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Meeting	LOCAL PLAN COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 27 September 2022
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 interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
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 12 July 2022.	3 - 8
5	LOCAL PLAN SUBSTANTIVE REVIEW - DEVELOPMENT STRATEGY	
	Report of the Head of Planning and Infrastructure	9 - 24
6	LOCAL PLAN REVIEW: RESPONSE TO CONSULTATION - EMPLOYMENT POLICIES	
	Report of the Head of Planning and Infrastructure	25 - 52
7	LOCAL PLAN REVIEW - EVIDENCE BASE UPDATE	
	Report of the Head of Planning and Infrastructure	53 - 56

8	SWANNINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION	
	Report of the Head of Planning and Infrastructure	57 - 84
9	DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
	Report of the Head of Planning and Infrastructure	85 - 130

Circulation:

Councillor J Bridges (Chairman)
Councillor J G Simmons (Deputy Chairman)
Councillor D Bigby
Councillor D Everitt
Councillor D Harrison
Councillor J Houlton
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, Coalville on TUESDAY, 12 JULY 2022

Present: Councillor J Bridges (Chairman)

Councillors J G Simmons, D Bigby, D Everitt, D Harrison, J Legrys, R L Morris, A C Saffell, N Smith, M B Wyatt and K Merrie MBE

Officers: Mr I Nelson, Mr C Elston, Ms R Haynes, Mrs R Wallace, Ms S Lee and Ms J Althorpe

6 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Hault, for whom Councillor A Woodman acted as substitute.

7 DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests for item 5: Local Plan Review - Response to Consultation:

Councillor J Legrys declared a non pecuniary interest as he had been lobbied by the Northern Parish Councils and by constituents in the local area, but had come with an open mind.

Councillor T Saffell declared a non pecuniary interest as a member of Castle Donington Parish Council.

Councillor R Morris declared a non pecuniary interest as Chair of Breedon Parish Council.

8 PUBLIC QUESTION AND ANSWER SESSION

It was declared that a statement from the Northern Parish Councils had been received, however as it had been received almost immediately prior to the commencement of the meeting there had been insufficient time to give this due consideration.

Councillor J Bridges assured the parties who had submitted the question that it would be considered and incorporated in the production of future reports.

9 MINUTES

Consideration was given to the minutes of the meeting held on 25 May 2022.

It was moved by Councillor J Legrys, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 25 May 2022 be approved and signed by the Chairman as a correct record.

10 LOCAL PLAN REVIEW - RESPONSE TO CONSULTATION

Officers presented the report which considered responses to consultation received between January and March 2022 and which looked at the strategic issues to be addressed in the plan.

Members queried the decision to decide all recommendations as one vote as they felt that some were acceptable whilst they did not agree with others and requested that

recommendations be voted upon individually as opposed to en bloc. The Chair noted the comments however advised that all recommendations would be voted for as one.

Officers set out the Local Plan objectives, highlighting that the objectives were overarching statements, fairly general in nature, and would be a framework for the policies, not the policies themselves. It was noted that overall, the consultation reflected a good level of support for the objectives. As a result of the consultation, it was agreed that changes, as detailed within the report, be made to the wording of some of the objectives as this would add more accuracy or detail.

Members requested clarification on the figures presented with regard to a petition which had been put forward, as it was felt that in some instances individual signatures had been overlooked and considered per household, rather than per signatory. Officers agreed that this would be clarified in the minutes and would be corrected. Subsequently officers confirmed that there were 323 signatories on the tear off slips.

Members raised concerns that the Coalville Special Expenses Working Party had not been part of the consultation despite this being a forum to discuss issues which would be heavily focused on the Coalville urbanised area and requested that this be noted.

A member queried a change in the recommendations, specifically Objective 4, and it was agreed to rephrase this to read "including by private car".

Officers provided members with details in regard to the Settlement Hierarchy section of the report, and noted that, whilst the proposed hierarchy would remain roughly the same as in the existing Local plan, some of the more rural settlements would be moved to a different tier. Local Housing Needs Villages, was outlined and the controls in these locations were described.

Officers informed members of the development strategy options for housing, specifically how much and where it should be located. It was noted that there had been a good spread of responses from individuals, developers and landowners.

Members noted that there had been a government announcement that there would be an intention to end the "Duty to Co-operate" however officers advised that at present this remained a requirement and therefore the authority remained under the obligation to meet Leicester's unmet housing need.

Members addressed the numbers contained within the Statement of Common Ground and raised a concern that the authority had been asked to provide a disproportionately large percentage of Leicester's unmet housing needs. It was argued that in order to promote growth and prosperity in the region, it would be necessary to provide more homes, which would in turn equate to more residents and more trade for local businesses.

Members suggested that the construction of more affordable homes would be necessary in order to enable people who work locally to be resident in the area.

Officers clarified that the numbers of houses which would be built would be subject to Council's agreement in the meeting scheduled for September 2022. It was noted that the Statement of Common Ground considered many key factors in setting out future requirements, including economic growth, unmet need and a consistent deliverability rate across the county. With regard to the infrastructure, it was noted that there would be a need to address whatever infrastructure would be required and that an Infrastructure Delivery Plan had been commissioned.

Officers informed members of the options as to how growth may be delivered across the district and acknowledged that it would not be feasible for all the required growth to be restricted to one settlement.

Officers requested more information from Councillor A C Saffell with regard to the statement which had been received from the Northern Parishes in order to consider all reasonable alternatives thoroughly. It was agreed that Councillor A C Saffell would seek further clarity on the statement and provide feedback.

Members suggested that a new settlement should be considered at a location which would enable residents to cycle and walk to work. Officers reassured members that a new settlement would be considered alongside the other options and that all reasonable alternatives would be considered.

Officers informed the meeting that the authority would be looking at appointing consultants in order to investigate the potential job creation by the Freeport to understand better the amount of housing which would be required to ensure a balance between housing and employment. This would also allow the possibility of investigating what affordable housing the authority may be able to secure in those locations.

Officers explained to members the employment aspects of the report, with regard to how much employment land the authority needed and where it should go. A Member asked a question with regard to how the authority could predict long term housing needs when the economic future remained unclear. It has been suggested that one option would be to put things on hold until the next review when economic needs would be clearer. Officers acknowledged the uncertainty but advised that putting the plan on hold would not be likely to be supported at Examination.

The replacement of old warehousing was debated, and a suggestion was made that the authority consider these sites as part of the Local Plan for potential redevelopment. . Due to the demand for land, it would not be feasible to leave the land unused or warehouses “abandoned”. Officers clarified that the strategic study would attempt to identify a reasonable figure for how much need there would be and not to look at specific sites.

Members and officers praised the Stantec report and officers confirmed that the report would be recommended along with the figures which it proposed in terms of need. However it was noted that the Stantec study recommendation with regard to flexibility figures would not be one the authority should take.

A member requested that strategic distribution sites which would potentially be obsolete in future be considered as employment land. Officers concurred.

Officers highlighted that the authority would be commissioning advice regarding the potential heritage and landscape impact of the site of the Freeport in order to be better placed to advise members in future meetings.

A member thanked officers for a good and thorough report.

It was moved by Councillor D Harrison, and seconded by Councillor R Morris.

The Chairman put the motion to the vote. A recorded vote being requested, the voting was as detailed below.

RESOLVED THAT:

(i) The responses to the consultation be noted.

(ii) The amendment of objectives 2,4,5, 8, 9 and 10 as set out at paragraph 3.5 of this report be agreed.

- (iii) The revisions to the Settlement Hierarchy set out at paragraph 4.6 of this report and Appendix C be agreed.
- (iv) The revisions to the Proposed Local Housing Needs Policy set out at paragraph 4.11 of this report and Appendix D be agreed.
- (v) A housing requirement of 686 dwellings each year as set out at paragraph 5.2.29 of this report (subject to the Council agreeing the proposed Statement of Common Ground in respect of housing and employment needs) be agreed.
- (vi) The extension of the plan period to 2040 as set out at paragraph 5.2.33 of this report be agreed.
- (vii) The updated housing provision as at April 2021 as set out at Table 1 of this report be noted.
- (viii) A flexibility allowance of 10% of the residual housing requirement for 2021- 40 as set out at paragraph 5.2.41 of this report be agreed.
- (ix) The fact that land needs to be identified for a minimum of 6,693 dwellings as set out at paragraph 5.2.41 of this report be agreed.
- (x) The proposal to test a further housing distribution option (option 9c) as set out at paragraph 5.3.28 of this report be noted.
- (xi) The Stantec study to provide the primary evidence base for future general employment needs as set out at paragraph 6.4.16 of this report be noted.
- (xii) The General Employment Land Needs as at April 2021 as set out at Tables 5 and 6 of this report be noted.
- (Xiii) The proposal to test a further employment distribution option (Option 2a) as set out at paragraph 6.5.30 of this report be noted.
- (xiv) A working provisional figure for strategic distribution of 100,700 sqm as set out at paragraph 6.6.6 of this report (subject to agreeing to extending the plan period to 2040) pending the outcome of any agreement with the other Leicester and Leicestershire authorities in respect of the distribution of the residual requirement identified in the strategic warehousing study be agreed.
- (xv) The intention to commission additional evidence in respect of landscape and heritage issues in relation to the proposed Freeport site south of the A453 and East Midlands Airport be noted.

Motion to approve officers recommendation (Motion)	
Councillor John Bridges	For
Councillor Jenny Simmons	For
Councillor Dave Bigby	Against
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor John Legrys	Against
Councillor Ray Morris	For
Councillor Tony Saffell	Against
Councillor Nigel Smith	For
Councillor Michael Wyatt	Against
Councillor Andrew Woodman	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 8.15 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – TUESDAY, 27 SEPTEMBER
2022

Title of Report	LOCAL PLAN SUBSTANTIVE REVIEW – DEVELOPMENT STRATEGY	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework Planning Practice Guidance Local Plan Substantive Review: Interim Sustainability Appraisal Report of the Spatial Options Employment Options Interim Sustainability Appraisal Report (including Option 2a) Report to Local plan Committee 27 October 2021 Report to Local plan Committee 9 December 2021 Report to Local plan Committee 12 July 2022 Adopted North West Leicestershire Local plan	Public Report: Yes
		Key Decision: Yes
Financial Implications	The cost of the Sustainability Appraisal study is met from existing budgets which are reviewed as part of the annual budget setting process.	
	Signed off by the Deputy Section 151 Officer: Yes	
Legal Implications	It is necessary as part of the preparation of the Local Plan to consider reasonable alternatives. 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	The purpose of this report is to consider the outcome from additional work undertaken in accordance with the decisions of this Committee and to determine what the development strategy for housing and employment should be.
Recommendations	THAT THE LOCAL PLAN COMMITTEE AGREES THAT: (i) OPTION 7B PROVIDE THE BASIS FOR THE HOUSING DEVELOPMENT STRATEGY OF THE LOCAL PLAN REVIEW; AND (ii) OPTION 2A PROVIDE THE BASIS FOR THE EMPLOYMENT DEVELOPMENT STRATEGY OF THE LOCAL PLAN REVIEW

1 INTRODUCTION

- 1.1 Members will recall that this Committee has previously considered a number of reports regarding the issue of housing and employment provision as part of the Local Plan review.
- 1.2 The purpose of this report is to consider the outcome from additional work undertaken in accordance with the decisions of this Committee (outlined in the next section of this report) and to determine what the development strategy for housing and employment should be.

2 PREVIOUS REPORTS

Local Plan Committee 27 October 2021

- 2.1 This report considered a range of options for how any housing requirement might be distributed across the district. In total some 16 options were identified under four different potential growth options (reflecting the uncertainty at that time regarding the amount of growth to be planned for. These had been subject to a Sustainability Appraisal to understand what the implications might be, from a sustainability point of view, of the different options. In addition to the Sustainability Appraisal, regard was had to a variety of other planning factors in coming to a recommendation as to which was considered, at that stage, to be the preferred approach.
- 2.2 The following was agreed:

At this stage scenarios High 1 and High 2 cover the most likely growth requirement and, for these scenarios, distribution options 3A and 7B respectively would be the most suitable and these should be taken forward for consultation.
- 2.3 The report can be viewed from this [link](#).

Local Plan Committee 9 December 2021

- 2.4 This report dealt with a number of employment related matters. It was agreed to consult on those matters raised in the report, including “*the general employment strategy options*” described in the report.
- 2.5 The report can be viewed form this [link](#).

Local Plan Committee 12 July 2022

- 2.6 This report considered some of the responses to the consultation undertaken earlier this year. Amongst other things the following were agreed:
- (v) *A housing requirement of 686 dwellings each year as set out at paragraph 5.2.29 of this report (subject to the Council agreeing the proposed Statement of Common Ground in respect of housing and employment needs) be agreed.*
 - (viii) *A flexibility allowance of 10% of the residual housing requirement for 2021-40 as set out at paragraph 5.2.41 of this report be agreed.*
 - (ix) *The fact that land needs to be identified for a minimum of 6,693 dwellings as set out at paragraph 5.2.41 of this report be agreed.*
 - (x) *The proposal to test a further housing distribution option (option 9c) as set out at paragraph 5.3.28 of this report be noted.*
 - (xiii) *The proposal to test a further employment distribution option (Option 2a) as set out at paragraph 6.5.30 of this report be noted.*
- 2.7 The report can be viewed form this [link](#).

3 HOUSING

- 3.1 This section of the report considers the outcome from the assessment of the further additional housing option (now referred to as Option 10) against both the Sustainability Appraisal (SA), but also other planning factors, consistent with the approach taken in the report of 27 October 2021. For consistency, when looking at other factors such as delivery rates required, the same base date is maintained as that for the assessment of the other options.
- 3.2 As noted at paragraph 2.2 above, the outcome from the 27 October 2021 meeting of this Committee left open which of the options was to be preferred depending upon the scale of growth that needs to be planned for. In terms of the scale of housing growth, this has subsequently been confirmed when Council agreed the Statement of Common Ground at its meeting on 6 September 2022. Therefore, in accordance with recommendation (v) of the 12 July 2022 meeting of this Committee, the housing requirement is 686 dwellings each year.
- 3.3 A housing requirement of 686 dwellings each year is closer to the High 2 scenario (730 dwellings each year) considered in the report of 27 October 2021, than the High 1 growth scenario (512 dwellings each year). This means High1 growth scenario and the subsequent distribution options can be discounted.

- 3.4 Therefore, Option 10 falls to be considered of against each of those options identified under the High 2 scenario (Options 2b, 3b, 4b, 5b, 6b, 7b, 8 and 9b).
- 3.5 It should be noted that all of the Options under the High 2 scenario are based on a residual requirement of 5,100 dwellings. Allowing for the previous decisions of this Committee as outlined at paragraph 2.6 of this report, the residual requirement will be higher at 6,693 dwellings. However, for consistency with the report to this Committee on 12 July 2022 this report has retained the previous figures. However, it does mean that the requirement figures for individual settlements will be more than previously identified (or as set in the following section for Option 10). This will need to be addressed as part of a future report dealing with potential site allocations.

Additional option

- 3.6 The additional housing option to be assessed is:

Option 10	Principal Town (2,056 dwellings), KSC (1,741 dwellings), LSC (771 dwellings) and Sustainable Villages (532 dwellings)
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- 3.7 It is important to note that the figures for settlement categories are not absolutes – i.e. they could end up higher or lower. At this stage the purpose is to provide some approximate proportions to test the various options for their likely effects.
- 3.8 In effect, Option 10 is a continuation of the development strategy in the adopted Local Plan, save for the fact that the category of Small Village is excluded as these settlements have very little provision in terms of services and facilities. In accordance with the revised Settlement Hierarchy agreed by this committee on 12 July 2022, these settlements are now to be restricted to local needs only development.
- 3.9 In terms of the SA, Option 10 performs as follows:

<p>SA Summary</p> <p>4 significant negative effects – SA2 (Inequalities), SA8 (Sustainable travel), SA11 (Climate Change) and SA12 (Biodiversity)</p> <p>1 negative effects - SA1 (Health)</p> <p>2 significant positive effects – SA4 (Housing) and SA6 (Town Centres)</p> <p>7 Uncertain effects</p>

Comparison of Option 10 against other options

- 3.10 Option 10 is incorporated into a revised Sustainability Appraisal report which can be viewed from this [link](#). In this way it is possible to see how all of the High 2 options perform in one document. Appendix A provides an overview of the outcome of the various options under the High 2 scenario.
- 3.11 It is important to note that the assessment is what is known as a 'high level assessment' and whether there is scope for mitigation measures as part of new development is not considered.
- 3.12 Of the significant negative effects recorded for Option 10, SA2 (Inequalities) is common to most of the other options (2b, 3b, 4b, 5b, 7b and 9b), whilst SA8 (Sustainable travel)

is common to three of the other options (3b, 4b and 5b), SA11 (Climate Change) is common to four of the other options (5b, 6b, 7b and 9b) and SA12 is common to 6 other options (4b, 5b, 6b, 7b, 8 and 9b). Of the other options, four score more significant negative effects than Option 10 (options 4b, 5b, 7b and 9b) whilst one (8) scores the same and three score the less (2b, 3b and 6b).

- 3.13 In terms of the one negative effect (SA1 Health), this is common to four other options (2b, 5b, 6b and 7b).
- 3.14 In terms of the significant positive effects, two other options (7b and 9b) score the same against SA4 (housing) and one other option (7B) scores the same against SA6 (Town Centres). Only option 8 scores more significant positive effects (3 as compared to 2), whilst one other option (7b) also scores 2.
- 3.15 No positive effects are recorded against any of the SA objectives for Option 10. Most other options score at least one positive effects, with only Options 7b and 9b also not recording any positive effects.
- 3.16 In terms of the number of uncertain effects recorded against Option 10 (7 in total), two other options (2b and 6b) have 8 uncertain effects and one other option (3b) also has 7 uncertain effects. The number of uncertain effects recorded for Option 10 is partly due to the fact that the detailed location of any sites is unknown at this stage, whereas a number of the other options under the High 2 growth scenario include a new settlement which offers a greater degree of certainty.
- 3.17 In terms of the outcome from the SA, Option 8 performs best in terms of the number of positive scores, followed (in order) by options 10, 7b and 9b as these are the only options which record any significant positive effects. Of these, Option 10 scores the least negative effects.
- 3.18 In terms of negative effects, Option 2b performs best (i.e. it records the least number of negative effects), followed by (in order) options 10 and 3b, then 8 and 6b. However, as noted above, neither Options 3b nor 6b score any significant positive effects.
- 3.19 Overall, it can be concluded that Option 10 performs better than most of the other options and is most comparable to options 7b, 8 and 9b.

Other considerations

- 3.20 The scale of growth in Coalville under Option 10 (2,063 dwellings) is virtually the same as that under Option 4b. That option would have concentrated growth just in Coalville as the Principal Town and a New Settlement. Such a concentration was considered to be inappropriate as it would have represented a significant risk in terms of deliverability. That is not a risk under this option which would see more dispersed growth.
- 3.21 Under Option 10, the build rate required in Coalville, allowing for what is already committed for the period 2020-31 (3,164 dwellings) and what would be required from the additional development (2,056 dwellings) would be 275 dwellings each year. This is 54% more than the average achieved in the last 10 years (179 per annum). It would be virtually the same as that achieved in the last 5 years (266 dwellings each year). Build rates in Coalville have picked up significantly in the last couple of years as the South-East Coalville development has finally come on stream.

- 3.22 Notwithstanding this significant upturn in build rates, there are doubts about the ability of the market to deliver such a scale of growth in Coalville having regard to build rates, particularly over the longer 10-year period. Furthermore, over the period from 2011 there are only 3 years when 275 dwellings have been built. It is questionable, therefore, as to whether such a build rate could be sustained longer term. A failure to do so would represent not only a risk to the overall plan requirement, but also to the maintenance of a 5-year land supply.
- 3.23 Turning to other settlements, the scale of growth in the Key Service Centres (KSC) of Ashby de la Zouch and Castle Donington (1,741 dwellings) is the second highest after Option 2b (2,040 dwellings) and slightly more than Option 3b (1,530 dwellings).
- 3.24 Under this option the build rate required in the KSC, allowing for what is already committed for the period 2020-31 (2,408 dwellings) and what would be required from the additional development (1,741 dwellings) would be 218 dwellings each year. This is about 25% more than the annual average achieved in the last 10 years (185 per annum) and slightly more than that achieved in the last 5 years (211 dwellings each year). Such a rate was achieved in 4 out of the last 5 years, but prior to that there were only two years where such a build rate was achieved.
- 3.25 The scale of growth under this option would be likely to require identifying a site of 1,400 dwellings west of Castle Donington or 800 dwellings at Packington Nook Ashby de la Zouch.
- 3.26 For the Local Service Centres (LSC) of Ibstock, Kegworth and Measham, the required build rate allowing for what is already committed for the period 2020-31 (679 dwellings) and what would be required from the additional development (771 dwellings) would be 76 dwellings each year. This is below that achieved in the last 10 years (118 each year) and that achieved in the last 5 years (93 dwellings each year) which suggests that, subject to the sites being available, the market would be likely to deliver such a rate.
- 3.27 For the Sustainable Villages, the build rate required would be 28 dwellings each year, which is significantly less than that achieved over the last 10 years (160 dwellings each year) and the last 5 years (103 dwellings each year). It should be appreciated that whilst by their nature Sustainable Villages are generally suitable for some housing, the scale of growth over the last 10 years does not necessarily represent a sustainable pattern of development and reflects the lack of an up-to-date plan which made it difficult for the Council to resist many of these developments.

Which option should be taken forward?

- 3.28 Paragraphs 9.12 to 9.44 of the 27 October 2021 report considered the merits of each those options identified under the High 2 scenario (Options 2b, 3b, 4b, 5b, 6b, 7b, 8 and 9b) having regard to the outcome from the SA as well as other planning factors. By way of recap the outcome was (references are to the paragraph numbers in the 27 October 2021 report):

Option 2b - Principal Town (3,060 dwellings) and Key Service Centres (2,040 dwellings)

Whilst this option performs well against the SA, (paragraphs 9.15 to 9.18) there are significant concerns regarding deliverability and so this option should be discounted.

Option 3b - Principal Town (2,550 dwellings), Key Service Centres (1,530 dwellings) and LSC (1,020 dwellings)

This site does not perform as well as Option 2b in terms of SA (paragraphs 9.19 to 9.21) and there are significant concerns regarding deliverability, particularly in Coalville and so this option should be discounted.

Option 4b - Principal Town (2,040 dwellings) and New Settlement (3,060 dwellings)

Once again deliverability was a significant concern with development concentrated in only two settlements (paragraphs 9.22 to 9.25) and so this option should be discounted.

