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Meeting	LOCAL PLAN COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 21 February 2023
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 8 December 2022.	3 - 6
5	LOCAL PLAN REVIEW - RESPONSE TO CONSULTATION.	
	The report of the Planning Policy Team Manager.	7 - 132
6	RESPONSE TO GOVERNMENT CONSULTATION: LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY	
	The report of the Planning Policy Team Manager.	133 - 170
7	LEICESTER CITY LOCAL PLAN (REGULATION 19) RESPONSE TO CONSULTATION	
	The report of the Planning Policy Team Manager.	171 - 178

Circulation:

Councillor J Bridges (Chairman)
Councillor J G Simmons (Deputy Chairman)
Councillor D Bigby
Councillor D Everitt
Councillor D Harrison
Councillor J Houl
Councillor J Legrys
Councillor R L Morris
Councillor A C Saffell
Councillor N Smith
Councillor M B Wyatt
Councillor R Ashman (Portfolio Holder)
Councillor K Merrie MBE (Portfolio Holder)

MINUTES of a meeting of the LOCAL PLAN COMMITTEE held in the Council Chamber, Council Offices, Coalville on THURSDAY, 8 DECEMBER 2022

Present: Councillor J G Simmons (in the Chair)

Councillors D Bigby, D Everitt, D Harrison, J Legrys and N Smith

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

20 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Bridges, J Hoult, R Morris and A C Saffell.

Councillors A Woodman and J Clarke acted as substitutes for Councillors J Bridges and R Morris respectively.

21 DECLARATION OF INTERESTS

There were no interests declared.

22 PUBLIC QUESTION AND ANSWER SESSION

There were no questions received.

23 MINUTES

Consideration was given to the minutes of the meeting held on 27 September 2022.

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

RESOLVED THAT:

The minutes of the meeting held on 27 September 2022 be approved and signed by the Chairman as a correct record.

24 GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT - UPDATE STUDY

The Principal Planning Officer presented the report, and outlined the findings of the assessment which had been prepared by external consultants. Officers clarified that the assessment did not seek to identify potential sites but to identify the future requirement and need. The definitions used by the government in Planning Policy for Travellers Sites (PPTS) were also highlighted to members.

The need for accommodation was set out and it was noted that the majority of the need would be required in the next 5 years (the "current" need). Officers outlined the Smith Case, which had recently been taken to the Court of Appeal and which found that there had been discrimination against travellers who were settled.

This prompted a member to ask whether the Government would be required to produce a new definition for travellers who have stopped travelling, however officers advised at this stage there would be no need for the Government to do so and nor was there any indication that they would.

A member enquired whether the revised Local Plan would be required to identify potential sites or if it would only indicate that the Council needed to find sites. Officers responded that there would be further investigation into whether the need could be accommodated by extending existing sites, and whilst it would be helpful to include proposed extension to

existing sites in the Local Plan, identified sites may not be agreeable to the gypsy and traveller communities which they would be intended to serve. It was noted that whatever the Council would include in the Local Plan it would include a criteria based policy to assess any sites that come forward as planning applications.

A member asked if this authority would be required to identify or supply a transit site. Officers advised that it would be unlikely for the Local Plan to fail on the basis of not identifying transit sites, however in order to be pro active the Council had already looked at potentially identifying a transit site and acknowledged that there would be a strategy needed to show that an appropriate site had been considered and sought.

Members expressed concern at the current lack of transit accommodation within the district, citing worries that should an incursion occur, there would be no suitable site for the police to move travellers on to and asked whether the Council would need to identify a transit site for inclusion in the Local Plan. Officers responded that having a transit site would strengthen the Council's position and this could be done either by inclusion in the Local Plan or by a separate planning application, and noted that a planning application could be dealt with more quickly.

A member asked how the difference between those who had temporarily or permanently stopped travelling was ascertained and officers replied that this would be dependent on the facts of each individual case. For example should a member of the community declare they were no longer travelling they would then not meet the definition.

