPPF.

3. Conclusions

3.1 The amendments to the NPPF do not represent a whole-scale review. Further announcements on planning reform, which could significantly impact the preparation of the Local Plan Review, are anticipated in autumn 2021.

3.2 Of the amendments that have been made, the key changes relate to design and the information that will be required to support large scale allocations. Some of the amendments are expected to be subject to further guidance (for example in the Planning Practice Guidance) which could have additional implications for the preparation of the Local Plan Review.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected.
Policy Considerations:	The proposals outlined in the revised NPPF have the potential to have a fundamental impact upon the Council's Local Plan, which is currently being reviewed.
Safeguarding:	None specific
Equalities/Diversity:	The Local Plan Review as an entity will be subject to an Equalities Impact Assessment.
Customer Impact:	None specific
Economic and Social Impact:	No specific issues identified
Environment and Climate Change:	No specific issues identified
Consultation/Community Engagement:	In due course the planning policy implications of the NPPF will be incorporated in a consultation document for the Substantive Local Plan Review. The consultation arrangements will be governed by requirements in the Statement of Community Involvement.
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to minimise risks, including regular Project Board meetings where risk is reviewed.
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