Option 5b – Principal Town (2,295 dwellings), New Settlement (2,295 dwellings) and KSC (510 dwellings)

The scale of growth and deliverability in Coalville and a New Settlement was highlighted as particular concern (paragraphs 9.27 to 9.29). It also had the greatest number of significant negative effects in the SA assessment. For these reasons this option should be discounted

Option 6b- Principal Town (1,785 dwellings), New Settlement (1,785 dwellings), KSC (1,020 dwellings) and LSC (510 dwellings)

Whilst scoring well in terms of the SA, this option would concentrate development in Local Service Centres and above (including a new settlement). This would leave a significant number of settlements without any development, potentially to the detriment of those services and facilities in these settlements which rely upon regular customers. Conversely, the pressure upon services and facilities in the higher order centres would be much greater (paragraph 9.31). For these reasons this option should be discounted

Option 7b - Principal Town (1,785 dwellings), New Settlement (1,785 dwellings), KSC (765 dwellings), LSC (510 dwellings) and Sustainable Villages (255 dwellings)

Option 9b - Principal Town (1,020 dwellings), New Settlement (1,785 dwellings), KSC (459 dwellings), LSC (255 dwellings), Sustainable Villages (1,377 dwellings) and Small Villages (204 dwellings)

In SA terms they score virtually the same, although 7b would potentially provide greater benefit to existing town and local centres (SA4). Option 9b would result in a less sustainable pattern of development than option 7b as it would put more development in those settlements with fewer services and facilities and would also require people to use cars, so conflicting with the aims of addressing climate change (paragraphs 9.36 to 9.39).

- 3.29 The report concluded (paragraph 9.45) that “*under the High 2 scenario Option 7b should be the preferred option at this stage*”.
- 3.30 As noted in the report to this committee on 12 July 2022, “*Across all categories of responder, there is no overall consensus as to which of the 15 options [under High 1 and High 2] developed is the most appropriate*”. In addition, no further information has been presented at this time which would change the original conclusion that Option 7b should be the preferred option.
- 3.31 Therefore, Option 7b is now compared to Option 10.

Option 7b or Option 10?

3.32 By way of a recap the two options are presented below:

Option 7b	Principal Town (1,785 dwellings), New Settlement (1,785 dwellings), KSC (765 dwellings), LSC (510 dwellings) and Sustainable Villages (255 dwellings)
Option 10	Principal Town (2,056 dwellings), KSC (1,741 dwellings), LSC (771 dwellings) and Sustainable Villages (532 dwellings)

3.33 Essentially Option 10 would require more development in each of the settlement categories than Option 7b, as the new settlement element of the latter would be redistributed.

3.34 In terms of the outcome from the SA of these two options, these can be seen at Appendix A. The results are presented below for ease of comparison.

<p>SA Summary</p> <p><u>Option 7b</u></p> <p>5 significant negative effects – SA2 (Inequalities), SA11(Climate Change), SA12 (Bio/geodiversity) and SA13 (Landscape/Townscape) and SA14 (Land use) 2 negative effects - SA1 (Health) and SA8 (Sustainable travel) 2 significant positive effects – SA4 (Housing) and SA6 (Town Centres) 5 Uncertain effects</p> <p><u>Option 10</u></p> <p>4significant negative effects – SA2 (Inequalities), SA8 (Sustainable travel), SA11(Climate Change) and SA12 (Biodiversity) 1 negative effects - SA1 (Health) 2 significant positive effects – SA4 (Housing) and SA6 (Town Centres) 7 Uncertain effects</p>
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3.35 From this it can be seen that they score similarly. In summary:

- A higher number of potential significant negative effects in relation to SA objectives SA13 (conserve and enhance the quality of the District’s landscape and townscape character) and SA14 (ensure land is used efficiently and effectively) were recorded for Option 7b due to 1,785 dwellings being located in a New Settlement rather than within an existing settlement area;
- Both options include development in Sustainable Villages, however, Option 10 performs more negatively for SA8 (accessibility) as it will direct a higher level of growth (532 dwellings) to Sustainable Villages compared to Option 7b (255 dwellings) and with this higher quantum of new residents there is likely to be a greater negative effect on road traffic due to an increase in need for private vehicles;

- Both options perform positively for SA4 (good quality homes to meet local need), and SA6 (enhance the vitality and viability of existing town and village centres);
 - Both options perform negatively for SA2 (reduce inequalities and ensure fair access and opportunity for all residents), SA11 (climate change) and SA12 (Biodiversity);
 - Seven uncertain effects were recorded for Option 10 compared to five for Option 7b. The differences related to SA objectives SA13 (conserve and enhance the quality of the District's landscape and townscape character) and SA14 (ensure land is used efficiently and effectively) whereby Option 7b scored potential significant negative for SA13 and SA14. This is because Option 7b includes the creation of a New Settlement so there is more certainty of the potential effects on these SA objectives. With Option 10 these effects are more difficult to define until the detailed location of new housing development is known.
- 3.36 In respect of other planning factors, as noted above, there are concerns about whether the required build rate under Option 10 in Coalville and also in the KSC, albeit to a lesser extent, could be achieved over the plan period. Under Option 7b the amount of growth in both of these would be less, although not that much less in Coalville (259 dwellings each year compared to 275 dwellings each year under Option 10). This suggests that there may be a need to adjust the Coalville figure down slightly which ever option is chosen. This will need to be considered as part of the next stage when identifying potential site allocations. There are no such concerns under either option in terms of potential build rates at the LSC or Sustainable Villages.
- 3.37 In terms of Option 7b, whilst large scale developments such as a New Settlement proposed under this option do take time to deliver, even if development was not to start until well into the plan period it provides a potential long-term opportunity going well beyond this plan period. Furthermore, the reality is that at the current housing requirement rate the opportunities for large scale development attached to existing settlements are becoming increasingly scarce. Therefore, there is increasingly likely to be a need for a new settlement at some point in the future.
- 3.38 However, Option 7b is not without its risks, particularly the New Settlement element. The development of a new settlement brings with it risks in terms of deliverability, particularly as at this stage we do not know exactly what infrastructure will be required (both on and off-site) to support the creation of a new community. However, it does allow for the provision of infrastructure to be comprehensively planned for from the outset. In addition, large scale sites such as these can take time to begin to deliver. Any slippage in delivery would impact upon the 5-year housing land supply, and so represents a risk to ensuring that the plan does not become out-of-date.
- 3.39 Option 7b spreads growth around a bit more than Option 10 and so is a slightly less risky option.
- 3.40 From an SA point of view, as noted the two options perform similarly. There is less uncertainty in respect of the impact of Option 7b. Whilst it does have more negative scores, as noted above, this is because Option 7b includes the creation of a New Settlement so there is more certainty of the potential effects on the SA objectives. It is possible that when sites are known that Option 10 might not score so well as Option 7b, or they might score the same. Option 7b also performs better in terms of sustainable travel which is an important consideration in respect of seeking to reduce carbon emissions and achieve a net zero district by 2050, a key Council priority. A

significant development like a new settlement has the potential to deliver more infrastructure than the development of smaller scale sites which would be required under Option 10.

- 3.41 The Leicester and Leicestershire Strategic Growth Plan (SGP) is a non-statutory plan which sets out an agreed strategy for the period to 2050 to be delivered through Local Plans. The SGP, which has been endorsed by this Council, identifies the Leicestershire International Gateway which is focussed on the northern part of this District as a key area for growth over the period to 2050. Option 7b includes a new settlement. The only new settlement that is being actively promoted is in the northern part of the district and so would accord with the SGP. Under Option 10 there would still be likely to be growth in the northern part of the district, but it would be at a lesser scale. As noted, a new settlement represents a long-term opportunity which would also accord with the time scale of the SGP which looks to 2050.
- 3.42 In setting out the development strategy to be pursued, it is important to note there is no single right approach, but to satisfy the test of soundness it must be (NPPF paragraph 35) “*an appropriate strategy, taking in to account the reasonable alternatives, and based on proportionate evidence*”. Having regard to those matters discussed above, Option 7b is considered to represent an appropriate strategy for North West Leicestershire and so it is recommended that it be the preferred strategy.

4 DEVELOPMENT STRATEGY OPTIONS FOR EMPLOYMENT

- 4.1 At 12 July 2022 meeting, the Committee received information on the consultation feedback on the four strategy options for employment land included in the [Development Strategy and Policy Options consultation document](#).
- 4.2 The four options are:
- Option 1** A continuation of the adopted Local Plan distribution. General employment land allocations would be principally at Coalville, Ashby and Castle Donington (i.e. the settlements at the top of the settlement hierarchy)
- Option 2** Allocate employment land at Coalville, Ashby and Castle Donington (like Option 1) and also at Measham/Appleyby Magna as a ‘new’, expanding employment location
- Option 3** A more widespread distribution of employment land, including to locations which are currently less well provided for such as the Local Service Centres – Ibstock, Kegworth, Measham – and, potentially, Sustainable Villages.
- Option 4** Allocate land in a single/new location for a high quality, mixed-use business park.
- 4.3 A summary of the consultation responses was included at paragraphs 6.5.4 to 6.5.11 and in Appendix E of the July committee report ‘[Local Plan Review – Response to Consultation](#)’. The report also sets out the key findings from the interim sustainability appraisal of the 4 options (paragraphs 6.5.12 to 6.5.16) and reaches initial conclusions on the attributes of the options in the round (paragraphs 6.5.17 to 6.5.33).
- 4.4 To recap:
- Overall, Option 2 performed the best in the SA assessment, particularly as it has the most significant positive effects (3) and scored the best for the Economy (SA5) and Employment (SA7) objectives.

- The SA found no significant positive effects for Options 1, 3 and 4.
- There was some support for each of the options in the consultation responses, with Options 1 and 3 proving most popular.
- Options 3 and 4 was assessed as having the potential for ‘significant negative’ effects for sustainable transport (SA8) in the SA reflecting the more limited access to sustainable modes in the more rural parts of the district, although the concentration of development in a single location under Option 4 could generate sufficient demand for additional and improved bus services.
- Option 3 may be more likely to result in a reliance on smaller sites, removed from where most people live and would exclude locations which are more popular in market terms, namely Coalville, Ashby and Castle Donington which could impact on the overall deliverability of a strategy based on this option.
- Option 4 is an ‘eggs in one basket’ approach which could bring significant risks in terms of the amount and timing of employment land availability and very limited market choice.
- Option 1 would support the locations where the market is already strong but would do little to serve local markets elsewhere. Option 2 on the other hand would broaden out the number of locations to a degree, better supporting both choice and delivery.
- Neither Options 1 or 2 address needs in more rural parts of the district.

4.5 In the July report officers concluded that Options 3 and 4 should not be taken forward as proposed and this view is sustained.

4.6 The Committee agreed that a further option bringing together elements of Options 2 and 3 to include sites in more rural parts of the district, namely at the Local Service Centres, should be tested through the SA process and the findings reported to this meeting. This is Option 2a.

Option 2a Allocate employment land at Coalville, Ashby and Castle Donington/East Midlands Airport, at the Local Service Centres and at a ‘new’, expanding employment location at J11 M42

4.7 A revised version of the [Interim Sustainability Appraisal](#) has now been published. The assessment of Options 1 to 4 is unchanged in this version; it simply incorporates an assessment of Option 2a.

4.8 The table below summarises the significant positive and negative effects for each option.

	Number significant positive effects	Number significant negative effects
Option 1	0	5
Option 2	3	6
Option 2a	3	5
Option 3	0	6
Option 4	0	6

4.9 Having regard to the fact that Options 3 and 4 have already been excluded, Options 2 and 2a have more significant positive effects than Option 1 and notably 2 and 2a both score the best for the Economy (SA5), supporting Local Centres (SA6) and

Employment (SA7) objectives. Options 1, 2 and 2a have similar numbers of significant negative effects. As outlined above, Option 1 does not serve business needs outside the three main centres and overall it is considered that Options 2 and 2a should be favoured above Option 1.

- 4.10 The difference between Options 2 and 2a in the SA is marginal. Potential heritage impacts are found to be slightly more likely for Option 2 but this is based on a high-level assessment and will be addressed through the site selection process when planning constraints will be considered in detail. The SA highlights that larger-scale carbon reduction measures such as District Heat Networks (SA10) are less likely to be achievable on Local Service Centre sites and reflect this with an ‘uncertain’ score for Option 2a.
- 4.11 Overall these differences are not significant and, in any event, the SA process does not pick up all the planning considerations relevant to the selection of a spatial strategy. As referenced above, Option 2a would see some employment land allocations at the Local Service Centres which could help serve the more rural parts of the district. A greater diversity of sites could also help to deliverability of the strategy, providing a variety of sites of different sizes, in different locations and in a number of ownerships. Linked to this, it could provide an additional degree of market choice above Option 2.
- 4.12 It is recommended that **Option 2a**, allocate employment land at Coalville, Ashby and Castle Donington/East Midlands Airport, at the Local Service Centres and at a ‘new’, expanding employment location at J11 M42, be agreed as the development strategy for employment and that this will then inform the selection of appropriate sites.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Our communities are safe, healthy and connected - Local people live in high quality, affordable homes - 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 decisions, of themselves, 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 decisions, of themselves, 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

	Health	Inequalities	Communities	Housing	Economy	Town centres	Employment	Sustainable travel	Light/air/ noise	Carbon Emissions	Climate change	Bio/geodiversity	Landscape/ Townscape	Land use	Heritage assets	Water resources	Natural resources
	SA1	SA2	SA3	SA4	SA5	SA6	SA7	SA8	SA9	SA10	SA11	SA12	SA13	SA14	SA15	SA16	SA17
High 2 Scenario																	
Option 2b	-	--	?	+		+		-	?	+	?	?	?	?	?		?
Option 3b	--	--	?	+		+		--	?	+	-	?	?	?	?		?
Option 4b	?	--	?	+		-		--	?	+	-	--	--	--	?		?
Option 5b	-	--	?	+		+		--	?	?	--	--	--	--	?		?
Option 6b	-	?	?	+		?		-	?	?	--	--	--	?	?		?
Option 7b	-	--	?	++		++		-	?	?	--	--	--	--	?		?
Option 8	?	++	++	+		--		++	?	+	-	--	--	--	?		+
Option 9b	?	--	?	++		-		-	?	?	--	--	--	--	?		?
Option 10	-	--	?	++		++		--	?	?	--	--	?	?	?		?

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – TUESDAY, 27 SEPTEMBER
2022

Title of Report	LOCAL PLAN REVIEW: RESPONSE TO CONSULTATION - EMPLOYMENT POLICIES	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	Responses to consultation Development Strategy Options & Policy Options consultation document (January - March 2022) Start-up Workspace Demand Study (2020) National Planning Policy Framework Planning Practice Guidance	Public Report: Yes
Financial Implications	The cost of the substantive Local Plan Review is met through existing budgets.	
	Signed off by the Deputy Section 151 Officer: Yes	
Legal Implications	Legal implications have been considered in the preparation of this report and any potential issues highlighted.	
	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	To consider comments received in response to the consultation undertaken in January-March 2022 and other relevant planning considerations and to agree a preferred approach for the Local Plan review on the following matters: <ul style="list-style-type: none"> • Continuity of employment land supply • Replacement, or otherwise, for Local Plan Policy Ec2(2) • Premises for start-up businesses • Local employment policy 	

Recommendations	<p>THAT THE LOCAL PLAN COMMITTEE:</p> <p>I. AGREES THE POLICY SET OUT IN APPENDIX B FOR FUTURE PUBLIC CONSULTATION AS A REPLACEMENT FOR ADOPTED LOCAL PLAN POLICY Ec2(2)</p> <p>II. AGREES THE POLICY APPROACH FOR START-UP PREMISES SET OUT AT PARAGRAPH 4.16 OF THIS REPORT FOR FUTURE PUBLIC CONSULTATION</p> <p>III. AGREES THE POLICY APPROACH FOR LOCAL EMPLOYMENT PLANS SET OUT AT PARAGRAPH 5.11 OF THIS REPORT FOR FUTURE PUBLIC CONSULTATION</p>
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1.0 BACKGROUND

- 1.1 The [Development Strategy and Policy Options document](#) consulted upon in January – March 2022 included sections and consultation questions on a series of employment-related matters. At the [12 July 2022 meeting](#) of this Committee members resolved matters on the employment evidence base and an interim approach to strategic warehousing.
- 1.2 The overall spatial strategy for employment land is addressed in a separate report on this agenda. This report deals with the remaining employment matters, namely:
- Continuity of employment land supply
 - Replacement, or otherwise, for adopted Local Plan Policy Ec2(2)
 - Provision of premises for start-up businesses
 - Local employment policy

2.0 CONTINUITY OF EMPLOYMENT LAND SUPPLY

Background

- 2.1 The consultation document identified that there is some risk that the supply of suitable, available employment land will tail off considerably (and could even reach zero) in the later years of the plan review period. The National Planning Policy Framework (NPPF) requires Local Plan policies “to meet anticipated needs over the plan period” and to be “flexible enough to accommodate needs not anticipated in the plan” (Paragraph 82b & d).
- 2.2 The following consultation question was asked (Q10): Which option for ensuring a continuity of employment land supply do you prefer? Is there a different option which should be considered?
- 2.3 The options the question refers to are:
- | | |
|----------|--|
| Option 1 | Identify reserve site/s |
| Option 2 | Increase the requirement figures by an additional factor |

Option 3 Await the next review of the Local Plan.

Option 4 Rely on Policy Ec2(2) or its equivalent.

Summary of responses

- 2.4 There was a total of 78 responses to this question although most respondents did not specify which option they preferred and the figure also includes 'don't knows'.
- 2.5 **Option 1** (reserve sites) was preferred by 4 respondents (Leicestershire County Council (LCC), individuals x2, infrastructure provider x1). The reasons given are:
- It strikes a good balance
 - It provides certainty and control, including for infrastructure planning
- 2.6 **Option 2** (increased requirement figure) was favoured by 5 respondents (developer/agent x5). Reasons given are:
- It will ensure flexibility and geographical choice for the plan period to meet a range of occupier demands
 - Enables the council to respond to changing market demand/reduce the limitations on employment development at a time of economic recovery
 - It would provide a safety valve for unmet need from Leicester City
 - Collectively the council's employment evidence base under-estimates the amount of employment land needed
 - Should provide certainty that the basic requirement is met
 - Will ensure flexibility and choice and an on-going supply of suitable and available employment land throughout the plan period.
 - It will give the Council control over site selection and provides the opportunity to plan employment and housing growth comprehensively over the plan period.
 - Sites are likely to be immediately deliverable (unlike Option 1)
 - It would foster competition between sites
- 2.7 **Option 3** (await a future Local Plan review) was favoured by 16 respondents (4x environmental group; 1x residents' group; 2x parish council; 1x district/borough council; 7x individual; 1x councillor). Reasons given for favouring Option 3 are:
- It is consistent with the evidence
 - It allows for monitoring of needs and supply and review at 5 yearly intervals
 - It enables changes in demand as a result of the pandemic, Brexit etc to be monitored e.g., increased homeworking impacting on the need for office space
- 2.8 **Option 4** (Rely on Ec2(2)) was favoured by 2 respondents (1x individual; 1x developer/agent)
- it provides flexibility to deal with changing market demand
 - the NPPF encourages more flexible and criteria-based policies to allow planning applications for employment development where need is proven and proposals are sustainable
- 2.9 In addition, a **combination of Options 2 & 4** was favoured by 4 respondents (4x developer/agent) and a **combination of Options 1 & 2** was favoured by 3 respondents (2x developer/agent; 1x district/borough council).
- 2.10 A summary of the comments received and officer responses are set out in Appendix A.

Consideration

- 2.11 The additional employment land allocations made in the Local Plan Review will boost overall supply but achieving an appropriate continuity of supply could be an issue for the later stages of the plan period.
- 2.12 The crux of the issue is how the Local Plan Review should deal with uncertainty and unpredictability, for example if site allocations and planning permissions are developed out quickly and before the end of the plan period and/or business needs change in a way not predicted by the evidence.
- 2.13 The consultation revealed varying perspectives on this issue.
- 2.14 Identifying reserve sites (Option 1) would give the Council control over site selection. However, the overall range and type of employment sites needed by businesses is more varied than for housing for example. If a reserve site did not match a business's requirements, permission on an unallocated site could still be justified. There is no requirement in national policy for the equivalent of the 5-year supply for employment land. Also, the rate of delivery of such sites tends not to be steady and consistent (the amount of floorspace being built can vary considerably year on year) so trying to use an annual requirement figure as a policy trigger is unlikely to be either appropriate or effective, making it particularly difficult to set clear and relevant policy triggers for the release of a reserve site.
- 2.15 Adding a percentage uplift to the requirement figures (Option 2) is supported by developers/landowners. However the requirement figures already include an additional flexibility allowance equivalent to 5 years' worth of completions and a further uplift does not necessarily address the point about the continuity of supply.
- 2.16 There is an argument to simply rely on the market to regulate supply (Option 3). The Local Plan Review will allocate sufficient sites in the light of the evidence and they will come forward in response to demand. There is no specific NPPF requirement for continuity of supply although officers consider that it represents a sensible planning approach. The position would be monitored though 5-yearly Local Plan Reviews and relying on this approach is the most popular option with respondents. If sites are developed out more quickly than anticipated, additional land can be allocated on the next LPR based on updated evidence. If they are developed out more slowly, the continuing suitability of the allocated sites can be checked as part of the review process and either be retained or substituted in the plan as appropriate.
- 2.17 Bearing in mind that the NPPF requires Local Plan policies to be "flexible enough to accommodate needs not anticipated in the plan" (Paragraph 82d), the Local Plan Review needs to address this expectation in some form.
- 2.18 Neither Option 1 or 2 seems sufficiently targeted at ensuring a continuity of supply. Regular plan reviews (Option 3) is a critical way of ensuring that land supply in terms of types of sites and quantity of land continues to be matched to economic growth but is not sufficiently responsive to deal with a more immediate, unexpected shortage of land and/or a specific and unpredicted business demand.
- 2.19 This then leaves Option 4. Notwithstanding the issues experienced in applying Policy Ec2(2) to date, it is nevertheless considered that the most effective solution would be to include an Ec2(2) type policy, amended as appropriate, which provides the flexibility required by the NPPF to deal with changing market demand in conjunction with clarity and a degree of certainty for all users of the plan.

2.20 The consultation included a specific question on Policy Ec2(2) which is considered in the next section.

3.0 POLICY EC2(2) – NEW EMPLOYMENT SITES

3.1 The following question was asked (Q13) - Which policy option for employment land proposals on unidentified sites do you prefer? Is there a different option which should be considered? The options the question refers to are:

- | | |
|----------|---|
| Option 1 | Delete Policy Ec2(2) |
| Option 2 | Retain Ec2(2) in its current form (business as usual) |
| Option 3 | Amend Policy Ec2(2) to make it more specific/restrictive (a) - include a requirement that the premises should be for a named end user |
| Option 4 | Amend Policy Ec2(2) to make it more specific/restrictive (b) – amend the alternative sites test to include sites with planning permission |
| Option 5 | Amend Policy Ec2(2) to make it more specific/restrictive (c) – amend the alternative sites test to potentially include sites outside the district |
| Option 6 | Amend Policy Ec2(2) to make it more specific/restrictive (d) - demonstrate that the need/demand is exceptional |
| Option 7 | Amend Policy Ec2(2) to make it more specific/restrictive (e) – omit the reference to ‘demand’ and refer to ‘need’ only |
| Option 8 | Amend Policy Ec2(2) to make it more specific/restrictive – combination of Options 3-7. |

Summary of responses

3.2 There were 75 responses to this question (including ‘don’t knows’). Only some of the respondents identified a preferred option.