A member asked officers to quantify the number of potential sites which may be available and officers advised that round 500 sites had been looked at, with three or four considered suitable, however that this would require further scrutiny.

Officers informed the meeting that there is only a need for a site in Leicestershire so the onus would not directly be on NWLDC to identify a site. A member asked that if the Council did find a suitable site to allocate as transit accommodation whether the other districts in the county would be entitled to move any communities who have committed an incursion onto the site under the control of NWLDC. Officers confirmed that this would be the case.

Members requested a change to the wording of the recommendations to include that "this Council look to include provision of a transit site as a matter of urgency" and officers agreed that the request would be accommodated.

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

RESOLVED THAT:

1. The findings of the 2022 Gypsy and Traveller Accommodation Assessment, prepared by Opinion Research Services (ORS), which will be capable of being a material consideration in the determination of planning applications be noted.
2. The next steps as set out in section 4 of this report, and that this Council look to include provision of a transit site as a matter of urgency, be noted.

25 INFRASTRUCTURE DELIVERY PLAN - PART 1: BASELINE INFRASTRUCTURE CAPACITY REPORT

The Planning Policy and Land Charges Team Manager presented the report and highlighted that this would be a key part of the Local Plan which must be supported by evidence and new infrastructure.

It was noted that the authority had agreed a number of new dwellings in order to accommodate Leicester's unmet need and that the need for infrastructure would be greater as the amount of development would be greater.

Officers informed the meeting that several new primary schools, secondary schools and additional healthcare provision would be required and that electricity supply would be a challenge.

Members suggested that things such as wildlife corridors, active cycle and walkways and bus services should be considered.

A member asked whether the Council could pre-empt the requirements on matters such as highways. Officers advised that this would be something which could be revisited following the next phase of the study. The meeting was informed that following consideration of preferred sites, the authority would commission transport modelling.

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

RESOLVED THAT:

The findings from Part 1 of the Infrastructure Delivery Plan be noted.

Following on from this item, the committee's attention was drawn to a copy of a letter which had been circulated by the Secretary of State which set out the Government's thinking on the Planning and Levelling Up Bill that was going through Parliament and other possible changes to the planning system .

A member asked what the impact of this would be on the Local Plan and was advised that at present, officers would be unable to say until further details had been provided. It was noted that the abolition of the Duty to Cooperate was discussed in this document.

A member requested that this document be circulated to all members of the Council and officers agreed that this would be done.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.25 pm

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SELF AND CUSTOM HOUSEBUILDING POLICY SET OUT AT APPENDIX A OF THIS REPORT;