3.3 **Option 1** (delete Ec2(2)) was preferred by 9 respondents (individuals x4; residents’ group x1; environmental group x1; council x1; parish council x2). The reasons given are:

- Current policy is not effective at controlling development in open countryside
- Provides more flexibility from a landowner perspective

3.4 **Option 2** (retain Ec2(2)) was preferred by 14 respondents (council x1; developer x13). The reasons given are:

- Retain Policy Ec2 but make policy more flexible/permissive in line with the spirit of the NPPF
- The policy ensures that any windfall sites are properly assessed against the need for additional employment land and generally against the relevant Local Plan policies
- If the allocations have been properly formulated but are then exhausted or found to be inadequate as circumstances change, the Plan should welcome further development subject to controls of the type embodied in Policy Ec2(2).

- There is a need for a specific, flexible, criteria-based policy that addresses the pressure and need for strategic employment sites, covering more than just warehousing/logistics needs.
- 3.5 **Option 3** (Ec2(2) plus named end user) – no responses
- 3.6 **Option 4** (Ec2(2) plus sites with planning permission) was preferred by 2 respondents (councils x2). The reasons given are:
- The approach would provide some consistency with the existing policy situation, but would need to ensure applicants understood they would also be required to assess proposals benefitting from planning permission
- 3.7 **Option 5** (Ec2(2) plus sites outside the district) was preferred by 2 respondents (residents x2). The reasons given are:
- It achieves a balanced approach. The logistics sector does not work to administrative boundaries.
- 3.8 **Option 6** (Ec2(2) plus exceptional need/demand) was preferred by 1 respondent (developer x1). The reasons given are:
- Exceptional need or demand (e.g. needs not anticipated by the plan, changing economic circumstances) should relate to the quantity and quality of relevant supply e.g. is there a lack or shortage of suitable and available land to accommodate the identified needs or demands
 - The assessment for supply for strategic warehousing would be different. This is because operators may be more footloose and the catchment area may be greater. In such cases, the availability of consented or allocated land outside the district could be a factor.
 - Further, the dimension of time is important. Not all consented or allocated land can be delivered within the timeframe of operator's requirements. Any assessment of supply should consider the suitability and availability of sites to meet the exceptional need proposed.
- 3.9 **Option 7** (Ec2(2) plus need only) was preferred by 2 respondents (parish council x1; resident x1) with no reasons given.
- 3.10 **Option 8** (Ec2(2) plus options 3-7) was preferred by 6 respondents (environmental group x3; resident x3). The reasons given are:
- Need to consider alternative sites especially when the proposed use has national/regional purpose
 - Support Option 8 but requiring the demonstration of 'need' only rather than 'need or demand' (Option 7) does not appear to add any value
- 3.11 A summary of the comments received and officer responses are set out in Appendix A.

Consideration

- 3.12 As with Q10, the need or otherwise to have a Ec2(2)-type policy in the Local Plan Review is linked to how the plan deals with changing and unpredictable business needs. Local Plans are required to address 'anticipated needs' namely those which can be predicted based on an economic forecast (as used in the Stantec Study) and, as outlined earlier, to be "flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation),

and to enable a rapid response to changes in economic circumstances." (NPPF Paragraph 82d, emphasis added).

- 3.13 The consultation revealed diverse views on how best to deal with this matter.
- 3.14 Option 1 (no Ec2(2)-type policy) was supported by some but collectively the options which retained Ec2(2) in some form (Options 2-8) were more popular. The consultation document identified that without Ec2(2), it is less clear for all users of the plan which considerations will apply to a proposal for additional employment floorspace on an unallocated site and it is uncertain whether or not the approach would be sufficiently flexible to accord with the NPPF which could be a risk to the soundness of the plan at Examination. The consultation feedback has not altered that view. Also, development pressure is such that further planning applications can be expected and setting out the policy considerations that will apply arguably gives the Council more control rather than less.
- 3.15 The planning system in England and Wales is plan-led (NPPF paragraph 15). It is important to recognise that an Ec2(2)-type policy would not operate in isolation as it would be a component of the Local Plan Review's overall approach to employment development as described below:
- a. Allocate sites to meet anticipated general employment needs plus a margin (the flexibility allowance) in a diversity of locations. The NPPF talks about making 'sufficient provision' for employment land (paragraph 20), suggesting a reasonable limit, not an open-ended choice.
 - b. Allocate site/s for strategic B8 to accord with Leicester & Leicestershire authorities' joint approach (when agreed)
 - c. Designate Existing Employment Areas (Policy EC3 in adopted Local Plan) to help retain the overall stock of better quality premises for which there is a demand (within the limits of changes which do not require planning permission by virtue of Permitted Development Rights and the Use Classes Order)
 - d. 5-yearly review of the Local Plan to check the progress of the employment land strategy, update the overall land supply and to respond to updated economic evidence
 - e. Policy Ec2 for circumstances which cannot be predicted in advance e.g., a demand which is specific in nature (and the Local Plan Review route is not responsive enough) such as for a specific firm, an immediate demand in a particular segment of the market, changing economic circumstances and/or an immediate need for a site which is an exception from the need evidence.
- 3.16 In view of how Policy Ec2(2) has operated in the past, it is worth considering refinements to the adopted policy to better reflect the exceptional circumstances which could merit granting permission on an unallocated site.
- 3.17 Five distinct options were outlined in the consultation document.

Ec2(2) refinement	Recommendation
Option 3 - include a requirement that the premises should be for a named end user	Agreed. This enables the actual business requirements to be more easily explained and assessed through the planning application process. The proposed policy wording suggests that this could be secure

	through a legal agreement. There will be instances where it is not possible to name an end user at planning application stage for example for reasons of business confidentiality.
Option 4 - amend the alternative sites test to include sites with planning permission	Agreed. The proposed policy in Appendix B also includes brownfield sites and sites within Primary Employment Areas.
Option 5 - amend the alternative sites test to potentially include sites outside the district	Agreed in part. This would be appropriate for Strategic B8 proposals where the market operates over a geographical area that is wider than a single district or borough and could relate to the Areas of Opportunity identified in the Strategic B8 Study.
Option 6 - demonstrate that the need/demand is exceptional	Agreed. Wording from the NPPF has been added to the proposed policy with respect to 'unanticipated needs'. The policy also describes the overall approach as an 'exceptional' one.
Option 7 - omit the reference to 'demand' and refer to 'need' only	Agreed in part. The proposed policy now uses the term 'immediate requirement' instead of 'immediate need or demand' to better convey the need for a clear justification and to avoid any confusion between what is meant by 'need' and 'demand'.

3.18 Suggested revised wording for Policy Ec2(2) is included in Appendix B. It is recommended that this is included in a future consultation draft of the Local Plan Review.

4.0 START-UP WORKSPACE

Background

4.1 The [Start-up Workspace Demand Report](#) found evidence of occupiers struggling to find small scale industrial units in the District suitable for start-up firms. There appears to be a gap in the district's portfolio of business premises which the Local Plan Review could help to address. As a follow-up the workspace study, the council's Business Focus team has recently engaged consultants to advise on how the council can intervene more directly in this market and to provide an assessment of investment potential. The study is expected to be completed later in 2022.

4.2 The following consultation question was asked (Q14): Which policy option for start-up workspace do you prefer? Is there a different option which should be considered? The options the question refers to are:

Option 1 Allocate specific sites for start-up premises

Option 2 Specify a requirement for a proportion of start-up premises as part of the overall mix of employment floorspace on allocated employment sites only

- | | |
|----------|--|
| Option 3 | Generic policy which would apply to all employment sites, whether allocated or not, to require a proportion of units to be for start-ups and/or a financial contribution towards provision elsewhere |
| Option 4 | Policy to support the provision of start-up space on suitable sites |
| Option 5 | Policy that would allow start-up premises as an exception on sites where development would normally be restricted |
| Option 6 | No change |

Summary of responses

- 4.3 There was a total of 58 responses to this question although most respondents did not specify which option they preferred and the figure also includes 'don't know/no comment' responses.
- 4.4 **Option 1** (allocate specific sites) was preferred by 9 respondents (residents' group x1; individual x4; environmental group x1; developer x1; parish/town council x2). The reasons given are:
- Allows sites which are best suited to start-ups in terms of accessibility and convenience to be allocated
 - Allows start-ups to be co-located with other businesses which can be beneficial for shared infrastructure/services and innovation
 - Option 1 is preferable to individual businesses setting up on individual sites with poor conditions, poor access and potentially creating nuisance to neighbouring properties and land.
 - This is the most direct solution to address the identified gap in provision
- 4.5 **Option 2** (requirement applies to allocated sites) was favoured by 4 respondents (individual x3; environmental group x1). The reason given is:
- It would ensure some start-up space is met from already allocated industrial use land but leave flexibility for other sites if applicable.
- 4.6 **Option 3** (requirement applies to all sites) was favoured by 5 respondents (individual x1, council x1; developer x2; environmental group x1). Reasons given for favouring Option 3 are;
- A policy could reasonably set a target for start-up workspace, require applicants properly to justify the extent to which they have considered it, and confirm that development which contributes to the target will be considered favourably.
 - Option 3 would be the most flexible approach. A flexible approach is most likely to ensure developer engagement.
- 4.7 **Option 4** (supporting policy) was favoured by 1 respondent (parish council x1). No specific reason was given.
- 4.8 **Option 5** (exceptions approach) alone was not favoured by any respondents but a combination of **Options 1 & 5** was favoured by 1 respondent (developer x1) and **Options 4 & 5** in combination was favoured by 2 respondents (environmental group x1; Leicestershire County Council) for the following reason;
- If Option 4 is unlikely to result in significant additional start-up floorspace, Option 5 is supported

- 4.9 **Option 6** (no change) was favoured by 2 respondents (individual x1; parish council x1). No specific reason was given.
- 4.10 A summary of the comments received and officer responses are set out in Appendix A.

Consideration

- 4.11 The consultation document set out potential advantages and disadvantages of the various options. Allocating specific sites for start-up premises (Option1) is the most popular of the suggested approaches. It would enable the council to have control over the selection of sites but has limitations in terms of likely site distribution, how the selection of individual sites to allocate could be justified and the need for a willing landowner. There are likely to be viability concerns for a site/s which are entirely for the smallest units unless there was also public sector intervention. Option 2 has more flexibility in this regard but large scale and single operator sites may not be suited to providing a mix of very small scale uses.
- 4.12 Option 3 would mean that a much wider range of sites would become liable to deliver an element of start-up space but the start-up study does not quantify the need meaning that setting a percentage requirement will be difficult to justify and there is some prospect that potential provision would exceed practical demand. To a lesser extent this would apply to Option 2 as well. Planning permission has recently been granted for 37 industrial starter units (approximately 135sqm each) at Heather Brickworks (22/00153/REMM) which would be for rent and could be provided in blocks of 2, 3, 5 or 6 units. This shows it is feasible for the market to provide start-up space and we will monitor the rate of take-up for these units.
- 4.13 One respondent also commented that asking for a financial contribution towards provision elsewhere, as outlined in Option 3, is unlikely to be deliverable unless the council has its own programme of site delivery. Options 1-3 inclusive also raise issues of viability; any requirement is likely to need to be subject to a viability caveat so that appropriate development is not frustrated.
- 4.14 Option 4, of itself may be of limited effectiveness but it could form part of a more specific policy dealing with this issue.
- 4.15 Taking an exceptions-style approach (Option 5) which would allow start-up development in the countryside as an exception to normal policies of restraint is likely to result in a less sustainable pattern of development whilst making no provision for start-up space (Option 6) would fail to respond to evidence of a need.
- 4.16 Taking these considerations in the round, a hybrid policy approach is recommended for inclusion in a future consultation draft of the Local Plan Review comprising the following components;
- a. Support development which provides start-up premises subject to other relevant policies in the plan
 - b. Subject to the findings of the plan-wide viability assessment, include a requirement for an element of start-up space on general employment land allocations in the Local Plan Review (excluding wholly strategic B8 allocations) and as part of any larger-scale residential-led/mixed use site allocations.
 - c. Subject to the findings of the plan-wide viability assessment, expect that major development on unallocated sites outside Ec3 areas (i.e., additional general employment floorspace of >1,000sqm or site area of >1Ha) will make provision

for an element of start up space unless this is demonstrably unfeasible in any individual case, including for reasons of site-specific viability. For clarity, the plan's supporting text could set out the types of information that an applicant would need to supply to justify nil provision.

5.0 LOCAL EMPLOYMENT POLICY

Background

5.1 A local employment policy linked to new development could encourage businesses to recruit locally and to offer training to raise the attainment level of their staff. The consultation document identified that "local employment initiatives can help ensure that local people benefit from new development and equally show that businesses are invested in the wellbeing of their communities" (paragraph 7.16). Local recruitment can also help curtail commuting distances and thereby contribute to the Council's zero carbon ambitions.

5.2 The following question was asked (Q15) - Which policy option for local employment do you prefer? Is there a different option which should be considered? The options the question refers to are:

Option 1 Policy to encourage local employment initiatives in new, large-scale developments

Option 2 Policy to require local employment initiatives in new, large-scale developments.

Option 3 No change

Summary of responses

5.3 **Option 1** was preferred by 7 respondents (environmental group x1; developer x4; parish council x1; individual x1). The reasons given are:

- More Local employment could help to cut emissions
- It is not always possible to achieve local recruitment depending on the skills available locally and this policy approach provides the flexibility to recognise this.
- Most flexible of the options

5.4 **Option 2** was preferred by 8 respondents (residents' group x1; individual x3; environmental group x1; Leicestershire County Council; developer x1; parish/town council x1). The reasons given are:

- It provides the opportunity to engage with and influence employers at the early planning application stage
- Skills development inter-relates with health and wellbeing
- It brings about the greatest opportunities to minimise the need to travel by private car with potential environmental benefits.
- Properly framed this need not be onerous and would have benefits in terms of building relationships between development and the community and reducing commuting.

5.5 **Option 3** was preferred by 10 respondents (individual x7; environmental group x2; parish council x1). The reasons given are:

- Employment opportunities are reliant on a vibrant economy. Artificial assistance creates an expensive illusion of prosperity.
- Recruitment shouldn't be restricted so firms can get the best person for the job

5.6 A summary of the comments received and officer responses are set out in Appendix A.

Consideration

- 5.7 Accepting that local recruitment and training is, in principle, desirable, Option 3 (no change) relies on applicants offering a Local Employment and Training Plan as part of their development proposals. Some larger employers do this, but by no means all, and without some form of policy in place the Council's ability to influence employers in this regard is very limited. The same is true, but to a lesser extent, for Option 1 where at least the 'encouragement' would have Development Plan status.
- 5.8 The concern that such a plan could unduly restrict a firm's access to a suitable workforce is noted and is an important consideration when overall unemployment is low. The intention of an Employment Plan is to ensure that the firm takes measures to recruit local workers where possible, or to set a percentage target to fill roles locally, but not to prescribe that employees must be from within a local area at all costs. For some roles, this will just not be possible.
- 5.9 This being the case, a policy to require local employment initiatives (Option 2) does not appear unacceptably onerous. One of the consultation responses identified that a pre-commencement condition could be used to require the submission, approval and implementation of an Employment Plan including measures to encourage local recruitment during construction, and a pre-occupation condition requiring the same for when the development is operational.
- 5.10 A decision needs to be taken on what would trigger a requirement for an Employment Plan. As the focus of an Employment Plan is recruitment and training, the number of new jobs created would seem the most appropriate measure rather than, for example, the amount of new floorspace created. Business statistics produced by the Department for Business, Energy & Industrial Strategy define a small business as one with 0-49 employees, a medium-sized business 50-249 employees and a large business 250+ employees. If we set the trigger point at proposals where at least 50 new jobs will be created, this would focus the requirement on medium and larger businesses which seems appropriate.
- 5.11 It is recommended that a policy requiring a Local Employment Plan for the construction and operational phases of a development which will create 50 or more new jobs is included in a future draft of the Local Plan Review for consultation.

Policies and other considerations, as appropriate	
Council Priorities:	Support for businesses and helping people into local jobs Our communities are safe, healthy and connected
Policy Considerations:	None
Safeguarding:	No issues identified

Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan Review will be undertaken as part of the Sustainability Appraisal.
Customer Impact:	No issues identified
Economic and Social Impact:	The decisions, of themselves, 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 decisions, of themselves, 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/Tenant Engagement:	The report considers those responses made to the latest round of public consultation. Further consultations will be undertaken as the Local Plan progresses. 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	<p>Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p> <p>Sarah Lee Principal Planning Policy Officer 01530 454718 sarah.lee@nwleicestershire.gov.uk</p>

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LOCAL PLAN REVIEW

DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS - JANUARY TO MARCH 2022

Q10 – WHICH OPTION FOR ENSURING A CONTINUITY OF EMPLOYMENT LAND SUPPLY DO YOU PREFER? IS THERE A DIFFERENT OPTION WHICH SHOULD BE CONSIDERED?

The comments and criticisms given for Option 1 are:

Comment/criticism	NWL officer response
Once reserve sites are identified, there will be increasing pressure to release them.	The policy would include trigger clauses however, as identified elsewhere, these can be difficult to formulate.
Option 1 does not accord with NPPF paragraph 82(d) as it does not provide sufficient flexibility or adaptability in the plan. Trigger points will be difficult to formulate, there are complications around when sites need to be brought forward and different sites will be needed to suit different purposes. Reserve sites must also be demonstrably deliverable.	Reserve sites, if selected as an approach, would not be the only way flexibility would be incorporated in the Plan. The requirement figures include a flexibility allowance and the choice of employment land strategy can also ensure there is a choice of sites and locations available for employment development. It is accepted that trigger points can be difficult to formulate. It is also agreed that reserve sites must be deliverable at the point they are likely to be required.
Reserve sites (if selected) must be included in the assessment of transport impacts (LCC)	Agreed.
Option 1 would create uncertainty, particularly in terms of the circumstances and timeframe within which reserve sites might be brought forward. It might also create a perverse situation whereby an occupier with a specific need well suited to a reserve site cannot be accommodated because unsuitable allocated land remains.	The circumstances for sites' release would be set out in a policy. It is accepted that an individual reserve site may not necessarily be suitable for every occupier need which could arise.

The comments and criticisms given for Option 2 are:

Comment/criticism	NWL officer response
A buffer of c. 10% should be added to the requirement.	Noted.
Option 2 would decrease certainty in the short term but potentially increase confidence in long term infrastructure for specific locations (Severn Trent).	This option would result in more land being allocated (to match a higher requirement figure) and, of itself, this would provide more certainty than Options 3 and 4 for example.

The criticisms/comments given for Option 3 are:

Comment/criticism	NWL officer response
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<p>This option is contrary to the spirit of national policy which requires policies to be flexible and support the economy. The resulting policies would be unable to deal with changes in employment needs in a timely way.</p>	<p>It is agreed that this option would not be sufficiently responsive to deal with an immediate and unanticipated changes in circumstances.</p>
<p>It is contrary to NPPF paragraph 20 (strategic policies should make sufficient provision for employment) and would prejudice an overall employment land strategy which considers both homes and jobs.</p>	<p>Sufficient land will be allocated to meet the expected need for general employment land measured in the Stantec study, plus a flexibility allowance and this should ensure the Local Plan Review complies with the quoted section from the NPPF. However, there is an additional issue concerning unanticipated needs to be considered.</p> <p>The numerical relationship between homes and jobs has been explored through the Leicester & Leicestershire authorities' Statement of Common Ground whilst the geographical relationship is a factor in the assessment of employment strategy options</p>
<p>Option 3 misses an opportunity to plan for cumulative transport impacts (LCC). For water infrastructure this approach could give short term certainty but could inhibit longer term improvements to waste water infrastructure. (Severn Trent)</p>	<p>Noted. Under this option cumulative transport impacts would be considered by means of the Strategic Transport Model but it would be less effective at taking a longer-term approach to infrastructure compared with Option 1 for example.</p>
<p>This option defers the problem. It is to be expected that the issue is reassessed at the time of the local plan on the basis of new evidence and market circumstances change but that should be a process of recalibration from a robust starting point. Investment decisions, planning and development process for large scale employment schemes can take 5+ years and so a robust, positive, and long-term strategy provides market certainty which is essential to securing continuity of supply.</p>	<p>This option is effectively a 'do nothing' option as 5 yearly reviews happen in any event. It is not automatically the case that Option 3 is inconsistent with taking a long-term view however it is agreed that this option is not best placed to deal with an immediate and unanticipated change in circumstances.</p>

The criticisms/comments given for Option 4 are:

Comment/criticism	NWL officer response
<p>Approving applications from developers that meet certain criteria has led to undesirable developments outside allocated areas.</p>	<p>It is recognised that Policy Ec2 in the existing Local Plan has resulted in applications being approved which are unpopular with some residents and Members.</p> <p>Bearing in mind that the NPPF requires Local Plan policies to be "flexible enough to accommodate needs not anticipated in the plan" (Paragraph 82d), the Local Plan needs to address this expectation in some form.</p>
<p>Option 4 on its own does not provide conditions for a clear strategy for employment that</p>	<p>This matter relates to the approach to unanticipated needs. The plan will contain a</p>

business could plan under nor would it plan positively for the spatial relationship between for homes and jobs.	clear strategy for employment. The numerical relationship between homes and jobs has been explored through the Leicester & Leicestershire authorities' Statement of Common Ground whilst the geographical relationship is a factor in the assessment of employment strategy options
Policy Ec2(2) is especially relevant to proposals for road-related transport, haulage and associated small-scale storage uses which cannot compete with high-value industrial land-uses and are not suitable on land allocated for business park development.	Noted.
This option will result in standalone sites coming forward and necessary improvements to water infrastructure may not be deliverable (Severn Trent)	Noted. This option could be less effective at taking a longer-term approach to infrastructure compared with Option 1 for example.
For this to be acceptable there would need to be safeguards to ensure site selection was rigorous.	Agreed. The policy would contain clear criteria.

A number of more general comments were made in response to this question.

Comment	NWL officer response
Continuity of supply is also relevant for strategic distribution. The Local Plan must address a full range of needs across all sectors, including smaller industrial and warehouse premises as well as strategic distribution and strategic industrial requirements. It is not enough simply to identify a sufficient quantum of land; allocations and supporting policy must also be flexible enough to ensure the whole market is catered for on an ongoing basis.	Re strategic distribution – this is a matter being dealt with by the on-going joint work with L&L authorities. Re range of needs – noted. It may be appropriate to specify which sites are allocated for strategic B8, which are for general needs and which are for a mix.
Supply must comprise the right land in the right place at the right time to meet the full range of needs.	Noted.
Policy for re-use of existing employment land already allocated must form part of the Local Plan before new sites are allocated.	The main existing employment areas are identified in Policy Ec3 of the adopted Local Plan. Policy Ec3 gives in principle support to develop vacant areas within these industrial estates for offices, industry and warehousing uses. However, the overall amount of vacant land is small and insufficient for the economic growth expected to 2040. Additional land must be identified and allocated in advance.
Most of Leicester City's unmet employment needs should be focused on the 5 authorities which border the city provide a more sustainable solution from a travel and availability of workforce perspective.	The Statement of Common Ground between the Leicester and Leicestershire authorities, if agreed, would see Charnwood BC accommodating Leicester City's unmet employment need.