- (III) AGREES TO INCLUDE A REQUIREMENT REGARDING SPACE STANDARDS IN NEW HOUSING, SUBJECT TO THE COMPLETION OF WORK REFERRED TO AT PARAGRAPH 3.7 OF THIS REPORT CONTINUING TO DEMONSTRATE THAT SUCH STANDARDS ARE JUSTIFIED AND TO ALSO INCLUDE SUPPORTING TEXT AS OUTLINED IN APPENDIX B OF THIS REPORT;**
- (IV) NOTES THE PROPOSAL FROM GOVERNMENT TO MANDATE THE CURRENT M4(2) REQUIREMENT IN BUILDING REGULATIONS AS A MINIMUM STANDARD FOR ALL NEW HOMES;**
- (V) AGREES TO INCLUDE A REQUIREMENT FOR THE PROVISION OF M4(3) WHEELCHAIR-USER DWELLINGS SUBJECT TO THE OUTCOME OF THE WHOLE PLAN VIABILITY ASSESSMENT;**
- (VI) AGREES TO THE REVISIONS TO THE PROPOSED HEALTH IMPACT ASSESSMENT POLICY AS SET OUT IN PARAGRAPHS 6.9 – 6.13 AND APPENDIX E OF THIS REPORT;**
- (VII) AGREES TO AMEND THE PROPOSED RENEWABLE ENERGY POLICY AS SET OUT AT PARAGRAPHS 7.6 -7.10 AND APPENDIX F OF THIS REPORT;**
- (VIII) AGREES TO AMEND THE REQUIREMENT IN RESPECT OF ENERGY EFFICIENCY TO REFLECT THE CHANGES IN THE BUILDING REGULATIONS AS SET OUT AT PARAGRAPHS 7.15 – 7.18 OF THIS REPORT;**
- (IX) AGREES TO NOT INCLUDE A REQUIREMENT AT THIS STAGE FOR A LIFECYCLE CARBON ASSESMENT AS SET OUT AT PARAGRAPHS 7.23 – 7.30 OF THIS REPORT, BUT THAT THE MATTER BE KEPT UNDER REVIEW;**
- (X) AMENDS THE REDUCING CARBON EMISSIONS POLICY IN RESPECT OF OVERHEATING AS SET OUT IN PARAGRAPHS 7.35 -7.37 OF THIS REPORT;**
- (XI) AGREES TO REMOVE OUT REFERENCE TO HQM AND BREEAM IN THE REDUCING CARBON EMISSIONS POLICY AND TO INSTEAD DEVELOP A CHECKLIST AS SET OUT IN PARAGRAPHS 7.42 -7.44 AND APPENDIX J OF THIS REPORT;**
- (XII) NOTES THAT WORK IS ONGOING IN RESPECT OF THE ISSUE OF CARBON OFFSETTING AS SET OUT AT PARAGRAPHS 7.49 – 7.53 AND APPENDIX K OF THIS REPORT;**
- (XIII) AGREES TO INCLUDE A POLICY IN RESPECT OF**

	<p>WATER EFFICIENCY AS SET OUT AT PARAGRAPHS 7.57 – 7.60 AND APPENDIX L OF THIS REPORT;</p> <p>(XIV) NOTES THE ISSUES RAISED IN RESPECT OF QUESTION 26 AND OFFCIERS RESPONSE AS SET OUT AT PARAGRAPHS 8.6 – 8.9 AND APPENDIX M OF THIS REPORT.</p>
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1.0 BACKGROUND

- 1.1 Members will recall that several reports have been considered at previous meetings of this committee in respect of emerging options as part of the review of the Local Plan. These issues were then the subject of consultation between 17 January and 14 March 2022.
- 1.2 A copy of the consultation document can be viewed from this the link at the beginning of this report. The document covered the following issues and included a series of questions to help guide responses:
- *Local Plan objectives*
 - *Settlement hierarchy*
 - *Development strategy options for housing*
 - **Housing – self-build and custom housebuilding /Space standards/Accessible and Adaptable housing**
 - *Development strategy options for employment*
 - Employment – Policy Ec2(2) (New Employment sites)/Strat-Up space/Local Employment
 - **Health & wellbeing/ Health Impact Assessments**
 - **Renewables and low carbon**
- 1.3 The responses to those matters listed above in *italics* were considered by this committee at its meeting on 12 July 2022. The responses to those matters listed above that are underlined were considered by this committee at its meeting on 27 September 2022
- 1.4 The purpose of this report is to consider the responses to those remaining matters listed above highlighted in **bold**.
- 1.5 Copies of all responses can be viewed from this the link at the beginning of this report.
- 1.6 Where revised policy wording is required, this will be prepared and brought to a future meeting of this committee.

2.0 HOUSING - SELF-BUILD AND CUSTOM HOUSEBUILDING

Background

- 2.1 The consultation sought views on how the Local Plan should address the issue of making provision for self-build and custom housebuilding and included a suggested draft policy.
- 2.2 The following question was asked (question 6) - Do you agree with the proposed self-build and custom housebuilding policy? If not, why not?

Summary of responses

- 2.3 There were 91 responses to this question.
- 34 respondents agreed with the proposed approach to self-build and custom housebuilding
 - Seven respondents supported some elements of the proposed approach to self-build and custom housebuilding

- 33 respondents objected to the whole or part of the approach to self-build and custom build.
 - 10 respondents made no comment or did not know as either outside their area of specialism, do not understand the question, do not mind or could not find the consultation document.
 - Four respondents used the question to generally object to new development, or objected to the loss of greenfield land and countryside
 - One respondent used the question to object to development in Ashby de la Zouch
 - One respondent used the question to generally object to new development in Whitwick and to state their opinion that Whitwick is not part of Coalville
 - One respondent used the question to object to the use of properties for multiple occupation.
- 2.4 In terms of the objections received, key concerns related to:
- Specific sites should be allocated for self-build and custom housebuilding plots.
 - Queries relating to the evidence of demand for plots.
 - The proposed site thresholds
 - Unclear when self-build and custom housebuilding plots will be required on site
 - Concerns over the process for any unsold plots.

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

Considerations

- 2.5 Self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing and to meet the district's housing need. There is a duty upon Council's to grant permission for enough suitable plots of land to meet the demand in their area and national planning guidance identifies Local Plan policy, that seeks the provision of such plots, as one of the ways to support this type of housebuilding.
- 2.6 In terms of the proposed policy approach, the allocation of specific sites for self-build and custom housebuilding is not supported as justification for this approach is questioned, particularly given there are no 'special circumstances' in planning terms for this type of housing as opposed to general housing.
- 2.7 National planning guidance suggests authorities engage with developers and landowners and encourage them to consider the provision of self-build and custom housebuilding plots. To reflect this approach, the proposed policy seeks the provision of self-build and custom housebuilding plots on sites of 50 or more dwellings. The number of plots provided will however not be specified and will be a matter of negotiation in order for account to be taken of a variety of factors including site specific characteristics, the demand for self and custom build plots and infrastructure provision. When seeking provision of these plots, in line with national guidance, consideration will be given to the evidence of demand contained within the Council's Self-build and Custom Housebuilding Register.
- 2.8 However, it is recognised that there may be circumstances when plots are provided but remain unsold after a period of time. Therefore, the proposed policy addresses this and allows for any unsold plots (after a period of 12 month) to be built out by the developer on the open market, subject to criteria being met. This is considered to be a reasonable and balanced approach; it allows for plots to be appropriately marketed for self-building and custom housebuilding but then also seeks to ensure plots, do not remain vacant in the long-term.

3.0 HOUSING-SPACE STANDARDS

Background

- 3.1 The consultation sought views on whether the Local Plan should include a policy seeking all new residential developments to include a minimum space standard as per the Nationally Described Space Standards (NDSS).
- 3.2 The following question was asked (Question 7) - Do you agree with the proposed policy on Space Standards? If not, why not?

Summary of responses

- 3.3 There was a total of 75 responses to this question:
- 25 respondents agreed with the proposed approach on space standards with no/little further comment.
 - One respondent agreed with the proposed approach but said it should not be too prescriptive.
 - One respondent agreed with the proposed approach if developers agree with it.
 - Two respondents disagreed with the proposed approach on space standards with no further comment.
 - Two respondents disagreed on the basis that you do not know who the end user will be.
 - Seven respondents did not know or felt they couldn't answer the question.
 - One respondent could not locate the relevant consultation documents.
 - Five respondents used the question to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement.
- 3.4 A summary of the remaining 31 comments received, together with officer responses are set out at Appendix B.

Considerations

- 3.5 Whilst there was some support for a policy of this type from developers/agents/landowners, the majority of their responses highlighted concerns regarding viability, impact on affordability and choice, the sufficiency of the Council's evidence on this topic and the requirement for an appropriate transition period.
- 3.6 The majority of comments from individuals related to the density of developments. Density goes beyond the remit of floorspace standards and takes into account gardens, open spaces, spaces between buildings etc. It is an important consideration which is already taken into account in the determination of planning applications and will also be addressed in an authority-wide Design Code which is currently being prepared.
- 3.7 In terms of the concerns from developers, these can be summarised as follows:
- **Viability** – a policy requiring residential development to accord with the NDSS should be tested as part of a whole plan viability assessment at Regulation 19 stage. A Viability Assessment of the whole plan will be undertaken in accordance with guidance and will be prepared to ensure that “*policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable*” (Planning Practice Guidance, Reference ID: 61-039-20190315).
 - **Impact on customer choice and affordability** – The NDSS allows for different combinations of single and double/twin bedrooms (or ‘bedspaces’) to be reflected in the minimum Gross Internal Area. These means there is a variation in floorspace requirements for homes with the same number of bedrooms, which gives