Cannot access the consultation documents etc.	Noted.
Land should stay in agricultural use. Brownfield and vacant sites should be used first. Further development is not needed.	We have robust evidence that more land for employment uses will be needed to match planned economic growth to 2040. This is over and above the land which is already being used for these purposes and any vacant brownfield sites. It is unavoidable that some greenfield land will be needed for development in the future.
The focus should be on high pay/technical employment rather than warehousing.	Noted however it is generally appropriate to plan for a range of future employment in terms of sectors and skills levels.

Q13 – WHICH POLICY OPTION FOR EMPLOYMENT LAND PROPOSALS ON UNIDENTIFIED SITES DO YOU PREFER? IS THERE A DIFFERENT OPTION WHICH SHOULD BE CONSIDERED?

The comments and criticisms of the Options are:

Comment/criticism	NWL officer response
Option 1 is contrary to NPPF para 82(d) to provide flexibility and introduce planning policies that can adapt to changes over the plan period. Options 3-8 would remove flexibility, contrary to paragraph 82(d) and the spirit of the NPPF.	The NPPF does not prescribe how a Local Plan should achieve the requirement for flexibility. A variety of approaches could be taken, according to local circumstances so it is not accepted that the options cited are automatically contrary to the NPPF.
Option 3 may be difficult to enforce and would limit flexibility and policy responsiveness. A site is earmarked for a specific end user is sometimes discounted from the employment figures at appeal as it is not open to the market although it is clearly delivering for an employment land need	Having a specific named user enables the actual business requirements to be more easily explained and assessed through the planning application process. Also, a function of Ec2(2) is to deal with proposals which are unpredictable or exceptional and are thereby outside the needs measured in the evidence base.
Option 5: It would be unreasonable to expect an applicant for smaller-scale proposals to search for alternative sites outside the District which might lead to the loss of employment opportunities.	Agreed. The policy could require a wider search area for Strategic B8 proposals but not for smaller scale proposals .
Options 3 and 5-8 are too restrictive and will put the district at a disadvantage in attracting good quality employment provision.	A function of Ec2(2) is to deal with unpredictable or exceptional needs. The Local Plan Review will also identify sufficient amount and variety of sites to match the forecast growth in the local economy.

The comments and criticisms of the wording of Policy Ec2 are:

Comment/criticism	NWL officer response
Policy Ec2 is too permissive: <ul style="list-style-type: none"> • Demand is a poor term to use in the policy. Submission of a planning application is taken as evidence of demand. • Applications can be speculative with no named end user • Applicants do not need to prove that a particular size of unit is necessary. • Alternative sites outside the district do not need to be considered 	<ul style="list-style-type: none"> • A definition of what is meant by the term demand can be included in the plan’s supporting text. • A speculative development can still be meeting an immediate need or demand • Based on recent applications, adequate information has been submitted to demonstrate the demand for the units of the size proposed. • See above re Option 5.
Remove the reference to ‘immediate’ to allow the plan to deal with need or demand over the entire plan period. Or expand on the meaning of the term ‘immediate’ by introducing a timescale and/ or base it upon a fixed floorspace supply position. This will ensure that the trigger for releasing speculative	An explanation of the term ‘immediate’ can be included in the supporting text.

development to address need and demand would provide greater clarity to developers looking to bring forward development.	
Ec2 should be expanded to allow employment development that requires specific uses, such as around air (airport), road (M1), and rail (EMG) locations that cannot be located elsewhere in the region on allocated sites.	If justified, this could be dealt with under the 'demand' requirement of the policy.
Revised Ec2 should be linked to climate change policy and take account of climate change implications	The Local Plan is taken as a whole and proposals considered under Ec2(2) will be subject to the Plan's other relevant policies including those relating to climate change as appropriate.
The development industry will not deliver buildings for which there is no demand.	Noted

Some general comments were made about Policy Ec2:

Comment/criticism	NWL officer response
The need for an Ec2 type policy is greatly reduced if the LPR takes a robust, comprehensive and positive approach to the planned delivery of employment land, having first properly quantified that requirement.	Noted. It is the intention that Ec2(2) would apply to exceptional circumstances and would help to address NPPF requirements.
Whilst in general terms the provision of space to attract high-value occupiers is to be encouraged that should not be to the exclusion of premises to meet the full spectrum of requirements.	Policy Ec2 in its current form does not distinguish between types of employment.
A policy like Ec2 can make the delivery of infrastructure improvements more difficult to plan for (Severn Trent).	Noted. There is inevitably a degree of uncertainty with any form of windfall development be it housing, employment or other uses. The infrastructure requirements resulting from individual applications will be addressed through the replacement to Policy IF1.

A number of more general comments were also made in response to this question.

Comment	NWL officer response
Current Ec2 has resulted in a sprawl of warehousing in the district and an increase of car-borne commuting into NWL. Stop building on greenfield land/use brownfield sites. Sites should be where people can walk or cycle.	We have robust evidence that more land for employment uses will be needed to match planned economic growth to 2040. This is over and above the land which is already being used for these purposes and any vacant brownfield sites. It is unavoidable that some greenfield land will need to be identified to match the growth of the economy.

	The availability of sustainable transport options is one of the considerations when assessing the planning merits of sites.
The policy of integrating residential employment along with industrial development is wrong for residential amenity	The criteria in the adopted Local Plan Policy EC2(2) include consideration of the impact on nearby residential properties.
If you don't use any land for employment you won't have to build more houses.	This is not the case. The housing requirement figure depends on factors such as natural household growth from within the district (i.e., the difference between births and deaths) and affordability.
Cannot find the relevant consultation documents	Noted.

Q14 – WHICH POLICY OPTION FOR START-UP WORKSPACE DO YOU PREFER? IS THERE A DIFFERENT OPTION WHICH SHOULD BE CONSIDERED?

The comments and criticisms relating to the Options are:

Comment/criticism	NWL officer response
Option 2 would not be appropriate in most single occupier sites and would not work at all on strategic warehousing sites.	Agreed. The policy would need to allow for situations where the provision of start-up units would simply not be feasible.
Option 3 - It would be difficult to impose specific size thresholds and percentage requirements. Requiring a financial contribution is unlikely to be appropriate unless the Council sets itself up as a provider of such space.	Agreed in part. 'Major development' is statutorily defined and as such is considered to represent a reasonable policy threshold, subject to appropriate caveats including in respect of viability.
Option 3 - Any requirement should be proportionate to the overall development and not compromise the overall scheme viability. The mix and quantum of start-up and grow-on premises should respond to market demand and supply. If there is found to be no demand, through market testing, then its development would serve no end.	Agreed in part. The proposed policy approach does not prescribe a percentage of start-up units. It is also recommended that the Plan's supporting text sets out information on the types of circumstances which could justify nil provision.
Option 5 - there is enough brownfield land available to be used for industrial use without needing to go into the countryside	We have robust evidence that more land for employment uses will be needed to match planned economic growth to 2040. This is over and above the land which is already being used for these purposes and any vacant brownfield sites. It is unavoidable that some greenfield land will need to be identified to match the growth of the economy

A number of more general comments were made in response to this question.

Comment	NWL officer response
Supporting start-up businesses in rural communities is important for them being sustainable and thriving communities.	Noted.
If a new settlement is to be favoured as a development option, then some specific start-up provision may be needed as part of the employment provision for such a site to ensure residents looking to start a business have 'on site' options rather than being forced to look/travel further afield (which would increase car-dependence).	Agreed. This is suggested as part of the policy approach.
Start-up premises should be in areas of high unemployment	Unemployment levels in NWL are currently low however we have evidence of a latent demand across the district for more industrial start-up premises.
Not all business start-ups have a prolonged business life. Putting start-ups near existing	The higher failure rate for start-up businesses is part of the reason why the market is less

<p>warehousing would be a good idea then they have a logistic package on their doorstep. Each idea should be taken on it's own merits and a guarantee of a five year minimum trading life obtained.</p>	<p>inclined to build appropriate premises which is why a planning policy intervention is considered justified. Including start-up premises as part of a mix of units would mean a range of business needs could be met on the same site but mixing start-units with strategic-scale warehousing is not considered appropriate.</p>
<p>Cannot access the consultation documents etc.</p>	<p>Noted.</p>
<p>Oppose the development of greenfield sites. We have enough development. There are plenty of vacant and brownfield sites</p>	<p>We have robust evidence that more land for employment uses will be needed to match planned economic growth to 2040 including for more start up workspace. This is over and above the land which is already being used for these purposes and any vacant brownfield sites. It is unavoidable that some greenfield land will be needed for development in the future.</p>

Q15 – WHICH POLICY OPTION FOR A LOCAL EMPLOYMENT POLICY DO YOU PREFER? IS THERE A DIFFERENT OPTION WHICH SHOULD BE CONSIDERED?

The comments and criticisms relating to the Options are:

Comment/criticism	NWL officer response
Option 1: Policies that only “encourage” are unenforceable and usually ignored.	It is considered that Option 1 would have some positive effect but is likely to be less effective than Option 2.
Options 1 & 2 would not be effective.	It is considered that Option 1 would have some positive effect, but Option 2 would be more effective.
Option 2 can be implemented through a pre-commencement condition requiring the submission, approval and implementation of an Employment Plan which includes measures to encourage local recruitment during construction, and a pre-occupation condition requiring the same for the operational phase. Much of the detail in this regard will be unknown at the planning application stage, so it should be sufficient for applicants to commit to recruit locally where possible and express in headline terms how they might be achieved.	Noted.
Option 2: Enforcing will not work in a low unemployment area and may stifle business’ ability to get the best people.	It is accepted that any policy will need to strike a balance to encourage and enable local recruitment and training but not to unduly restrict firms’ employment options

A number of more general comments were made in response to this question.

Comment	NWL officer response
Local employment initiatives should look at the construction and operational phases of development.	Agreed.
No definition is given of what is meant by ‘large scale development’. Clarity is required on the types and scale of development which will be required to demonstrate compliance with the policy. Different types of development and developers will be able to comply with the policy to different degrees.	Agreed. The proposed policy approach suggests the threshold for a Employment Plan is a development where at least 50 new jobs will be created.
Development should only be on brownfield land or make use of vacant premises.	We have robust evidence that more land for employment uses will be needed to match planned economic growth to 2040 including for more start up workspace. This is over and above the land which is already being used for these purposes and any vacant brownfield sites. It is unavoidable that some greenfield

	land will be needed for development in the future.
The proposals do not benefit local people. All they do is increase the number of people travelling into the area with a vastly increased carbon footprint.	One of the justifications for the proposed policy approach is that local recruitment can help reduce commuting distances.
Employment opportunities should be linked to local housing.	The spatial strategies for housing and for employment are the subject of a separate report on this agenda.
The East Midlands has always had low levels of unemployment.	Noted. The benefits of local recruitment and training are considered to merit a planning policy on the subject.
Can't access the documents.	Noted.

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Appendix B

Policy xx – Proposals for employment uses on unidentified sites

- A. Proposals for employment development (offices; industrial; storage/distribution) within the Primary Employment Areas will be supported subject to Policy xx [currently Ec3]
- B. Proposals for employment development outside the Primary Employment Areas and within the Limits to Development will be supported where these do not have an unacceptable adverse impact on the amenities of any nearby residential properties or the wider environment and the local highway network.
- C. Exceptionally, to provide the degree of flexibility required by the NPPF, proposals for employment development on land outside of the Limits to Development will be supported where the following criteria are met:
- (1) It is demonstrated to the satisfaction of the Council that there is;
 - (a) an immediate requirement for the additional employment land in North West Leicestershire; and
 - (b) the development will be occupied by named end-user/s and this will be secured by legal agreement as appropriate; or
 - (c) the development is required for the reasons set out in NPPF paragraph 82b (or its replacement), namely it is to accommodate needs not anticipated in this Plan, it is to allow for new and flexible working practices or it is needed because of changes in economic circumstances.
 - (2) It is demonstrated to the satisfaction of the Council that the immediate requirement cannot be met on any of the following within the relevant search area;
 - (a) previously developed land;
 - (b) an existing Employment Area as identified in Policy [Ec3]; or
 - (c) land allocated in a Local Plan in this plan; or
 - (d) on land with planning permission for employment development.For general employment proposals, the search area is the district and for strategic B8 proposals, the search area is the relevant Area/s of Opportunity¹.
 - (3) The development is in an appropriate location and;
 - (a) Is accessible or will be made accessible by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and
 - (b) Has good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any junctions; and
 - (c) Will not be detrimental to the amenities of any nearby residential properties or the wider environment.

¹ Identified in the "[Warehousing and Logistics in Leicester and Leicestershire: managing growth and change \(April 2021\)](#)" report.

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LOCAL PLAN COMMITTEE – 27 SEPTEMBER 2022

Title of Report	LOCAL PLAN REVIEW – EVIDENCE BASE UPDATE	
Presented by	Councillor Keith Merrie Planning and Infrastructure Portfolio Holder keith.merrie@nwleicestershire.gov.uk	
Background Papers		Public Report: Yes
		Key Decision: Yes
Financial Implications	The cost of the studies is met from existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications considered in the preparation of this report	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified	
	Signed off by the Head of Paid Service:	
Purpose of Report	To provide an update for Members in respect various aspects of the evidence base that will support the Local Plan review.	
Recommendations	THAT LOCAL PLAN COMMITTEE NOTE: (I) THE OUTCOME FROM THE AREA OF SEPARATION UPDATE REPORT; (II) THE OUTCOME FROM THE GREEN AND BLUE INFRASTRUCTURE STUDY (III) PROGRESS ON THE PREPARTION OF AN INFRASTRUCTURE DELIVERY PLAN AND GYPSY AND TRAVELLER NEEDS ASSESSMENT	

1.0 BACKGROUND

- 1.1 This report provides an update for members in respect of some key pieces of the evidence base in respect of the review of the Local Plan

2.0 EVIDENCE UPDATE

- 2.1 Work on the substantive review continues. This section outlines recent work on the evidence base.

Area of Separation Study

- 2.2 Members may recall that the 2 October 2019 meeting of this committee considered a report in respect of a study of the Area of Separation between Coalville and Whitwick. That study had assessed the Area of Separation as identified in the adopted Local Plan to ascertain as to whether it could still be justified and if so whether any changes were required to the boundaries.
- 2.3 Since the study was undertaken the new Whitwick and Coalville Leisure Centre has been permitted and built within part of the Area of Separation. To take account of the change in circumstances an update to the study was commissioned from the same consultants who undertook the original study.

- 2.4 The updated study can be viewed from this [link](#).
- 2.5 The updated study used the same methodology as the previous study. The new leisure centre is located in Land Unit 16 in the original study. This covered land fronting Stephenson Way between Hermitage Road and Thornborough Road an up to Hermitage Lake. In the updated study this was split in to two separate parcels, Land Units 16a and 16b. Land Unit 16b comprises of the area occupied by the new leisure centre, whilst Land Unit 16a comprises the eastern most part of remainder of the former Land Unit 16 up to Hermitage Road and Hermitage Lake.
- 2.6 The study notes that *“The presence of the Leisure Centre and associated parking areas represent substantive-built forms which affect the open character and have some links with other built forms to the edge of Coalville and Stephenson College”*. It goes on to note that *“The unit is contained by rising ground and vegetation to the north-west corner”* and that whilst its landscape value is currently judged as being moderate to low scenic quality, it is anticipated that this will *“increase to moderate as the mitigation planting is completed and established across the unit”*.
- 2.7 Overall, Land Unit 16b is judged as making a Secondary contribution to the Area of Separation.
- 2.8 In terms of Land Unit 16a this is noted as making *“a notable contribution to the open character of the Area of Separation”*. It is judged as being of moderate scenic quality and as making a Primary contribution to the Area of Separation.
- 2.9 As with the original study the report advises that *“All the individual land units assessed as forming a ‘Primary’ Contribution to the AoS [Area of Separation] are considered to be essential to retaining the physical and visual separation between the settlements and their distinct identity. However, it is recommended that all units assessed as making a ‘Primary’ or ‘Secondary’ contribution should be retained within the AoS to prevent the erosion of the AoS as a whole”*.
- 2.10 The updated study will form part of the Council’s evidence base to support the review of the Local Plan. The updated study provides the Council with independent evidence to help define what the boundaries of an Area of Separation should be and consideration of the updated study’s findings will be taken forward as part of the Local Plan review.

Green and Blue Infrastructure Study

- 2.11 It is important that new development creates attractive places in which people want to live and work. One way to do this is through the provision of Green and Blue Infrastructure. Such provision will maximise the benefit for residents (of housing developments) and workers and customers (of commercial development) but also nature.
- 2.12 Green Infrastructure is defined by The Landscape Institute as:
- “The network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. Individually, these elements are GI [Green Infrastructure] assets, and the roles that these assets play are GI functions. When appropriately planned, designed and managed, the assets and functions have the potential to deliver a wide range of benefits – from providing sustainable transport links to mitigating and adapting the effects of climate change.”*
- 2.13 The term blue infrastructure refers to all aspects of the water environment - rivers, canals, ponds, wetlands and floodplains. This has led to the increasing use of the term green and blue infrastructure (GBI).

- 2.14 To help inform consideration of this issue as part of the Local Plan review a study was commissioned to:
- Identify and map the existing GBI assets in the District, and outline the key challenges faced by the GBI network locally; and
 - Identify opportunities for enhancing and creating GBI within seven selected settlements.
- 2.15 The study can be viewed from this [link](#).
- 2.16 The study is focussed upon the largest settlements in the settlement hierarchy (i.e. Principal Town, Key Service Centres and Local Service Centres) as these are likely to accommodate most new development and so provide the greatest opportunities for enhancing GBI. In addition, the potential new settlement at Isley Walton is also included. This is because in the event that the Council decides to include the new settlement the provision of GBI will need to be a key feature of any future development.
- 2.17 The study was the subject of a period of key stakeholder engagement with amongst others, parish and town councils, including an online survey.
- 2.18 The Study provides a framework that sets out both a long-term vision and a coordinated programme for action. It does this by setting out a range of potential interventions using six 'tools' (or themes), each of which has a specific purpose as outlined below.

Tool	Purpose
Tool 1: Managing flood risk	Slow and filter rainwater by 'depaving' urban areas and providing sustainable urban drainage.
Tool 2: Restoring the condition of rivers	Reduce flood risk, capture carbon and improve habitats
Tool 3: Growing green towns	Create healthier, walkable towns and attract investment through urban greening.
Tool 4: Expanding woodlands	Store carbon and protect species.
Tool 5: Encouraging walking, cycling and wheeling (ie using a wheelchair, or other mobility aid)	Connect places for local and visitors, encourage active travel and reduce air pollution.
Tool 6: Making the most of our parks and open spaces	Repurpose open spaces to allow for multiple functions, including habitat creation, growing and natural play.

- 2.19 The same approach is then used to identify potential interventions in each of the settlements covered by the study.
- 2.20 The study notes whilst the planning system will have an important role to play in the delivery of new GBI, it is not the only means by which provision can be secured. Similarly, many will be delivered outside the Council by a range of partners – with shared responsibility across a range of sectors or bodies.
- 2.21 In terms of the Local Plan, the study will help to inform specific requirements for potential site allocations and will also inform other policies, as well as work on infrastructure generally and viability.

Other evidence

- 2.22 In addition to the above completed studies, work is progressing on the preparation of an Infrastructure Delivery Plan (IDP) and also an update to the Gypsy and Traveller Needs Assessment (GTAA). The outcome of these will be reported to future meetings of this Committee when they are completed.

Policies and other considerations, as appropriate	
Council Priorities:	Our communities are safe, healthy and connected Developing a clean and green district
Policy Considerations:	None
Safeguarding:	No issues identified
Equalities/Diversity:	An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.
Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified at this stage
Environment and Climate Change:	No issues identified at this stage
Consultation/Community Engagement:	None
Risks:	A risk assessment of the review has been undertaken and is reviewed at the officer Project Board meetings.
Officer Contact	Ian Nelson Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk

Title of Report	SWANNINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework (NPPF, 2021) Planning Practice Guidance (PPG) Swannington Neighbourhood Plan Submission Version (2022) Local Plan Committee 9 December 2021- Swannington Neighbourhood Plan – Proposed Response to Pre-Submission Draft	Public Report: Yes
Financial Implications	<p>The Swannington 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>The report highlights the staff resources required to support neighbourhood planning in the district. Much of this work is done within the Planning Policy team which is also responsible for the delivery of the Local Plan Review.</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 Swannington Neighbourhood Plan.	
Recommendations	57	
	1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT	

	<p>OF THE SWANNINGTON NEIGHBOURHOOD PLAN IN APPENDIX A.</p> <p>2. THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE SWANNINGTON NEIGHBOURHOOD PLAN.</p> <p>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 WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR 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 WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE 'MADE'.</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 have regard to national and local planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want. The Plan's policies must meet a set of ['basic conditions'](#) which include:
- having regard to national planning policies and guidance;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the development plan; and
 - being in line with EU obligations and human rights requirements.
- 1.3 As the Local Planning Authority (LPA), NWLDC 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 decide if the plan can

	proceed 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 The Swannington Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

2. SWANNINGTON NEIGHBOURHOOD PLAN

2.1 The Swannington Neighbourhood Plan Area covers the whole of the parish and was designated on 7 January 2019 (Regulation 6A). Swannington Parish Council consulted on a pre-submission version of the plan between 25 October and 6 December 2021 (Regulation 14). The District Council's [consultation response](#) was agreed by Local Plan Committee on 9 December 2021, subject to some additional comments described in the [minutes](#) of the meeting.

2.2 The Parish Council considered all the comments it received, amended the plan and it has now requested that the District Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regulations 15, 16 and 17). This consultation has been arranged for a 6-week period from **Monday 5 September to Monday 17 October 2022**. The submission version of the plan and the supporting documentation can be viewed on the District Council's [website](#).

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

- the location of new development including an allocation for around 12 homes at St George's Hill (which would be incorporated into an amended Limits to Development)
- 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 Local Green Spaces
- transport, including parking
- the protection of, and support for, community facilities
- the protection of employment premises and support for new small-scale employment development

2.4 Officers have reviewed the submission version of the 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 they choose to take account of these points.

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 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 Swannington Parish 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). Regulation 17A(5) of the 2016 Regulations gives the District Council 5 weeks from receipt of the Examiner's Report to decide whether or not to proceed with the referendum. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for Planning 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 residents vote 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 under the Scheme of Delegation.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of neighbourhood plans can impact on any and all of the 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 Swannington 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 Swannington Neighbourhood Plan specifically contains policies that seek to 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 at Appendix A concludes 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 them to assess these matters and to reach a reasoned conclusion. This will bring clarity for all users of the plan in the future.
Officer Contact	Joanne Althorpe Principal Planning Policy Officer 01530 454677 joanne.althorpe@nwleicestershire.gov.uk

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APPENDIX B: OFFICER RESPONSE TO SWANNINGTON NEIGHBOURHOOD PLAN (SNP) SUBMISSION VERSION

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 numbers to assist the determination of planning applications.	Paragraph numbers have been added.	None
General	The National Planning Policy Framework (NPPF) was updated in July 2021. All references to the NPPF, including paragraph numbers, should be updated accordingly.	Whilst the SNP now references the 2021 NPPF, there are still some instances where corrections and or/ clarification are required.	<p>Comment</p> <p>Paragraph 48 For completeness, it would be better if NPPF paragraph 8 was referenced at SNP paragraph 48 rather than just NPPF paragraph 8b at SNP paragraph 51.</p> <p>Paragraph 112 Local Green Spaces are referenced at NPPF paragraphs 101-103 (rather than 99-101). Correction required.</p> <p>Paragraph 122 The reference to footnote 63 is incorrect and there is no footnote to NPPF paragraph 194. Correction required.</p> <p>Paragraph 131 NPPF paragraphs 155-157 relate to renewable energy, not flood risk. Correction required.</p> <p>Paragraph 159 Section 3 of the NPPF relates to Plan-making, not rural tourism. Correction required.</p>
Foreword (p.4)	The foreword states that the Swannington Neighbourhood Plan (SNP) will "take priority over nonstrategic policies in the Local Plan,	Page 4 No change, although these comments were made for the	None

	<p>giving our community a real and lasting tool to influence the future of our neighbourhood.” Whilst this is the case at the point the SNP is ‘made’ (adopted), it should be noted that neighbourhood plan policies can be superseded by strategic/non-strategic Local Plan policies that are adopted subsequently (NPPF, paragraph 30). The government’s Planning Practice Guidance (PPG) provides further clarity on this issue, stating that “<i>policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence.</i>” (Paragraph: 084 Reference ID: 41-084-20190509).</p> <p>The North West Leicestershire Local Plan (NWLLP) is currently being reviewed and will cover the period up to 2039. Should the NWLLP be adopted after the SNP, it could result in policies in the SNP becoming out-of-date.</p>	<p>Parish Council’s information only.</p> <p>General The SNP has been updated to cover the period up to 2039.</p>	<p>Comment: It is now proposed that the Local Plan will cover the period 2020 to 2040. For consistency, the SNP could be amended to cover the same period.</p>
<p>A Vision for 2031 & Objectives (p.10)</p>	<ul style="list-style-type: none"> • What road and footpath safety infrastructure is being referred to and is this capable of being delivered through the SNP? • How will the SNP improve public transport links? • What is meant by ‘social hub scheme’? • What is meant by promoting community areas which address age and gender needs? • Is the community information scheme something which can be delivered through the planning system? 	<p>Page 10 & Paragraphs 40-46 No change.</p>	<p>Comment: It would help the reader if there was greater clarity/specificity in these sections.</p>

	In addition, the links between the vision and objectives could be clearer.		
Planning Context (p.11)	It would be useful for this section to reference the requirements for the SNP to meet several 'basic conditions' which are set out in planning legislation and summarised in the PPG (Paragraph: 065 Reference ID: 41-065-20140306).	Paragraph 47 (second bullet point) Amendments have been made accordingly.	None
A Social Role (p.11)	The description of the social role has been recently updated by paragraph 8b of the NPPF (2021). For consistency, it is recommended that the SNP is updated accordingly.	Paragraph 51 This has been amended to reference the new paragraph 8b	Comment See comment made in relation to SNP paragraph 112 above.
Housing Provision (p.12)	<p>The information on completions and commitments in the first paragraph is out-of-date and as such, it is suggested that it would be appropriate to delete the 3rd sentence onwards.</p> <p>Given that there is no housing requirement for Swannington in the adopted Local Plan, further explanation should be provided with regards to the proposal to allocate a site for housing so that readers of the plan are clear how this decision was reached.</p> <p>One of the basic conditions for the SNP is that it should be in general conformity with the strategic policies contained in NWLLP.</p> <p>The adopted NWLLP (2017) does not contain a housing requirement for Swannington. However, NWLDC officers are in the process of reviewing the NWLLP, including the overall housing requirement for the District and where housing should be located. We are in the process of testing different growth scenarios</p>	<p>Paragraph 54 The completions and commitments data has been removed.</p> <p>Paragraph 56 Some additional explanation is provided which reflects the housing figures provided as part of the pre-submission consultation (an update of figures provided at an earlier date).</p> <p>Paragraph 57 A new paragraph has been added which estimates 2 dwellings a year can be delivered from windfall sites and that this would result in an additional 34 dwellings</p>	<p>None</p> <p>Comment The SNP makes allowance for around 12 dwellings in the Neighbourhood Plan. Whilst this is at the lower end of the spectrum of the indicative figures provided, it is a figure based on evidence and the SNP has had sufficient regard to NPPF paragraph 67.</p> <p>Comment NPPF paragraph 71 requires "compelling evidence that [windfall sites] will provide a reliable source of supply." Given that the settlement boundary is drawn tightly around the settlement, it is not clear how an additional 34 dwellings can be accommodated over the plan period.</p>

	<p>which includes the potential for new housing in the Sustainable Villages (which includes Swannington).</p> <p>As the review of the NWLLP is at an early stage, officers are not yet in a position to provide a housing requirement for Swannington (as required by NPPF paragraph 66). In such circumstances, NPPF paragraph 67 advises that neighbourhood planning bodies can request an indicative figure from the local planning authority.</p> <p>It is within the above context that planning policy officers provided a range of indicative housing figures to Swannington Parish Council (SPC) in September 2020. Three scenarios were provided which were based upon the housing land supply position at 1 April 2020 (included as Appendix 1). These ranged in requirements between 8 and 51 dwellings in the period up to 2031. Given the time that has elapsed since these scenarios were provided to SPC, they have been updated based on the position at 1 April 2021 (Appendix 2) which results in a requirement of between 9 and 43 dwellings.</p> <p>It is noted that SPC has opted for the lowest of the housing growth options. Whilst this option is based in evidence, it would be helpful to provide some justification on why it has been chosen over the other options provided by NWLDC. In order to meet this need, it is proposed to allocate a site at St George's Hill. Further comments on this allocation are made in respect of Policy H1 below.</p> <p>As advised earlier this year, NWLDC policy officers are, as part of the NWLLP Review,</p>	<p>being delivered over the plan period.</p>	
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	<p>testing various housing growth and distribution scenarios, which could result in a higher housing requirement figure for Swannington. NPPF paragraph 29 is clear that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. As such, officers will keep SPC updated on this issue and advise on any implications for the Neighbourhood Plan.</p>		
<p>Policy H1 (p.13)</p>	<p>Officers welcome SPC's proposal to allocate a site for housing as it represents positive planning which is based in evidence. Expressing the dwelling requirement as a minimum is also supported.</p> <p>To ensure the Neighbourhood Plan is clearly written and unambiguous, the following revisions should be made:</p> <ul style="list-style-type: none"> • Consider allocating the site for a minimum of 9 dwellings (based upon the updated evidence at Appendix 2). • Remove the reference to a maximum dwelling figure - this is too restrictive given that the proposed mix (i.e. bedroom sizes) of dwellings is unknown at this stage. • Amalgamate the policy requirements for the site into a single list and remove the heading 'planning conditions' (to avoid confusion with the planning conditions attached to any future planning permission) • Confirm affordable housing will be sought in accordance with NWLLP Policy H4 rather than express an affordable housing requirement in this policy. If a scheme of 11 or more homes comes forward at this site, affordable housing will be required. If the 	<p>Policy H1, page 13</p> <p>The site is now allocated for 'around 12' dwellings.</p> <p>Reference to a maximum quantum of development has been removed.</p> <p>The 'planning conditions' list has been removed.</p> <p>Confirmation that affordable housing will be sought in accordance with Policy H4 of the North West Leicestershire Local Plan has been included.</p>	

	<p>total is 10 dwellings or less there will be no requirement to provide affordable housing.</p> <ul style="list-style-type: none"> Acknowledge that some existing planting will need to be removed to accommodate access to the site. <p>In addition, what are the 'heritage aspects' referred to in the policy and what 'high quality' design and elevational treatment should be provided? The developer of the site needs to be clear what is expected from the scheme so it would be useful to provide additional guidance</p> <p>Given the proximity of the site to Windmill View, the local highways authority should be consulted on whether a safe and suitable access is achievable.</p>	<p>The criterion relating to existing planting has not been changed.</p> <p>The reference to heritage aspects and high quality design have been removed.</p> <p>The highways authority (Leicestershire County Council) has been consulted on highways requirements.</p>	<p>Comment Consider adding 'as far as possible' after "The existing planting will be retained' in part b).</p> <p>Comment The reference to heritage and high quality design has been removed. Whilst these factors will still be relevant to the determination of any planning application at this site, the SNP has perhaps missed an opportunity to set some design requirements for the site, particularly as the proposed allocation sits next to a row of houses which the SNP identifies as a non designated heritage asset (ENV 6).</p> <p>Comment No comments have been provided by highways on the proximity to Windmill View point.</p>
<p>Policy H2: Settlement Boundary (p.15)</p>	<p>With regards to the second paragraph of Policy H2, it should be noted that there will be some changes of use of buildings that constitute permitted development and would not require planning permission.</p>	<p>Policy H2 No changes have been made, although this comment was for the Parish Council's information only.</p>	<p>Comment Although we did not comment on this last time, the second paragraph of Policy H2 refers to the 'village envelope' – this is not defined anywhere and leads to uncertainty for the decision maker. It is referred to again at SNP paragraph 60 where it seems to be another term for the settlement boundary. If this is the case, to avoid confusion, any reference to the 'village envelope' should be replaced with 'settlement boundary'.</p> <p>Comment It should be noted that Local Plan Policy S3 considers that the re-use and adaption of buildings is as an acceptable form of development in the countryside (not just within the settlement boundary).</p>

<p>Figure 3: Updated Settlement Boundary (p.16)</p>	<p>The inclusion of the proposed allocation site within the settlement boundary is considered acceptable given that there is evidence for more housing in Swannington over the plan period.</p> <p>Elsewhere, the settlement boundary should accord with the Limits to Development in the adopted NWLLP and it would be helpful to confirm that this is the case.</p>	<p>Figure 3 There is no confirmation that the limits to development are consistent with the Local plan (aside from the proposed allocation), but they look to be consistent.</p>	<p>Comment Aside from the addition of S3, the Settlement Boundary appears to be consistent with the Limits to Development in the adopted Local Plan. It should be noted that the Local Plan is being reviewed which could result in some additional changes to the Limits to Development.</p>
<p>Policy H3: Housing Mix (p.17)</p>	<p>SNP Policy H3 seeks to support development which incorporates three or fewer bedrooms and/or single storey accommodation, whilst only supporting dwellings of four or more bedrooms where they are subservient in number to any one, two or three bedroom accommodation in any development.</p> <p>The policy is not considered to be in general conformity with NWLLP Policy H6. Firstly, Policy H6 applies to developments of 10 or more dwellings rather than 'any development'. Secondly, Policy H6 seeks a mix which is informed by a range of evidence, including the HEDNA. Whilst the HEDNA indicates a need of 10-20% 4 bed dwellings, the supporting text at NWLLP paragraph 7.47 recognises "there may be a need for local variations". It should be noted that the examiner for the Hugglescote and Donington le Heath Neighbourhood Plan recommended that a similar policy on housing mix was too prescriptive. It is recommended that the second sentence of Policy H3 is deleted.</p>	<p>Policy H3 No changes to this policy have been made.</p>	<p>Objection NWLDC objects to this policy for the reasons given at the pre-submission (Regulation 14) stage.</p> <p>Reason The policy is not in general conformity with the strategic policies of the Local Plan. It should be noted that at paragraph 13.5 of the adopted Local Plan (2017) it is confirmed that "<i>The policies in this Local Plan are the strategic policies that Neighbourhood Plans will be required to be in conformity with.</i>"</p>
<p>Design Quality (p.17)</p>	<p>Should be Grade II (not Grade 11)</p>	<p>Paragraph 73 This has been amended.</p>	<p>None</p>

<p>Policy H4: Design Quality (p.20/21)</p>	<p>The SNP should reference the NWL Good Design SPD (2017).</p> <p>i) The aspiration for car charging points is supported. However, in line with NPPF paragraph 112e, it is recommended that this is amended to read “new development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”.</p> <p>k) it is suggested that it would be appropriate to add the following text to the end of the clause - “in locations convenient and accessible for collection and emptying”</p> <p>m) the proposed development at St George’s Hill could provide 10 or more dwellings. Would three storey dwellings be appropriate at that site?</p>	<p>Policy H4</p> <p>i) no change</p> <p>k) amendments have been made</p> <p>m) No changes have been made to part m).</p> <p>q) No changes</p>	<p>Comment</p> <p>i) It should be noted that electric vehicle charging is now covered by Part S of the Building Regulations (which came into effect on 15 June 2022). The NPPF advises (paragraph 16f) that plans should not avoid unnecessary duplication of policies. To ensure clarity for applicants and decision makers, the reference to charging points could be deleted from the SNP.</p> <p>Comment</p> <p>k) It would also be helpful to specify that ‘appropriate’ provision is that which meets the <u>District Council’s waste and recycling requirements.</u> For example, “<i>Design should ensure appropriate provision for the storage of waste and recyclable material, with sufficient space to meet the District Council’s requirements and in locations convenient and accessible for collection and emptying.</i>”</p> <p>Comment</p> <p>m) The St George’s Hill allocation is realistically the only opportunity for 10 or more dwellings in Swannington. This policy therefore implies that three storey dwellings would be appropriate at the site. The SNP has perhaps missed an opportunity to decide if three storey dwellings are appropriate at the site or if development should be limited to two storey and below.</p> <p>Comment</p> <p>q) It is not possible to impose or enforce the proposed timings for security lighting. In addition,</p>
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	<p>q) Light itself, and minor domestic light fittings, are not subject to planning controls</p>	<p>two different sets of best practice guidelines are quoted in parts q) and r) which is potentially confusing for applicants and decision makers. Parts p), q) and r) could be amalgamated in order to make the policy clear and concise.</p> <p>Comment We also wish to make comments on additional parts of Policy H4.</p> <p>b) There is a potential conflict between parts b) and m). Part b) seeks a consistent design approach in terms of materials, fenestration and rooflines, whereas part m) supports innovative designs with varied materials, styles and details. Part b) and m) could be amalgamated and it should be made clearer what is expected from new development.</p> <p>f) There is a potential conflict between this part of the policy and part o), leaving uncertainty for the applicant/decision maker. Part f) seeks the enclosure of plots by either native hedging, wooden fencing, or stone/brick wall, whereas part o) requires property boundaries to be in the form of hedges or fences with ground level gaps. Parts f) and o) could be amalgamated in order to make the policy clear and concise.</p> <p>g) There is some overlap between parts g) and j). Part g) relates to sustainable design, renewable and low carbon energy, whereas part j) deals with flooding and drainage. The reference to “<i>and minimise surface water run-off and risk of flooding</i>” does not sit well in part g) and should be moved to part j).</p> <p>h) Add ‘where possible’ to the end of this section to make the policy sufficiently flexible.</p>
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			<p>j) As stated above, the reference to “<i>and minimise surface water run-off and risk of flooding</i>” which is currently in part g) would be better incorporated into part j).</p> <p>l) It would be helpful to replace the requirement for garages from being ‘adjacent’ to being “<u>well related</u>” as there could be occasions where garages are either integral or not directly adjacent (i.e. set back from the dwelling).</p>
<p>Policy H5: Affordable Housing Provision (p.22).</p>	<p>The provision of affordable housing is a strategic policy matter. The quantum/tenure of affordable housing provision therefore needs to be in accordance with the requirements of NWLLP Policy H4.</p> <p>It is proposed that this requirement for a local connection should be deleted from this policy for the following reasons; a) it does not accord with the affordable housing eligibility criteria applied by the district council’s Housing team. The criteria require a connection to the district, not to the local area; and b) it is not in general conformity with NWLLP Policy H4 which includes no such local connection requirement. 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>Policy H5 No changes have been made to this policy.</p>	<p>Objection The reference to a ‘local connection’ does include the clause ‘where appropriate’. However, as stated at pre-submission stage, this does not accord with the Council’s affordable housing eligibility criteria. NWLDC does not support a reference to local connection 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>Comment Elsewhere in the policy, it is suggested that “based on the latest assessment of affordable housing need (2019)” is changed to “<u>having regard to the Parish’s Council’s</u> latest assessment of affordable housing need.”</p>

	<p>It is also objected to because it would require the NWLDC, as the housing authority, to review the Allocations 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. Supprting such an approach would be inconsitent.</p>		
Windfall Sites (p.22)	Windfall sites are defined in the 2021 NPPF as “Sites not specifically identified in the development plan” (Annex 2: Glossary).	No change	Comment It would aid consistency if the NPPF definition was used.
Policy H6: Windfall Sites (p.22)	<p>For clarity, it is recommended that this policy should apply to development in the settlement boundary rather than ‘infill and redevelopment sites’. Any development outside the settlement boundary is covered by Policy S3 of the NWLLP.</p> <p>Any overlap with Policy H4: Design (for example part e) should be removed.</p>	<p>Policy H6 The policy now applies to development proposals in the settlement boundary.</p> <p>The rest of the policy has not been amended.</p>	<p>Objection Part a) seeks windfall development to “help meet the identified housing requirement for Swannington in terms of housing mix”. Whilst the source of the ‘identified housing requirement’ is not clear, windfall development within the settlement boundary is likely to be less than 10 dwellings. There is the potential for conflict with NWLLP Policy H6 which seeks a mix of housing types, size and tenures in new housing developments <u>of 10 or more dwellings.</u></p> <p>Reason Part a) is not in general conformity with the Local Plan</p> <p>Comment There is repetition between part d) of SNP Policy H6 and part d) of SNP Policy H4.</p> <p>The ‘amenity of neighbours’ is referred to in both parts e) and f).</p>

Figure 5 (p.26)	A key/marked up plan would aid the reader as it is unclear precisely what this figure shows.	A key has been included	None
Local Green Space (p.27)	<p>For context, it would be useful to highlight the three tests which need to be met for a piece of land to be able to be designated as Local Green Space (paragraph 102 of the NPPF):</p> <p><i>a) in reasonably close proximity to the community it serves;</i></p> <p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i></p> <p><i>c) local in character and is not an extensive tract of land.</i></p> <p>The PPG provides further guidance in terms of criteria a) and c) – the LGS should normally be within easy walking distance of the community served if public access is a key factor. In addition, it should not comprise blanket designation of open countryside adjacent to settlements (Paragraph: 014 Reference ID: 37-014-20140306 & Paragraph: 015 Reference ID: 37-015-20140306).</p>	<p>Paragraph 112 This has not been done and the NP continues to refer NPPF paragraphs 99-101. Not all of these paragraphs relate to Local Green Spaces</p>	<p>Comment For the avoidance of doubt, the correct NPPF paragraph numbers (101-103) should be included at paragraph 112.</p>
Appendix F: Environmental Inventory	<p>The use of a quantitative scoring system to help identify sites for designation as Local Green Space is considered overly complicated.</p> <p>To be identified as a Local Green Space, the site must meet the three criteria at NPPF paragraph 102. The inventory at Appendix F assesses sites against all five examples in the</p>	<p>Appendix F & Paragraphs 108-111 No change</p>	<p>Comment Paragraph 111 Reference is made to the seven criteria for Local Green Space selection in the NPPF. Sites are only required to meet three criteria (NPPF paragraph 102).</p>

	<p>demonstrably special test at NPPF 102b which means it is assessed against seven criteria in all and gives each site a quantitative score out of 25.</p> <p>It is unclear why different criteria have different scores available; for example under beauty, sites can score up to 3 points but under tranquillity, sites score up to 2 points.</p> <p>In addition, sites that are of national/regional/county significance in historical and ecological terms are given a higher score, when the test is merely to be demonstrably special to the local community.</p> <p>A site could be demonstrably special to the local community solely if it offers a place of tranquillity, but this system appears to penalise sites that do not score well across the five 'demonstrably special' categories.</p> <p>There is a risk that sites which are capable of meeting the three Local Green Space tests at NPPF paragraph 102 have not been identified as such because of the chosen scoring system.</p>		<p>Appendix F Our previous comments, which have also been made in relation to the Blackfordby Neighbourhood Plan and the Hugglescote and Donington le Heath Neighbourhood Plan, still stand; the scoring process is overly complex when what is actually required is demonstrating that sites meet the three criteria at NPPF paragraph 102. The scoring is somewhat arbitrary and may have limited the potential for Local Green Spaces in Swannington.</p>
<p>Policy ENV1: Local Green Space (p.27)</p>	<p>Two sites have been identified as Local Green Spaces (Swannington Playing Field and Gorse Field) with the supporting text identifying they scored highly (17/25 or 70%).</p> <p>It is agreed that these sites appear to meet the NPPF paragraph 102 tests. They are in reasonable proximity to the local community and are not extensive tracts of land. However, so it can be clearly demonstrated that the SNP is consistent with national policy it would be more</p>	<p>Policy ENV1 No change</p> <p>Appendix G Some text has now been added to Appendix G to make clear why the two proposed Local Green Space sites are considered special.</p>	<p>None</p> <p>None</p>

	helpful for the evidence to explicitly state what makes these sites demonstrably special.		
Policy ENV2: Important Open Space (p.28/29)	<p>This policy also seeks to protect open spaces but affords a lower level of protection than a Local Green Space; any development proposals on these sites will be resisted but they are not protected for the duration of the plan period. The policy seeks to protect these spaces from development “unless the open space is replaced by equivalent or better provision in an equally suitable location, or unless the open space is no longer required by the community.”</p> <p>Swannington Playing Field is identified as a LGS in ENV1. The same audit reference (302) is used for Main Street/Jeffcoates Lane Playing Field in Policy ENV2. Are these the same site? If so, why is it featured in both policies?</p> <p>For the remainder of the sites identified in this policy, it is not clear why these have failed to meet the Local Green Space criteria at NPPF paragraph 102.</p> <p>Walkers Wood offers recreation opportunities and is stated on the National Forest website to incorporate a range of different wildlife habitats (woodland, meadow, wildflower species, wetland area and hedgerows) yet in the inventory is not considered to have any natural environment significance (it scores a 0). Notwithstanding the fact that a site does not need to be of national/regional/county significance to be demonstrably special to the local community, has an error been made?</p>	<p>Policy ENV2 (page 29) There is now a note that Main Street/Jeffcoates Lane Recreation Ground will be deleted from this policy if it approved as a Local Green Space but the sites themselves remain the same.</p>	<p>Comment Our previous comments stand.</p> <p>In addition, the site references in brackets are confusing. They should just relate to the numbers shown on Figure 7. There is no reference in Policy ENV2 for Swannington School Grounds. For consistency, it should be given a numerical reference.</p> <p>The reference to “(and Figure 7) should be amended to read “(shown on Figure 7)” for the purposes of clarity.</p>