developers flexibility, allows customer choice and should be reflected in the sales value. For example, the minimum standard for a two storey, three-bedroom home varies between 84 sqm (four bedspaces) and 102 sqm (six bedspaces). Further examples are provided in Appendix B.

- **Sufficiency of evidence base** - More work to justify the need for a policy requiring the NDSS is currently being undertaken by officers. The gross internal floor areas of a wider range of sites and locations than was previously presented to this committee at its meeting on 8 September 2021 has been assessed. This is so that any future policy on NDSS is underpinned by a robust evidence base. Whilst this work is still ongoing, to date officers have found that one, two and three-bedroom homes are more likely to be below the minimum NDSS than four or five-bedroom homes. In officers' opinion, there is sufficient evidence to support the requirement for NDSS than from the information previously presented to this committee.
- **Transition period** – the Council's intention to introduce NDSS into the Local Plan was first presented at Local Plan Committee on 8 September 2021, with the Regulation 18 Local Plan consultation following in January 2022. The fact that there is still some time before the Local Plan is adopted is considered to be a sufficient transition period. An example of a Local Plan Inspector using this justification is provided in Appendix B. In that example, the Inspector considered the period between 2018 (when the Council first made their intention to introduce space standards clear) and the publication of the Inspector's Report in 2021 as a sufficient transition period.

3.8 Following the analysis of consultation responses, there is no reason to suggest that the Council should not continue to pursue a policy requiring NDSS in all new residential development.

3.9 Should a policy on space standards be adopted, all applications for new residential developments will need to be accompanied by information that demonstrates that the proposal complies with the NDSS, as a minimum. There is currently a lack of consistency in how information is provided by applicants, which increases the workload for case officers. Therefore, there will be a need for a consistent approach. This will be addressed through supporting text and/or other guidance.

4.0 HOUSING - ACCESSIBLE AND ADAPTABLE HOUSING

Background

4.1 The consultation sought views on whether the Local Plan should include a policy seeking all new residential developments to meet at least M4(2) (accessible and adaptable) standards of the Building Regulations (or subsequent update). It also sought comments on whether 5% of all new dwellings of the affordable housing requirement should be required to meet Part M4(3) (wheelchair user dwellings) standard – with the number of these dwellings to meet Part M4(3)(b) (wheelchair accessible) to be determined in consultation with the District Council and the respective registered provider.

4.2 The following questions were asked (Questions 8 & 9):

- Q8 - Do you agree with the proposed policy on accessible and adaptable housing? If not, why not?
- Q9 - Should part M4(3)(a) wheelchair adaptable dwellings also apply to market housing? If not, why not?

Summary of responses – Question 8

4.3 There was a total of 74 responses to this question, although two of these were 'no comment'.

- 27 respondents agreed with the proposed approach on accessible and adaptable housing with no/little further comment.
 - Four respondents disagreed with no/little further comment.
 - One respondent could not locate the relevant consultation documents.
 - Eight respondents did not know / felt unable to comment /did not understand the question.
 - Four respondents used the questions to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement.
- 4.4 A summary of the remaining 27 comments received and officer responses are set out in Appendix C. The majority of these responses were from developers/agents/landowners who had concerns with the adequacy of the Council's evidence and the viability of such a policy. Several respondents also flagged a potential duplication of the government's proposed changes to Part M of the Building Regulations. There were fewer detailed comments from individuals and these tended to relate to the location of homes for older/disabled persons.