	It is recommended that the assessment of open spaces is revisited so that they are assessed against the three NPPF 102 criteria alone.		
Policy ENV3: Sites of Natural Environment Significance and Policy ENV4: Protecting & Enhancing Biodiversity (p.30/31)	<p>The SNP goes on to identify site of Natural Environment Significance; those which scored 3 or higher in the Environmental Inventory (i.e. at least of county significance). The policy seeks to protect such sites and says that “The significance of the species, habitats or features present should be balanced against the local benefit of any development that would adversely affect them.”</p> <p>This part of the policy is inconsistent with the NPPF. The correct test to be applied is at NPPF paragraph 180 and applies to all biodiversity interest rather than just statutory sites. The paragraph 180 test has been incorporated in Policy ENV4 and as such it is queried whether Policy ENV3 is necessary or whether it could be amalgamated with Policy ENV4.</p>	<p>Policy ENV3 & ENV4 (page 29-31) These policies have been amended to refer to NPPF paragraph 180.</p>	<p>Comment There is a degree of repetition between these two policies and our previous comments, that the policies could be amalgamated still stand.</p>
Historic Environment (p31 - 34)	<p>The Council's Conservation Officer comments that:</p> <p>“It is not clear as to why “non-designated heritage assets” have been subdivided into two separate categories (“sites of historic environment significance” and “local heritage assets”) subject to two separate plan policies. The categorisation should be omitted and non-designated heritage assets should be subject to one plan policy.</p> <p>A neighbourhood plan should identify clear criteria for the identification of heritage assets.</p>	No change	<p>Comment As they have not been addressed, the previous comments of the NWLDC Conservation Officer still stand.</p> <p>Policy ENV5 For clarity, the sites in Figure 9 should be listed and referenced, as done in Policy ENV6.</p>

	<p>The [SNP] contains no criteria for identifying “local heritage assets”.</p> <p>The [SNP] contains criteria for identifying “sites of historic environment significance” but the criteria are broad and opaque. The “environmental inventory” contains eighteen sites that score at least 3/5 for the “history criterion”. Does figure 9 indicate all eighteen sites?</p>		
Statutorily Protected Heritage Assets	<p>I appreciate there is no policy for these assets as listed buildings are afforded protection by other areas of the planning system. However, if they are to be included in the NP, I suggest that they are listed and mapped in the document itself to avoid the need to cross reference.</p> <p>The term “designated heritage asset” would be preferable to the term “statutorily protected heritage asset”.</p> <p>Page 32 refers to designated heritage assets and says that development should take into account “their settings as defined (on a case-by-case basis) by Historic England”. Historic England has defined the term “setting” but it is not responsible for defining the setting of designated heritage assets “on a case-by-case basis”.</p>	No changes	<p>Comment The assets in Figure 10 should be listed/referenced to for the purposes of clarity. They are currently listed in Appendix H but it is still not clear which building is which on the plan.</p> <p>To correspond with the NPPF, it would help if this section (at paragraph 121) was called ‘Designated Heritage Assets’ in line with the Conservation Officer’s comments.</p> <p>Reference to ‘on a case-by-case basis’ should be deleted.</p>
Policy ENV6: Local Heritage Assets (p.33/34)	The draft NP refers to “local heritage assets” or “non-designated local heritage assets” and this terminology should be corrected to “non-designated heritage assets”. This approach has been supported at other recent Neighbourhood Plan examinations in the district.	<p>Policy ENV6: Non-Designated Heritage Assets</p> <p>The policy name has changed but otherwise no changes have been made.</p>	<p>Comment Given that they have not been addressed, the previous comments of the NWLDC Conservation Officer still stand.</p>

	<p>Policy ENV6 should reflect the test at NPPF paragraph 203 with regards to non-designated heritage assets: <i>“In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”</i></p> <p>The Council's Conservation Officer has commented that:</p> <p>“The District Council has identified three local heritage assets: The former National School, the former Primitive Methodist Chapel and the former vicarage house on Loughborough Road. Policy ENV6 refers to the school and the chapel but it does not refer to the vicarage house. In May 2021 the examiner [for the Hugglescote Neighbourhood Plan] asked a question about local heritage assets that had been excluded from the relevant NP policy and “the justification to exclude them”.</p> <p>I would support the recognition of the Station Inn and the former Bulls Head Inn. I would not support the recognition of the Robin Hood PH, which is a standard late nineteenth century public house. I wonder whether the former Fountain PH was considered for recognition.</p> <p>I would support the recognition of Manor Farm. I am surprised that the draft NP does not recognise 32 Main Street, which is dated 1706 and is adjacent to a listed building. I am surprised that it does not recognise 45 and 47 Main Street, which were built in the early nineteenth century and which were used as a post office in the early twentieth century.</p>		
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	<p>I would not support the recognition of 12 to 16 Hough Hill, "Station Row" (15 to 41 Station Hill), "Station Terrace" (64 to 70 Station Hill) or "St George's Terrace" (2 to 18 St George's Hill). These are terraced houses erected after 1846 on sites outside the historic settlement envelope. There are similar terraced houses inside the historic settlement envelope (4 to 16 Spring Lane; 19 to 23 Main Street; 61 to 69 Main Street); were these houses considered for recognition?"</p>		
<p>Policy ENV7: Important Views (p.35/36).</p>	<p>The views listed in this policy (and shown in the photographs at Appendix I) are of general countryside rather than of specific landmarks or structures. The views are therefore so widespread that this effectively amounts to a strategic policy, which is inappropriate for a neighbourhood plan.</p> <p>The examiner for the Hugglescote Neighbourhood Plan recommended modifying a similar policy to read "<i>development proposals which would significantly harm the rural setting of the village will not be supported</i>" and it is advised that Policy ENV7 is amended accordingly.</p>	<p>No change</p>	<p>Objection In addition to our comments made at pre-submission stage, there is lack of evidence to justify the specific identification of these views.</p> <p>If the examiner considers this policy is non-strategic and the protection of views is acceptable, we would point out that reference to an 'unacceptable' impact is deemed to be subjective and doesn't help the reader. Greater clarity is required to aid the decision maker in understanding why these views are important and how proposals could potentially impact upon them and provide appropriate mitigation.</p> <p>Reason This is a strategic matter whereas, as directed by the NPPF, Neighbourhood Plans should focus on non-strategic policies.</p> <p>To give confidence when determining planning applications (NPPG (Neighbourhood Planning) Paragraph: 041 Reference ID: 41-041-20140306).</p>
<p>Footpaths bridleways and byways (p.36)</p>	<p>Policy ENV8 seeks to protect the existing public right of way network. NWLDC's Health and Wellbeing Team have advised that it is currently</p>	<p>Paragraph 127 A paragraph has been added which provides support for</p>	<p>Comment It would be helpful for the reader if this was identified on Figure 13 as a 'Proposed cycle route'</p>

	<p>consulting on a new Walking and Cycling Strategy (2022-2032). The document identifies a potential cycling route (p.22) which travels through Swannington, utilising the disused rail line north-west of Coalville to connect to the Cloud Trail.</p> <p>It is noted that there is nothing in the SNP as drafted that would prevent this cycleway being delivered. However, the SNP could make reference to and provide support to this potential new route.</p>	<p>this potential new cycling route</p>	
<p>Policy ENV9: Flood Risk Resilience and Climate Change (p.38/39)</p>	<p>It is suggested that consideration be given as to whether this policy is needed given that flood risk is adequately dealt with in national and local planning policy.</p> <p>Figure 14 – should make clear to the reader what the different blue areas represent.</p> <p>The inclusion of a balancing test in the first paragraph of Policy ENV9 is inconsistent with the NPPF.</p> <p>The requirements in the third part of the policy are in places inconsistent with NPPF paragraphs 167, 168 and 169 of the NPPF as well as being too onerous for minor development.</p> <p>To avoid conflict and potential confusion to applicants, I would suggest deleting this policy from the SNP.</p>	<p>Policy ENV9</p> <p>Figure 14 – a key has been added</p> <p>The balancing test has been removed and reference to NPPF 161 has been added.</p> <p>The criteria at parts a) to g) now apply to major development only</p>	<p>Comment</p> <p>Flood risk and drainage are matters which are covered extensively in national policy as well as the Local Plan. To include a further policy in this neighbourhood plan is unnecessary duplication and is potentially confusing for applicants / decision makers.</p>
<p>Policy ENV10: Renewable Energy Generation</p>	<p>The figure reference is currently missing from the policy.</p>	<p>No change</p>	<p>Comment</p> <p>We would reiterate the comments made at pre-submission stage. The wording in the policy is not clear and the figure reference is still missing.</p>

Infrastructure (p.40/1)	Currently, the policy reads that if a proposal it is not locally initiated then it would not be acceptable. It is suggested that the policy is reworded to read "Proposals for single small-scale (turbines less than 30m), particularly those that are local resident, business, amenity or community-initiated..."		
Policy CF2: New or Improved Community Facilities (p.43)	Should this refer to the relevant design criteria in Policy H4?	Policy CF2 This has been amended	None
Policy E1: Support for Existing Employment Opportunities (p.44/45)	The vacancy period of 12 months in Policy E1 is inconsistent with NWLLP Policy Ec3 which requires a vacancy of at least 6 months. The SNP should be amended to ensure consistency with the NWLLP – a similar change was requested by the examiner of the Hugglescote Neighbourhood Plan.	Policy E1 This has been amended	None
Policy E2: Support for New Employment Opportunities	Part a) is inconsistent with NWLLP Policy S3 which confirms that employment land is an appropriate use in the countryside, subject to the provisions of NWLLP Policy Ec2.	Policy E2 No change	<p>Comment</p> <p>a) Whilst there is inconsistency with the Local Plan, the wording in part a) was recently considered acceptable by an examiner in the Blackfordby Neighbourhood Plan so we don't propose objecting to the policy.</p> <p>Comment</p> <p>h) As recently raised in the Blackfordby Neighbourhood Plan examination, there is no reasoning or justification in land use terms for part h) 'be well integrated into and complement existing businesses'. A decision maker would have difficulty in deciding what was expected. The criterion should be deleted.</p>

Policy E6: Broadband	It is recommended that the requirement at part a) is reworded so that it is a preference rather than a fixed requirement. Alternatively, the requirement for at least 30Mbps could be removed. This is to ensure there is no conflict with NWLLP Policy IF1.	Policy E6 Part a) has been amended	None
Policy T4: Electric Car Charging	There is no Policy T3 in this document. In relation to the first part of the policy, please see the comments made above in relation to Policy H4. With regards to the second part of the policy, there is the potential to conflict with the General Permitted Development Order. Schedule 2, Part 2, Class D & Class E confirms the installation of electrical charging outlets in lawful off-street parking areas constitute permitted development (subject to certain requirements).	Policy T3 Other than a new policy reference, no changes have been made to the policy.	Comment See comments made in relation to Policy H4 above. Car charging is now covered by the Building Regulations, meaning this policy could be deleted to avoid unnecessary duplication.

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LOCAL PLAN COMMITTEE – TUESDAY, 27 SEPTEMBER
 2022

Title of Report	DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework National Planning Practice Guidance North West Leicestershire Local Plan Statement of Community Involvement (February 2019) Air Quality Update – Cabinet 8 December 2020	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 Air Quality Supplementary Planning Document which it is recommended should be subject to consultation.	
Recommendation	THAT THE DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT BE APPROVED FOR PUBLIC CONSULTATION.	

1. BACKGROUND

- 1.1 At its meeting of 8 December 2020 Cabinet approved an Air Quality Delivery Plan. Amongst the actions included for undertaking within 24 months was the preparation of a Supplementary Planning Document “*to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air quality when determining planning applications in the district, including the approach to mitigation*”.
- 1.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An SPD can be a helpful way to provide guidance on such matters as how a policy should be interpreted in development management 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. In addition, 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.

- 1.3 At its meeting on 20 September 2022 Cabinet was due to consider a report on the draft Air Quality SPD. The Cabinet report and its associated appendix are both included as Appendix 1 to this report.
- 1.4 Cabinet was recommended to request this committee to undertake consultation on the draft Air Quality SPD. As the Cabinet meeting took place before the deadline for this report, the outcome from Cabinet will be reported verbally at the meeting of this committee.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of the Air Quality SPD will be particularly relevant for the following Council Priority; - Our communities are safe, healthy and connected
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 ensure that new developments address issues relating to air quality which will help to address health issues related to air quality.
Environment and Climate Change:	The decision, of itself, will have no specific impact. The SPD if approved will ensure that new developments address issues relating to air quality which will help to protect the environment.
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

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL



CABINET – 20 SEPTEMBER 2022

Title of Report	DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Councillor Keith Merrie Planning and Infrastructure Portfolio Holder keith.merrie@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:	
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:	
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:	
Purpose of Report	This report presents a draft Air Quality 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 air quality.	
Recommendations	THAT CABINET REQUESTS THE LOCAL PLAN COMMITTEE TO APPROVE THE DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT IN APPENDIX A FOR PUBLIC CONSULTATION.	

2. BACKGROUND

- 2.1 At its meeting of 8 December 2020 cabinet approved an Air Quality Delivery Plan. Amongst the actions included for undertaking within 24 months was the preparation of a Supplementary Planning Document "to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air

quality when determining planning applications in the district, including the approach to mitigation”.

- 2.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An 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. In addition, 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.

3. DRAFT AIR QUALITY SPD

- 3.1 As outlined, the primary instigation for the SPD was the need to recognise the importance of air quality when considering proposed developments.

- 2.2 Policy D2 of the adopted Local Plan states:

Proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) *They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact.*
- 2) *They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.*

Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants.

Proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

The Council will prepare a Supplementary Planning Document which will include new Development Guidelines.

- 2.3 The SPD has been prepared on behalf of the Council by the same consultant who have previously provided advice to the Council on its Air Quality Action Plan.

- 2.4 As such the SPD seeks to:

- Aid consideration of air quality in the planning process as required by Policy D2;
- Assist with the delivery of the Council's Air Quality Action Plan;
- Contribute to sustainable development in air quality terms

- Outline when an air quality assessment is necessary to support a planning application and the requirements for assessing the air quality impacts of a development including:
 - the determination of impacts
 - calculation of damage costs; and
 - identification of measures to be implemented to reduce, minimise or mitigate the impact of development on air quality
 - Provide clarity and consistency to developers and their consultants, on the consideration of air quality by NWLDC; and
 - Outline good practice to reduce emissions and exposure for all developments at the outset, at a scale commensurate with the emissions.
- 2.3 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.
- 4. NEXT STEPS**
- 4.1 Formulation of an SPD is an Executive function, but adoption is a Council function which has been delegated to the Local Plan Committee.
- 4.2 Therefore, Cabinet is asked to request the Local Plan Committee of 27 September 2022 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.
- 4.3 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 Air Quality SPD will be particularly relevant for the following Council Priority; - Our communities are safe, healthy and connected
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.
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DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT

September 2022

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1 Introduction

- 1.1 The objectives of the adopted North West Leicestershire Local Plan 2011-2036 (as amended by the Partial review)¹ are to promote the health and wellbeing of the District's population, whilst also supporting the delivery of new homes, ensuring high quality new development, reducing the need to travel and supporting economic growth.
- 1.2 The Council must balance economic, social and environmental factors when deciding to grant or refuse planning permission or decide if conditions are required to achieve sustainable development. Air quality is one of the material considerations that the Council is required to consider when preparing plans and taking planning decisions.
- 1.3 Air quality is the largest environmental health risk in the UK². It shortens lives and contributes to chronic and acute health effects. Health can be affected both by short-term, high pollution episodes and by long-term exposure to lower levels of pollution. Air pollution can arise from a variety of sources and can travel long distances. Emissions from both distant and local sources can build up into high, local concentrations of pollutants.
- 1.4 At present, air pollution policy is mainly driven by exceedances of the nitrogen dioxide (NO₂) annual average objective or limit value, although the greater health impact of particulate matter (specifically PM_{2.5}³) is acknowledged. PM_{2.5} is currently not a statutory air quality monitoring requirement for the District Council under the Local Air Quality Management (LAQM) regime. At present, the legal limits for PM_{2.5} are higher than the World Health Organisation's (WHO) health-based guideline and are met in most places in the UK. However, as WHO recognises, there is no safe level of PM_{2.5}, so any concentration-based target does not fully reflect the health evidence. The Environment Act 2021, however, now requires government to set new environmental targets, including an annual mean PM_{2.5} target, which is likely to be more stringent than current objectives⁴. Therefore, the focus of air pollution policy is shifting to also include particulate matter. Defra is intending to make changes to the LAQM regime and is currently considering what role local authorities will be required to implement with regards to PM_{2.5}. There are many more sources of particulate matter, which include industrial sources, road transport, domestic heating, agriculture, secondary particulate generation and transboundary sources.
- 1.5 The planning system has an active role in improving air quality and reducing exposure to air pollution (which will improve health) as well as considering the impact of new development and finding sustainable solutions. Both the development of local planning policies and the determination of

1 North West Leicestershire Local Plan (as amended by Partial Review) March 2021

2 Defra 2020. Air Pollution in the UK 2019 https://uk-air.defra.gov.uk/assets/documents/annualreport/air_pollution_uk_2019_issue_1.pdf

3 The fractions of particulate matter (PM) where particles are less than 2.5 micrometres in diameter

4 Consultation on the new targets is expected by October 2022.

individual planning applications are important, the former setting the framework for the latter. There is industry standard guidance already available from Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM)⁵, which has been developed to provide a methodology to assess the significance of proposals in terms of their effects on air quality. It is not intended that this document either replaces or supersedes this guidance, but that it provides a local context, as well as further information on the level of assessment and the mitigation measures expected in North West Leicestershire.

1.6 As such, this document has been developed to provide guidelines for new development and to assist the application of **Policy D2** of the North West Leicestershire Local Plan¹. The Supplementary Planning Document (SPD) aims to:

- Aid consideration of air quality in the planning process, including assisting with the delivery of the Council's Air Quality Action Plan⁶;
- Contribute to sustainable development in air quality terms;
- Outline when an air quality assessment is necessary to support a planning application and the requirements for assessing the air quality impacts of a development including:
 - the determination of impacts;
 - calculation of damage costs; and
 - identification of measures to be implemented to reduce, minimise or mitigate the impact of development on air quality;
- Provide clarity and consistency to developers and their consultants, on the consideration of air quality by the Council; and
- Outline good practice to reduce emissions and exposure for all developments at the outset, at a scale commensurate with the emissions.

1.7 There are several acronyms included in the document, which are described in full for their first citation, and also covered by the Glossary at end of the document.

⁵ Moorcroft and Barrowcliffe *et al* 2017. Land-Use Planning & Development Control: Planning for Air Quality. Institute of Air Quality Management and Environmental Protection UK.

⁶ North West Leicestershire District Council. Air Quality Action Plan May 2021
https://www.nwleics.gov.uk/files/documents/draft_air_quality_action_plan_for_castle_donington/Draft%20AQAP%20.pdf

2 Air Quality in North West Leicestershire

- 2.1 There are several sources of air pollutants within North West Leicestershire. As already noted, air pollution policy has been mainly driven by exceedances of the nitrogen dioxide objective, with the principal source of emissions being road traffic, including that on the strategic road network with the M1 and A42 passing through the district. East Midlands Airport (EMA), one of the UK's major freight airports and its associated infrastructure will also contribute to both nitrogen dioxide and particulate emissions. The District also has a long history of mining for coal and other minerals, such as brick clay, and there are a number of mineral extraction sites across the District which are potential sources of particulate matter. Other sources within the District also include domestic and industrial sources as well as 'background pollution' from locations outside the District.
- 2.2 Air quality is improving in North West Leicestershire with fewer locations exceeding the air quality objectives, although health effects do still occur even at concentrations below current objective levels. The Environment Act 2021, however, requires government to set new environmental targets including an annual mean PM_{2.5} target, which is likely to be much more stringent than current objective.

Air Quality Management Areas (AQMA)

- 2.3 Where health-based air quality objectives are not met, the LAQM regime requires local authorities to declare an AQMA and put in place an Air Quality Action Plan to improve air quality. Since the inception of the LAQM regime, several AQMAs have been declared and subsequently revoked in North West Leicestershire. There are two remaining AQMAs in the District (as shown in **Figure 1**). The previously-declared AQMAs on the M1, Kegworth and Coalville, were revoked in 2020 and 2022 respectively, due to improvements in air quality, likely due mainly to a reduction in emissions from new vehicles.
- 2.4 All of the District's AQMAs have been declared in relation to traffic-related nitrogen dioxide concentrations (annual mean objective). No exceedances of any of the other regulated pollutants, including Particulate Matter (PM₁₀), have been identified in the District. Particulate Matter has a much wider range of pollutants than nitrogen dioxide and has the strongest evidence of a range of health effects. Even if concentrations of Particulate Matter are below air quality objectives, health effects will still occur.
- 2.5 The remaining AQMAs are at a narrow, congested locations encompassing the High Street and Bondgate in Castle Donington and an area around Copt Oak close to the M1. Further information on air quality in the District can be found in the latest Annual Status Report⁷. This Supplementary

⁷ North West Leicestershire Annual Status Report 2021.
https://www.nwleics.gov.uk/pages/local_air_quality_review_and_assessment

Planning Document is designed to ensure that both nitrogen dioxide and Particulate Matter are considered within the planning process.

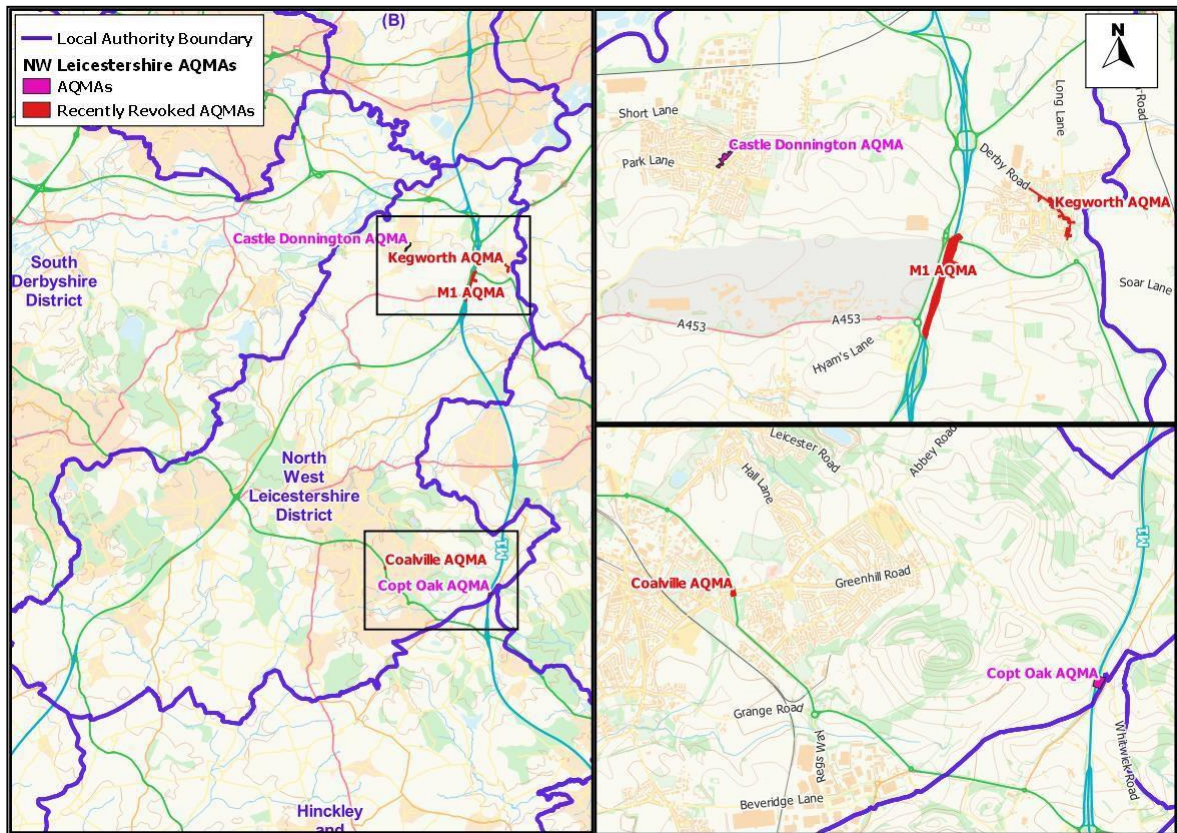


Figure 1: North West Leicestershire Air Quality Management Areas (AQMAs)

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Exceedances of Limit Values

- 2.6 EU Directive 2008/50/EC⁸ sets limit values for nitrogen dioxide, PM₁₀ and PM_{2.5}, and is implemented in UK law through the Air Quality Standards Regulations⁹. The limit values for nitrogen dioxide are the same numerical concentrations as the UK objectives but achievement of these values is a national obligation rather than a local one. How they are assessed and interpreted is different to that of the air quality objectives. North West Leicestershire does not have any Limit Value exceedance.