Summary of responses – Question 9

- 4.5 There was a total of 67 responses to this question, although 3 of these were 'no comment'.
- 31 respondents agreed that Part M4(3)(a) wheelchair adaptable dwellings should also apply to market housing with the no/little further comment.
 - One respondent disagreed with no/little further comment (all individuals).
 - Two respondents said people should pay to adapt their homes themselves/grants.
 - One respondent could not locate the relevant consultation documents.
 - Three respondents didn't know / felt unable to comment /did not understand the question (all individuals).
 - Two respondents used the questions to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement (all individuals).
- 4.6 A summary of the remaining 27 comments received and officer responses are set out in Appendix C.

Considerations (Questions 8 & 9)

- 4.7 Since the end of the Local Plan consultation, there have been two changes in circumstance which are material to the topic of accessible and adaptable homes:
- The government responded to the '[Raising accessibility standards for new homes](#)' consultation. The consultation sought views on potential changes to Part M of the Building Regulations and published its response on 29 July 2022 '[Summary of consultation responses and government response](#)'.
 - The Leicester and Leicestershire Housing and Economic Needs Assessment was published in June 2022
- 4.8 The 'Raising accessibility standards for new homes' consultation sought views on the following five options:
- **Option 1** – Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing
 - **Option 2** – Make M4(2) the minimum standard, with M4(1) applying by exception only. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).

- **Option 3** – Make M4(2) the minimum standard, with M4(1) removed altogether. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
 - **Option 4** - Make M4(2) the minimum standard, with M4(1) applying by exception only. A set percentage of M4(3) homes would also need to be applied in all areas.
 - **Option 5** – Change the content of the mandatory technical standard, e.g. a revised M4(1) with requirements between the existing M4(1) and M4(2).
- 4.9 For clarification the standards referred to above and elsewhere in Section 4 of this report are:
- M4(1) - Category 1 – Visitable dwellings (the current mandatory standard)
 - M4(2) - Category 2 – Accessible and adaptable dwellings (currently optional)
 - M4(3) - Category 3 – Wheelchair user dwellings (currently optional)
 - M4(3)a – relates to wheelchair *adaptable* dwellings
 - M4(3)b – relates to wheelchair *accessible* dwellings
- 4.10 Paragraph 73 of the government’s July 2022 paper states:
- “Government proposes that the most appropriate way forward is to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes... M4(1) will apply by exception only, where M4(2) is impractical and unachievable... Subject to a further consultation on the draft technical details, we will implement this change in due course with a change to the building regulations.”*
- 4.11 The government has concluded that it is committed to raising the accessibility standards for new homes and considers the most appropriate way to achieve this is to mandate M4(2) as the minimum standard for all new homes (consultation Option 2). This represents a significant change in circumstances from when the consultation was proposed and undertaken.
- 4.12 The July 2022, paper confirms that the government will consult further on the technical changes to the Building Regulations to mandate M4(2) and on their approach to how exceptions will apply. Paragraph 84 states that transitional provisions are necessary to allow the industry to adapt.
- 4.13 Given the government’s proposed direction of travel and to avoid any abortive work, for the time being it is recommended that any further work justifying a policy for accessible and adaptable homes (M4(2)) is put on hold. Subject to further guidance and decision from government, it is possible that there will not be a need for a specific policy to secure the provision of M4(2). However, the matter will be kept under review.
- 4.14 With regards to M4(3), the government confirmed at paragraph 74 of its July 2022 paper:
- “M4(3) would continue as now where there is a local planning policy in place in which a need has been identified and evidenced. Local authorities will need to continue to tailor the supply of wheelchair user dwellings to local demand.”*
- Paragraph 76 confirmed that:
- “Option 4 was rejected as having a mandatory percentage for wheelchair homes could reduce the number of homes coming forward and therefore conflict with the objective to boost supply of accessible housing.”*
- 4.14 The government’s intention is that “the saved resource and expertise on making M4(2) policies will help local planning authorities focus on evidencing the need and proportion for wheelchair-user dwellings.”