⁸ The European Parliament and the Council of the European Union 2008. Directive 2008/50/EC of the European Parliament and of the Council

⁹ HMSO 2010 The Air Quality Standards Regulations 2010 Statutory Instrument 1001

Future Air Quality in North West Leicestershire

- 2.7 PM_{2.5} is not a statutory air quality monitoring requirement under the Local Air Quality Management regime and current objectives are met, however, the Environment Act 2021¹⁰ introduces the requirement for additional targets for PM_{2.5} to be set. These may introduce targets closer to (or equivalent to) the World Health Organization's (WHO) health-based guideline¹¹. However, as the WHO recognises, the health evidence shows that there is no safe level of PM_{2.5}, so any concentration-based target for PM_{2.5} does not fully reflect the health evidence. Any reductions in concentrations of PM_{2.5} will bring health benefits to the local population.
- 2.8 For the purpose of improving air quality and reducing health impacts this SPD is concerned with achieving and maintaining compliance with Air Quality Objectives and with improving air quality further, particularly in relation to PM_{2.5} concentrations.

¹⁰ HMSO The Environment Act 2021

¹¹ The WHO Guideline (2005) for PM_{2.5} is an annual mean of 10 µg/m³. This was revised down to 5 µg/m³ in 2021. It is generally considered highly unlikely that Defra would adopt the 2021 guideline.

3 Policy Context

National Policy and Practice Guidance

3.1 The consideration of air quality impacts is a material consideration within the planning process.

National Planning Policy Framework

3.2 The National Planning Policy Framework (NPPF)¹² sets out planning policy for England and the overarching objectives relating to air quality and development. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is an environmental objective:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

3.3 It also states in paragraph 174:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality(...)”

More specifically on air quality, Paragraph 186 makes clear that:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.

¹² Ministry of Housing, Communities & Local Government. National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

National Planning Practice Guidance

3.4 The NPPF is supported by Planning Practice Guidance (PPG)¹³, which includes guiding principles on how planning can take account of the impacts of new development on air quality.

3.5 Regarding plan-making, the PPG states:

“It is important to take into account air quality management areas, Clean Air Zones and other areas including sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality”.

3.6 It also states that plans need to consider (Paragraph: 002 Reference ID: 32-002-20191101):

- *“what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;*
- *the impact of point sources of air pollution (pollution that originates from one place);*
- *the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;*
- *ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and*
- *opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement.”*

3.7 The role of the local authorities through the LAQM regime is covered, with the PPG stating that a local authority Air Quality Action Plan *“identifies measures that will be introduced in pursuit of the objectives and can have implications for planning”* (Paragraph: 001 Reference ID: 32-001-20191101).

3.8 Regarding the need for an air quality assessment, the PPG states that:

“Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the

¹³ Ministry of Housing, Communities & Local Government Planning Practice Guidance 2019

proposed development would be particularly sensitive to poor air quality in its vicinity” Paragraph: 005 Reference ID: 32-005-20191101.

- 3.9 The PPG sets out the information that may be required in an air quality assessment, making clear that:

“Assessments need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air quality conditions), and because of this are likely to be locationally specific” Paragraph: 007 Reference ID: 32-007-20191101.

- 3.10 Regarding sites that will operate under an Environmental Permit, PPG states that:

“It is not necessary for air quality assessments that support planning applications to duplicate aspects of air quality assessments that will be done as part of non-planning control regimes, such as under Environmental Permitting Regulations” Paragraph: 007 Reference ID: 32-007-20191101.

- 3.11 The PPG also provides guidance on options for mitigating air quality impacts, as well as examples of the types of measures to be considered. It makes clear that:

“Mitigation options will need to be locationally specific, will depend on the proposed development and need to be proportionate to the likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented” Paragraph: 008 Reference ID: 32-008-20191101.

Examples of mitigation include:

- *“maintaining adequate separation distances between sources of air pollution and receptors;*
 - *using green infrastructure, in particular trees, where this can create a barrier or maintain separation between sources of pollution and receptors;*
 - *appropriate means of filtration and ventilation;*
 - *including infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points);*
 - *controlling dust and emissions from construction, operation and demolition; and*
 - *contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.”*
- Paragraph: 008 Reference ID: 32-008-20191101.

Environment Act 2021

- 3.12 The UK’s new legal framework for protection of the natural environment, the Environment Act 2021 passed into UK law on 9th November 2021. The Act gives the Government the power to set long-

term, legally binding environmental targets. It also establishes an Office for Environmental Protection (OEP), responsible for holding the government to account and ensuring compliance with these targets.

- 3.13 The Act requires the government to set at least one long-term target (spanning a minimum of 15 years), supported by interim targets set in a five-year cycle, in each of four identified areas: Air Quality, Biodiversity, Water and Resource Efficiency and Waste Reduction. An additional target for mean levels of PM_{2.5} is also required. These targets must be set before November 2022 – a scope for what these targets will involve has been outlined but they are not yet precisely defined¹⁴. Once new targets are set, it is likely that these will need to be addressed, at least to some extent, through the planning system, and there is potential for PM_{2.5} to become more prominent within in air quality assessments.

Local Policy

- 3.14 The North West Leicestershire Local Plan 2011-2036 (as amended by the Partial review)¹ provides the current planning policies for the District. The Local Plan was adopted in November 2017 and the partial review was adopted in March 2021. The Council has two policies relating to air quality and one relating to Green Infrastructure which benefits air quality.

Policy D2 Amenity

Proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact.
- 2) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants. Proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

¹⁴ [https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/#:~:text=The%20Environment%20Act%202021%20requires,5\)%20and%20species%20abundance.](https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/#:~:text=The%20Environment%20Act%202021%20requires,5)%20and%20species%20abundance.)

Policy EN6 Land and Air Quality

Proposals for development on land that is (or is suspected of being) subject to land instability issues or contamination, or is located within the defined Development High Risk Area or within or close to an Air Quality Management Area or close to a known source of noise will be supported where:

- (a) A planning application is accompanied by a detailed investigation and assessment of the issues; and
- (b) Appropriate mitigation measures are identified which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

Development should avoid any unacceptably adverse impact upon soils of high environmental value (for example wetland and other specific soils) and ensure that soil resources are conserved and managed in a sustainable way.

Policy IF1 Development and Infrastructure

Development will be supported by, and make contributions to as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule in to effect. The type of infrastructure required to support new development includes, but is not limited to:

(...)(d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; (...)

The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure. (...)

- 3.15 The Leicestershire Minerals and Waste Local Plan¹⁵ was adopted in 2019 and this has one policy relating to air quality and the need to safeguard minerals and waste sites.

Policy W9: Safeguarding Waste Management Facilities

Planning permission will be granted for the redevelopment of existing and permitted waste management facilities to a non-waste use where it is demonstrated that the loss of the facility does not prejudice the County's implementation of the waste hierarchy either through the provision of a new waste facility in the vicinity of that to be lost or that there is no longer a need for the waste facility at that location.

Planning permission will be granted for development which adjoins, is adjacent to or would locate a potentially sensitive receptor in closer proximity to an existing or permitted waste management facility where it is demonstrated that there would be no adverse effect upon amenity and the development would not prejudice the current and future operation of the facility.

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¹⁵ Leicestershire Minerals and Waste Local Plan Up to 2031 (2019)
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

4 Development Classification and Air Quality Assessment Requirements

- 4.1 New development may lead to the worsening of air quality if the development increases emissions, from, for example, road traffic, energy plant, dust emissions during construction or through fugitive¹⁶ emissions of dust, odour or industrial/commercial sources of pollutants. Development may also introduce sensitive receptors¹⁷ into an area of potentially poor air quality and therefore the suitability of the site for the proposed uses requires assessment.
- 4.2 The consideration of air quality to support planning applications for new development should determine:
- the classification of the development;
 - the suitability of the site in air quality terms;
 - the air quality assessment scope; and
 - the measures needed to minimise emissions and where required, mitigate any adverse impacts.
- 4.3 The scope of the air quality assessment should be proportionate to the size of the development, the potential impacts of the scheme, and whether it will introduce receptors into an area of poor air quality.
- 4.4 A summary of the requirements for an assessment for different classifications of development are summarised in

¹⁶ Fugitive Dust is defined as small particles suspended in the air, primarily mineral dust. Sources include but are not limited to: Quarrying and mineral extraction sites; landfill sites; coal and material stockyards, or materials handling; major construction works; and waste management sites.

¹⁷ The Air Quality Objectives only apply where 'receptors' (people) are exposed for a period of time relevant to the objective in question (for example for an annual mean the objectives apply at the facades of residential properties, schools etc). Therefore, introduction of people into an area which already has concentrations above objectives, could require an AQMA to be declared.

4.5 **Table 1** and explained further in Step1 to Step 3 below.

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Table 1: Summary of Development Classification and Assessment Requirements

Assessment Requirements		Development Classification		
		Minor	Major	Major + (larger scale development as defined in Table 2)
Assessment Scope	Site Suitability Assessment	Yes (Where applicable)	Yes (Where applicable)	Yes (Where applicable)
	Impact Assessment	No	No	Yes
	Damage Cost Calculation	No	Yes	Yes
	Construction Dust Assessment	No	Yes	Yes
Good Practice Measures Statement		Yes	Yes	Yes
Mitigation/Minimum Measures		No	Additional Measures	Not Significant Effects
				Additional Measures
				Additional Measures
				Onsite Mitigation Measures
				Offsetting

Step 1: Determination of Minor or Major Development

4.6 The first step is to determine whether the proposed development is a Minor or Major Development. This stage is intended to screen out smaller developments, or developments where impacts can be considered to have insignificant effects. The criteria outlined is based on the EPUK and IAQM Guidance on Planning and Air Quality⁵ with reference to the Town and Country Planning Act¹⁸ definition for ‘major development’.

¹⁸ Central Government Town and Country Planning (Development Management Procedure) (England) Order 2015 Statutory Instrument 2015 No. 595

A development is Major if:

- For residential development, the number of dwellings is 10 or where the number of dwellings is unknown, the site is more than 0.5ha
 - For all other uses, the floorspace is 1000 m² or more or the site area is greater than 1ha
- AND**
- The development has more than 10 parking spaces
- OR**
- The development is a centralised energy facility or other centralised combustion process

4.7 If the scheme does not meet the above criteria, it is a 'Minor' Development. Applicants for minor development will need to:

- Review the need for a Site Suitability Assessment (Step 2)
- Provide a Good Practice Measures Statement (see Section 5)

4.8 Applicants for minor development **will not** need to prepare the Air Quality Impact Assessment described at Step 3.

Step 2: Site Suitability Assessment

4.9 The second step is for the applicants of both minor and major development to consider whether they need to carry out a Site Suitability Assessment. Site Suitability Assessments will be required in locations which exceed the air quality objectives and locations where receptors could be subject to environmental nuisance.

A Site Suitability Assessment is required if:

- The proposed development is in an Air Quality Management Area (AQMA) and includes 'relevant exposure'
- It introduces new receptors representing relevant exposure within 30m of A Roads (M1, A42, A50, A6, A444, A453, A511)
- It introduces new receptors within 1km of Safeguarded Sites²⁰ and/or there are no existing sensitive receptors between the application site and the Safeguarded Site or an industrial source/East Midlands Airport.

- 4.10 'Relevant exposure' refers to locations where members of the public are likely to be regularly present and are likely to be exposed over the averaging period of the objective. If the AQMA is designated only for exceedances of an annual mean objective (which is currently the case in North West Leicestershire) then relevant exposure comprises the façades of residential properties, schools, hospitals and care homes etc.
- 4.11 Site Suitability Assessments can be submitted either as part of a wider air quality assessment, or as a standalone report to accompany the planning application, will include a judgement as to whether there are any risks of introducing relevant receptors into locations which are unsuitable from an air quality perspective. This judgement will be accompanied by evidence as required. More information on the expected content of Site Suitability Assessments is at Section 6.

Step 3: Scope of Air Quality Impact Assessment

- 4.12 This step is only for those identified in Step 1 as major developments. At this stage, it is necessary to ascertain if a scheme is **major** or **major+** as this will determine the scope of the Air Quality Assessment required to support the planning application.
- 4.13 If any of the criteria in Table 2 are met, then the scheme is classified as Major+. These criteria are based on the EPUK and IAQM Guidance on Planning and Air Quality⁴. If none of the criteria are met, then the scheme is 'Major'.
- 4.14 All Major schemes are required to provide a Damage Cost Calculation, a Construction Dust Risk Assessment, a Good Practice Measures Statement and the consideration of Additional Measures.
- 4.15 In addition to the above requirements for Major schemes, Major+ schemes will be required to provide an Impact Assessment. Where the Impact Assessment concludes that impacts are significantly adverse, development proposals will need to either include mitigation to reduce the impacts or offset where onsite mitigation is not possible.
- 4.16 Where it is not clear cut, the final decision as to whether an impact assessment will be required will be made by the relevant local authority officer. A flow chart and Checklists to assist in identifying the Assessment Scope are provided in

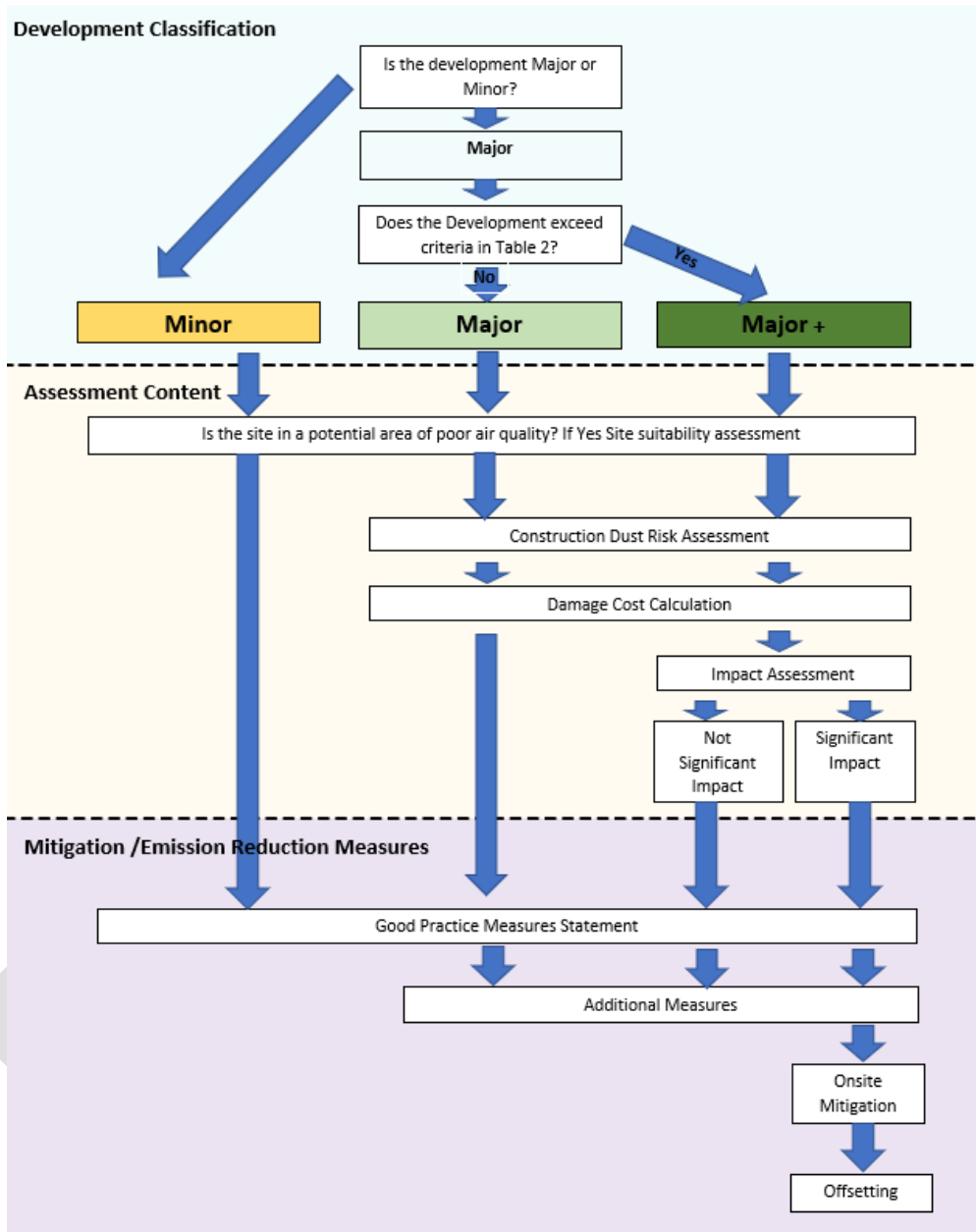
4.17 Figure 2 and in Appendix A1 respectively.

A development is Major + if it:

- requires an EIA (Environmental Impact Assessment)
- increases Light Duty Vehicle (LDV) flows of more than 100 Annual Average Daily Traffic (AADT) within or adjacent to an AQMA, or more than 500 AADT elsewhere
- increases Heavy Duty Vehicles (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere
- realigns a road by 5 m or more if the road is within an AQMA (i.e. change the proximity of receptors to traffic lanes)
- introduces a new junction or removes an existing junction near to relevant receptors
- introduces or changes a bus station (increase bus movements by more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere)
- has an underground car park with extraction system (within 20m of a relevant receptor and with more than 100 movements per day, in and out)
- has one or more substantial combustion processes, where there is a risk of impacts at relevant receptors (this includes combustion plant associated with standby emergency generators (typically associated with centralised energy centres)).¹⁹
- potentially impacts ecologically sensitive locations (e.g. Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) etc) or
- it includes a regulated process under the Environmental Permitting (Amendment) Regulations 2018 with emissions to air.²⁰

Table 2: Indicative Criteria for Major+ Development

Figure 2 Air Quality Assessment Requirements Flow Chart



5 Good Practice Measures – All Schemes

- 5.1 Achieving compliance with the air quality objectives is a principal target to protect public health and to comply with national and local policy. However, measures to minimise air quality impacts, particularly in relation to particulate concentrations have beneficial impacts for society in general and are also important to assist in achieving sustainable development. The early consideration of air quality within the design of a scheme will ensure the air quality benefits are maximised.
- 5.2 Good practice principles should, therefore, be applied to **ALL** developments, even those that have been screened out of requiring an air quality assessment. Good practice measures incorporated into a scheme should be set out in either a stand-alone Good Practice Statement, or as a section within the Air Quality Assessment, and accompany the planning application.

Principles of Good Practice

Design Phase

- 5.3 The design of new development should consider air quality constraints and opportunities to minimise exposure of users to air pollution and reduce the impacts of development on air quality. Adopting good design at an early stage has the potential to reduce the need to mitigate the impact of the development. Delivering sustainable development should be the key theme of any application;
- New development should be designed to minimise public exposure to pollution sources, for example by:
 - locating habitable rooms, schools, hospitals and playgrounds away from busy roads;
 - directing combustion generated pollutants through well sited flues;
 - separating pedestrians from vehicles by providing separate access routes into the development or using green infrastructure to provide a barrier between the two; and
 - separating areas of the public realm from areas of poor air quality such as busy roads.
 - Wherever possible, a new development should not create a new “street canyon”¹⁹, or a building configuration that inhibits effective pollution dispersion;
 - Green infrastructure should be integrated into the design from the beginning, for example, through the use of appropriate tree planting, green roofs and walls and soft landscaping. This supports Policy IF1 of the Local Plan. Advice on the use of green infrastructure to protect people

¹⁹ A street canyon is defined as a relatively narrow street with buildings on both sides where the height of the buildings is generally greater than the width of the road

from air pollution has been provided within the 6 C's Green Infrastructure Strategy²⁰. Examples include:

- locating evergreen hedges between roads and receptors; and
- locating hedges and trees around outdoor play areas or amenity space.

Construction and Demolition Phase

- 5.4 For major sites recommended mitigation measures should be based on IAQM Guidance²¹ and the risk of dust emissions during the construction works identified through the construction dust risk assessment. Further information on this assessment is outlined in section 6. For major sites a Dust Management Plan would be necessary which may be integrated into a Code of Construction Practice (COP) or a Construction Environmental Management Plan (CEMP), and compliance monitoring, undertaken by the developer, may be required.
- 5.5 The latest version of this guidance³¹ should be used to determine the measures that should be employed to reduce the impacts, along with guidance on monitoring during demolition and construction²².

Operational Phase

- 5.6 A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and “*incorporate facilities for charging plug-in and other ultra-low emission vehicles*” (paragraph 35). The Government plans to phase-out the sale of new petrol and diesel car and vans by 2030²³ and an ambition “*By 2050, we want virtually every car and van on the road to be zero emission*”. Electric Vehicle (EV) charging provision will be provided in accordance with the Building Regulations.
- 5.7 The provision of heat and hot water to new development is often provided by either domestic boilers or through the use of centralised heating systems and biomass fuels. The use of low or zero emission technology to provide heat and hot water is encouraged. Should combustion plant be included within a scheme, due to the potential for a significant increase in polluting emissions in built up areas, minimum default standards are also included in the list below. This includes a requirement for low NOx domestic boilers.

²⁰ North West Leicestershire 6 C's Green Infrastructure Strategy
https://www.nwleics.gov.uk/files/documents/6_cs_gi_strategy_volume_1_sub_regional_strategic_framework_july_2010/6C%27s%20GI%20Strategy%20Volume%201%20-%20Sub-Regional%20Strategic%20Framework%20-%20July%202010.pdf

²¹ Environmental Protection UK and the Institute of Air Quality Management (2017) Land Use Planning and Development Control: Planning for Air Quality. Available at: <https://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

²² IAQM Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2018

²³ Office for Low Emission vehicles Reducing Emissions from Road Transport: Road to Zero Strategy. 2018
<https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy>

Table 3: Good Practice Measures for all Developments

Good Practice Measures for all Developments	
Design Measures	
<p>New development should be designed to minimise public exposure to pollution sources,</p> <p>Wherever possible, new developments should not create a new “street canyon”, or a building configuration that inhibits effective pollution dispersion; and</p> <p>Green infrastructure should be integrated into the design from the beginning</p>	
EV Charging Points²⁴	Residential
	Non-residential building (with more than 10 parking spaces)
<p>EV charging infrastructure 1 charging point per unit (dwelling with associated parking) with cable route provided for all spaces</p> <p>EV charging infrastructure minimum of 1 charging point with cable routes for 20% of total spaces</p>	
Construction Dust Mitigation	
<p>Implement dust management procedures and for Major Development adhere to dust management guidance and best practice for all demolition and construction works</p>	
Heating	
<p>All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh</p>	
Centralised Plant and Generators	
<p>All gas-fired CHP plant to meet minimum emission standard of:</p> <ul style="list-style-type: none"> • Spark ignition engine 250mgNOx/Nm³ • Compression ignition engine 400mgNOx/Nm³ • Gas turbine: 50 mgNOx/ Nm³ <p>All Biomass boilers to meet minimum emission standard of 275mgNOx/Nm³ & 25mgPM/Nm³</p> <p>Running of the flue for centralised and generator plant to a specified height above roof level to ensure the best possible dispersion environment.</p> <p>Use of exhaust flues for the CHP/Emergency generators and boilers that discharge vertically upwards, unimpeded by any fixture on top of the stack (e.g. rain cowls)</p>	

²⁴ Summary provided but see regulations for further details in relation to connection price cap, covered spaces, mixed-use building and buildings subject to major renovation.

6 Content of Site Suitability Assessment

- 6.1 A site suitability air quality assessment will comprise either:
- a simple qualitative assessment; or
 - a detailed quantitative assessment.
- 6.2 The air quality assessment should provide evidence to enable a sound conclusion of the suitability of the site for its intended use from an air quality perspective.
- 6.3 A simple qualitative assessment may be appropriate if there is sufficient evidence to demonstrate this; for instance, using local monitoring data within an AQMA to determine whether air quality is poor. The proposed assessment approach should be agreed with the local authority prior to submission of the planning application.
- 6.4 For proposals where a detailed air quality assessment is required, this may require modelling using an atmospheric dispersion model such as ADMS or AERMOD. The air quality assessment should predict concentrations at the façade of the receptor to determine compliance with air quality objectives (including revised targets as a result of the Environmental Act 2021). This will identify whether scheme re-design or mitigation to protect future occupiers from poor air quality is necessary. Further details on appropriate mitigation measures are provided in paragraph **Error! Reference source not found.**
- 6.5 For developments close to sources of fugitive dust or odours which have the potential to cause a nuisance, assessment should be undertaken in accordance with appropriate IAQM guidance, such as for Mineral Extraction sites²⁵ or odours²⁶.
- 6.6 In some circumstances, a model might not accurately reflect the local situation (for example in a complex street canyon, or at a junction within a street canyon), and in this case a short monitoring study using diffusion tubes may be more appropriate, and less costly. Before undertaking this approach, the specific location for monitoring should be discussed with the Council.

²⁵ IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning 2016

²⁶ IAQM Guidance on the Assessment of Odour for Planning 2018

7 Content of Air Quality Assessment

7.1 For those proposals where a detailed air quality assessment is required, this may require modelling using an atmospheric dispersion model such as ADMS Roads ADMS 5 or AERMOD.

7.2 The impact assessment should:

- determine the impact of any changes in air quality (particularly nitrogen dioxide, PM₁₀ and PM_{2.5}) at sensitive receptor locations;
- determine compliance with air quality objectives (including revised targets as a result of the Environmental Act 2021); and
- determine the overall significance of the development on air quality.

7.3 The assessment needs to consider:

- impacts during the demolition/construction phases²⁷;
- impacts during the operational phase; and
- cumulative impacts with other projects.

7.4 The determination of the magnitude of impacts as a result of changes in pollutant concentrations at individual receptors and also the overall judgment of significance should be based on EPUK and IAQM Guidance⁵. This should also take account of the fact that development should not contravene the Council's Air Quality Action Plan, or render any of the measures unworkable. In accordance with this guidance a binary judgement of 'significant' or 'not significant' is required.

7.5 In some cases, for large scale developments, construction may be phased over a number of years, with residents or businesses occupying part of the development before the whole development is finished. In these cases, careful consideration should be given to what future assessment year should be applied. In some cases more than one future year may be required to fully assess the impacts. Further consideration for schemes which are subject to the Environmental Permitting Regulations or provide standby power generation are outlined in **Section 8**.

²⁷ Schemes subject to an Environmental Impact Assessment will need to consider the impacts of emissions from construction traffic as well as construction dust. This should follow the approach outlined in section 0 which outlines the required content of an Impact Assessment.

- 7.6 If the air quality assessment does not meet the requirements set out in this SPD, the Council may request that the applicant amends, or undertakes the assessment again. If the assessment does not meet the required standards, the application may be refused.

Where a Detailed Air Quality Assessment is needed, the most up to date relevant guidance documents should be used. Currently these are EPUK/ IAQM Guidance (Land-use Planning & Development Control: Planning for Air Quality) and LAQM Technical Guidance TG(16)

Damage Cost Calculation (All Major Schemes)

- 7.7 All major schemes are required to provide a Damage Cost Calculation. See Box 1 for more information regarding the background to Damage Costs including how they were derived and how they are used. The pollutant emission cost calculation will assist the Council in the assessment of the overall impacts on air quality from major developments (not in defining the cost of mitigation to reduce significant impacts). The costs may be used by the Council as a guide in considering the appropriate scale and kind of 'additional measures' that are required to make certain major schemes acceptable in terms of air quality or to minimise emissions from the scheme. The Council acknowledges the limitations of damage costs as set out in Box 1.

Box 1: Background to Damage Costs

Defra developed the damage cost approach to enable proportionate analysis when assessing relatively small impacts on air quality. The damage costs are a set of impact values which were derived using the more detailed Impact Pathway Approach. These values estimate the societal costs associated with small changes in pollutant emissions. Combined with emission change estimates, they provide an approximate valuation of the aggregate societal impacts of a policy. Such impacts can then be set against the direct monetary costs of a scheme to provide a cost-benefit calculation. Thus, damage costs do not provide a figure for the abatement of emissions to a given level.

Abatement costs are usually derived from a marginal abatement cost curve (MACC) which gives the incremental cost of measures to achieve a certain outcome, such as the removal of an exceedance of the air quality objectives. However, the measures available and their associated costs are quite time-specific which means that they need to be updated in a regular basis. Defra's last MACC for NO₂ exceedances was produced several years ago and has now been withdrawn. There are therefore no Defra approved abatement costs for air quality currently available. Thus, while damage costs are not the same as abatement costs, they provide a current, available and regularly used resource by Councils for assigning value to air pollution emissions.

- 7.8 The calculation of the additional pollutant emissions from a proposed development should utilise either the most recent Department for the Environment, Food and Rural Affairs (DEFRA Emissions)

Factor Toolkit²⁸ for road traffic emissions, or calculate emissions from centralised or permitted combustion plant, based on emission rate and energy usage.

7.9 The latest DEFRA Air Quality appraisal Damage Costs approach for the specific pollutant of interest, should be used to calculate the resultant damage cost²⁹. The calculation process currently comprises the following steps:

1. Calculate the additional pollutant emissions:
 - Road transport:
 - identify the additional trips generated by the proposed development;
 - calculate the emissions from these trips for the pollutants of concern (NO_x and PM_{2.5}) using the EFT, for five years, with the five years commencing at the year of opening. This calculation should assume a 10 km³⁰ trip length and a 48 kph average speed;
 - Point Sources
 - calculate the annual emissions from the combustion plant for the pollutants of concern based on emission rate and annual fuel or energy usage, These emissions are likely to be the same for the five years assessed.
2. calculate the damage costs for the specific pollutant emissions using the damage cost toolkit. The toolkit allows for reductions in emissions over time, applies a discount in line with HM Treasury's Green Book and also adjusts for inflation; and
3. extracting the 'Central' total value for each pollutant and summing these for use as the damage cost total for the scheme.

7.10 The Council **may use** the calculated damage costs to consider the appropriate scale and kind of 'additional measures' that are required to minimise emissions from the scheme ensuring they are proportionate to the likely impact and also to make certain major schemes acceptable in terms of air quality.

7.11 For Major+ schemes with significant impacts, the priority is to mitigate these impacts at the location where they occur, however where mitigation cannot be implemented onsite, the damage costs may also be used to determine the appropriate level of planning contribution required to implement mitigation offsite, through offsetting. This is discussed further in paragraph 8.11 8.11 to 8.12.

²⁸ Defra Emissions Factor Toolkit Defra LAQM Support <https://laqm.defra.gov.uk/air-quality/air-quality-assessment/emissions-factors-toolkit/>

²⁹ Defra Air quality appraisal: damage cost guidance <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

³⁰ If a different trip length is deemed to be appropriate for the development, this would need to be justified.

Construction Dust Assessment (All Major Schemes)

7.12 The demolition/ construction phase is a source of dust emissions. Any Major scheme should consider the impact of dust emissions during the demolition and construction phase. A Dust Assessment should follow the most up to date relevant methodology provided by IAQM³¹[Error! Bookmark not defined.](#). It may be possible to screen out construction dust assessment using this guidance if there are no receptors within 350m of the site boundary or 50m of routes used by construction traffic. For major schemes the dust risk assessment should inform the measures outlined within the Good Practice Statement.

Content of Impact Assessment (Major + Schemes)

7.13 An impact assessment will comprise either:

- a simple qualitative assessment; or
- a detailed quantitative assessment

7.14 The air quality assessment should provide enough evidence to enable a sound conclusion of the presence, or otherwise, of a significant air quality impact. Most developments that require an impact assessment are likely to need a detailed assessment. A simple qualitative assessment may be appropriate if there is sufficient evidence to demonstrate the potential for significant effects; for instance the use of monitoring data or absence of sensitive receptors. The proposed assessment approach should be agreed with the local authority prior to submission of the planning application.

³¹ IAQM Assessment of dust from demolition and construction 2014

8 Emission Reduction/ Mitigation Measures

Additional Measures for Major Schemes (All Major Schemes)

- 8.1 Major developments will often result in increases in emissions³². All Major Schemes should minimise emissions to achieve sustainable development in air quality terms, therefore, further measures over and above Good Practice Measures should be implemented.
- 8.2 Measures to minimise emissions from a scheme should be considered within the following hierarchy, with preference given to measures which prevent emissions rather than reduce:
- Prevent:
 - measures that reduce number of vehicle movements, for example by encouraging modal shift to active travel; and
 - the use of heating systems with no emissions; avoiding the use of onsite combustion plant or backup emergency diesel generators.
 - Reduce
 - measures that reduce vehicle emissions, for example by encouraging low emission vehicles;
 - measures to support improved public transport;
 - measures to support the development of alternative technologies; and
 - measures to reduce emissions from energy plant through the use of Low NOx plant.
 - Protect
 - Protect receptors from existing poor air quality; and
 - flue design to maximise dispersion and distance to sensitive receptors.
- 8.3 Measures which could be considered by the applicant to minimise emissions from a new development are provided in Table 4. This is not an exhaustive list, but rather a suggested suite of measures for consideration. The Council also welcomes the opportunity to work with developers to devise innovative measures that will lead to improving local air quality. Applicable measures will be dependent on the type of development, and the development emissions, location and impact.
- 8.4 The Council will review the Additional Measures outlined within the assessment to determine whether these are appropriate for the scale, emissions and impact of the development (note these measures are not to mitigate adverse effects but to minimise emissions from the scheme, although if mitigation for Major + schemes are necessary some measures maybe the same).

³² There are exceptions such as a scheme will result in changes to the road geometry and therefore will not itself increase emissions or where there are no sources of emissions, or if the development will lead to reduction compared to an existing use.

- 8.5 The Council **may use** the calculated damage costs to consider whether the measures proposed are appropriate to minimise emissions from the scheme, ensuring they are proportionate to the scale of the development. If these are not deemed to be sufficient, additional measures may be necessary.

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Table 4: Examples of Suggested Additional Measures

- Implement a travel plan to encourage active travel and minimise vehicle movements;
- Improved infrastructure and layouts to improve accessibility and safety and link to existing infrastructure
- Prioritise walking and cycling in new junctions and crossings or by improving existing junctions and crossings
- Provide high quality and secure covered cycle parking and cycling infrastructure such as lockers or showers and changing facilities
- Provide Car Club parking spaces (prioritising the use of electric vehicle)
- Provide a direct connection to existing cycle and walking infrastructure to facilitate active travel
- Include designated parking spaces or differentiated parking charges for low emission vehicles
- Encourage sustainable means of transport (public, cycling and walking) for instance through subsidised ticketing
- Provide shared mobility schemes cycle/ e-cycle/scooter hire schemes, or provide hubs for existing schemes
- Encourage commercial fleets to meet the latest European emission standards
- Provide a commercial fleet emission reduction strategy/low emission strategy to encourage the update of low emission fuels and technologies
- Use of freight consolidation schemes/ last mile zero emission deliveries
- Provide parcel lockers to minimise redeliveries
- Encourage the use of ultra-low NOx boilers (less than 15mgNOx/kWh)
- Request Construction Traffic Management Plans (CTMP) outlining measures to reduce emissions such as meeting highest Euro standard, steps to reduce the number and length of journey, or timing and routing of journeys to avoid congestion
- Avoid the use of onsite combustion plant, such as gas-fired boilers, Combined Heat and Power Plant (CHP) or backup diesel emergency generators
- Define 'engine off' areas, such as bus stands, taxi ranks, tourist coach parking and outside of schools
- Improve traffic flow by reducing congestion, stop-start traffic and traffic queues and the consequent emission 'spikes'

Mitigation of Adverse Impacts

- 8.6 All Major+ Developments which are predicted through the impact assessment to have significant air quality effects, are expected to mitigate these impacts.
- 8.7 The implementation of mitigation is expected to be in accordance with the following hierarchy:
- redesign to eliminate or reduce the impact;
 - implement mitigation measures onsite (these measures should not be considered as an alternative to fundamental redesign);
 - if mitigation measures cannot be implemented onsite, then offsetting may be necessary.
- 8.8 The mitigation required will need to be specific to the development's impact, taking into account local air quality issues, but also be proportional to the impact of the development. The design and mitigation package should be presented with the planning application.
- 8.9 Applicants must demonstrate that proposed mitigation is likely to effectively address the adverse impact of development in air quality terms. Where adverse impacts are not appropriately mitigated, this may result in the application being refused. The Council will evaluate all material considerations in determining the acceptability of a scheme.
- 8.10 Where mitigation is not integrated into a proposal, the Council will require this to be secured through a planning condition or through Section 106 agreements. If on-site mitigation is not possible then the Council will seek contributions for offsetting the identified air quality impacts offsite through a Section 106 or similar agreement (see paragraph 8.21) where planning permission would otherwise be refused on air quality grounds. The cost of the mitigation necessary may not be related to the damage cost of the scheme (see Box 1).

Offsetting

- 8.11 Where impacts cannot be mitigated onsite, it may be necessary to offset emissions offsite. This may be provided as a financial contribution to the Council from the developer. The Council may seek this funding through a Section 106 agreement which will be used to offset the impact on air quality arising from new development.
- 8.12 NPPG suggests measures to offset the air quality impact of a development by supporting measures including those identified in air quality action plans and low emission strategies, would be appropriate.
- 8.13
- 8.14
- 8.15 Table provides examples of what the Council may seek contributions towards.

Table 5: Examples of Measures for Offsetting Contributions

<p>Financial Contributions may be requested by the Council for:</p> <ul style="list-style-type: none"> • Implementing measures within the Air Quality Action Plan • Implementing Low Emission Strategies • Growth in low and ultra-low emission public transport, including buses • Electric Vehicle infrastructure • Car Clubs (including electric) and car sharing schemes • Micro mobility hubs include bike, e-bike and scooter hire • Plugged- in development and demonstration schemes e.g. new occupants given demonstration use of plug-in vehicles • Low emission waste collection services • Infrastructure for low emissions, alternative fuels, e.g. refuse collection and community transport services

Mechanical Ventilation

- 8.16 The site suitability assessment outlined in Section 6.1 may identify the need for mitigation, to ensure users of a scheme experience acceptable air quality.
- 8.17 Mechanical ventilation is the intentional fan driven flow of outdoor air into a building. Mechanical ventilation systems may include supply fans (which push outdoor air into a building), exhaust fans (which draw air out of building and thereby cause equal ventilation flow into a building), or a combination of both. Mechanical ventilation is an option to ensure users are not exposed to concentrations above the air quality objectives because the inlets can be situated away from pollution sources. This also may involve sealed windows / triple glazing and a forced ventilation system, incorporating filters to remove pollutants such as NOx and particulates.
- 8.18 Mechanical ventilation increases the energy requirements of developments and are not ideal if users are not able to open windows for purge ventilation when desired. Therefore, mechanical ventilation is not necessarily a satisfactory solution to mitigating against exposure, particularly in the event of mechanical failure.

8.19 It is expected that first the design of the scheme is revisited with the aim of eliminating exceedances of the objective (see Good Practice Measures outlined in section 5.2), followed by a pragmatic review of the risk to occupiers considering the period of exceedance and assumptions within the assessment.

8.20 Where the above considerations cannot achieve acceptable exposure for a sensitive development, then consideration will be given to a refusal of the scheme.

Section 106 Payments/ Planning Contributions

8.21 The Council may seek Section 106 Agreements and other relevant obligations with developers to secure mitigation, including off-set, on larger schemes, where appropriate, to make the scheme environmentally acceptable.

8.22 Section 106 Agreements will only be sought where the following tests are satisfied in accordance with national requirements:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

8.23 Where the Council specifies contributions towards air quality infrastructure then this will be considered as part of negotiating wider developer contributions to avoid any issue of double counting and consideration of viability of the scheme.

9 Glossary

AADT	Annual Average Daily Traffic
ADMS-Roads	Atmospheric Dispersion Modelling System model for Roads
ADMS-5	Atmospheric Dispersion Modelling System model for point sources
AQC	Air Quality Consultants
AQAL	Air Quality Assessment Level
AQMA	Air Quality Management Area
AURN	Automatic Urban and Rural Network
CDRA	Construction Dust Risk Assessment
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
CHP	Combined Heat and Power
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMP	Dust Management Plan
EFT	Emission Factor Toolkit
EPUK	Environmental Protection UK
Exceedance	A period of time when the concentration of a pollutant is greater than the appropriate air quality objective. This applies to specified locations with relevant exposure
EU	European Union
EV	Electric Vehicle
HDV	Heavy Duty Vehicles (> 3.5 tonnes)
HMSO	Her Majesty's Stationery Office
IAQM	Institute of Air Quality Management
kph	Kilometres Per hour
kW	Kilowatt
LAQM	Local Air Quality Management
LDV	Light Duty Vehicles (<3.5 tonnes)

LNR	Local Nature Reserve
µg/m³	Microgrammes per cubic metre
MACC	Marginal Abatement Cost Curve
NO₂	Nitrogen dioxide
NO_x	Nitrogen oxides (taken to be NO ₂ + NO)
NPPF	National Planning Policy Framework
NRMM	Non-road Mobile Machinery
Objectives	A nationally defined set of health-based concentrations for nine pollutants, seven of which are incorporated in Regulations, setting out the extent to which the standards should be achieved by a defined date. There are also vegetation-based objectives for sulphur dioxide and nitrogen oxides
OEP	Office for Environmental Protection
PM₁₀	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
PM_{2.5}	Small airborne particles less than 2.5 micrometres in aerodynamic diameter
PPG	Planning Practice Guidance
SAC	Special Area of Conservation
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
Standards	A nationally defined set of concentrations for nine pollutants below which health effects do not occur or are minimal
WHO	World Health Organisation

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A1 Checklists

Checklist 1: Screening Assessment to Determine is Major or Minor Scheme

Question	Screening Checklist	Yes	No	Next Step
A	Does the proposed development comprise: A residential development of 10 or more dwellings or a site area of 0.5ha where the number of dwellings is unknown; or More than 1000m ² floor space / a site area greater than 1ha for all other uses?			If yes - go to Question B If no , the development is minor - go to Question D
B	Does it have more than 10 car parking spaces or include any centralised energy plant?			If yes , the development is major - go to Question C If no , the development is minor - go to Question D

Checklist 2: To Determine whether Site Suitability Assessment is Required

Question	Site Suitability Checklist	Yes	No	Next Step
C	Is the proposed development within, or close to an Air Quality Management Area (AQMA), within 30m of an A road or within 1km of a safeguarded site?			If yes , a Site Suitability Assessment is required. Proceed to Checklist 3 . If no , a Site Suitability Assessment is not required. Proceed to Checklist 3 .
D	Is the proposed development within, or close to an Air Quality Management Area (AQMA), within 30m of an A road or within 1km of a safeguarded site?			If yes , a Site Suitability Assessment is required. If no , a Site Suitability Assessment is not required.

Checklist 3: To Determine What Level of Impact Assessment is Required

	Yes	No	Next Step
Does the development require an Environmental Impact Assessment (EIA)?			If all questions are answered "no", development is 'Major'
Does the development increase Light Duty Vehicle (LDV) flows of more than 100 AADT within or adjacent to an AQMA, or more than 500 AADT elsewhere?			Construction Dust Risk Assessment (CDRA), 'damage cost calculation, good practice measures and additional measures are required
Does the development increase Heavy Duty Vehicle (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere			"If any question is answered "yes", development is Major + Construction Dust Risk Assessment (CDRA), damage cost calculation, impact assessment (to assess whether any further specific mitigation required), 'good practice measures and also additional measures are also required
Proposals that would realign a road by five metres or more if the road is within an AQMA (i.e. change the proximity of receptors to traffic lanes)			
Proposals that would introduce a new junction or remove an existing junction near to relevant receptors			
Proposals that would introduce or change a bus station (increase bus movements by more than 25 AADT within or adjacent to an AQMA, or more than			

100 AADT elsewhere)			
Proposals that have an underground car park with extraction system (within 20m of a relevant receptor and with more than 100 movements per day, in and out)			
Have one or more substantial combustion processes, where there is a risk of impacts at relevant receptors (this includes combustion plant associated with standby emergency generators (typically associated with centralised energy centres).			
Is the development likely to impact on ecologically sensitive locations (eg SSSI's, LNRs etc)?			
Proposals that include a power generation facility that qualifies as a regulated process under the Environmental Permitting (Amendment) Regulations 2018?			

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