- 4.15 The consultation proposed a requirement of 5% of affordable dwellings to meet the M4(3)(b) (wheelchair *accessible*) standards. Question 9 asked whether this requirement should also be applied to market dwellings (although in the case of market dwellings, only the standards for wheelchair *adaptable* dwellings; M4(3)(a) can be sought). Many of the developer responses argued that the Council did not have sufficient evidence to support a requirement for wheelchair-user dwellings in market homes.
- 4.16 However, since the consultation ended, further evidence has come forward in the form of the [Leicester and Leicestershire Housing and Economic Needs Assessment](#) (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.
- 4.17 The HENA notes that:
- “As with M4(2) homes it may not be possible for some schemes to be built to these higher standards due to built-form, topography, flooding etc. Furthermore, provision of this type of property may in some cases challenge the viability of delivery given the reasonably high build out costs [these costs are included in the HENA at Table 11.30].”* (paragraph 11.110)
- 4.18 There is evidence which supports a policy requirement for M4(3) wheelchair-user dwellings in North West Leicestershire. It is recommended that the Council pursues a requirement in both affordable and market dwellings and that the proposed HENA requirements at paragraph 4.16 above are tested as part of a whole plan viability assessment before a final recommendation is made.

5.0 HEALTH AND WELLBEING

Background

- 5.1 The consultation sought views on a proposed policy regarding how the Local Plan should ensure that health and wellbeing issues are addressed as part of new development.
- 5.2 The following question was asked (Question 16) - Do you agree with the proposed health and wellbeing policy? If not, why not?

Summary of responses

- 5.3 There was a total of 79 responses to this question.
- 54 respondents agreed with/generally supported the inclusion of a health and wellbeing policy
 - 14 respondents objected to the proposed approach in terms of addressing health and wellbeing issues.
 - Four respondents either suggested they were not qualified to answer, the question was not applicable or they had no comment to make.
 - Two respondents used the question as an opportunity to object to new development, including the development on greenfield land.
 - Three respondents were unable to locate the consultation document and/or policy.
 - Two respondents recommended engagement with the CCG to inform the delivery of health infrastructure.
- 5.4 Of the objections received, the key concerns raised related to:

- Health and well-being issues could be satisfactorily addressed through other policies in the Local Plan without the need for a standalone policy.
- A stand-alone policy is not necessary as it would replicate other policy requirements.
- Screening statements for all applications is not considered proportionate.

5.5 A summary of all the comments received and officer responses are set out in Appendix D

Considerations

5.6 The NPPF and Planning Practice Guidance identify that the planning system has a clear role to play in the creation of healthy communities. This is also echoed in the vision and objectives of the North West Leicestershire Health and Wellbeing Strategy 2018-2028 and also in agreed Objective 1 for the new Local Plan. The inclusion of a specific policy explicitly embeds health and wellbeing within the Local Plan and subsequent decision making. It is considered that the proposed approach represents a balanced approach which ensures that health and wellbeing issues have been addressed, but without adding significant burdens. On its own it is suggested that national policy would not be sufficient alone to support this desired outcome.

6.0 HEALTH IMPACT ASSESSMENTS

Background

6.1 The consultation sought views on a proposed Health Impact Assessment (HIA) policy and also whether a Health Impact Screening Statement for developments not covered by a HIA.

6.2 The following questions were asked (Question 17) - Do you agree with the proposed Health Impact Assessment policy? If not, why not?

(Question 18) - Do you agree that the policy should also indicate that an initial Health Impact Screening Statement could also be sought for any other proposal considered by the council to require one? If not, why not?

Summary of responses – Question 17

- 6.3 There was a total of 71 responses to this question
- 37 respondents agreed with/generally supported the proposed approach to Health Impact Assessments
 - 19 respondents objected to the proposed approach
 - Seven respondents either suggested they were not qualified to answer, outside their specialism, not applicable, did not understand the issue or did not have sufficient time to look at it
 - Two respondents used the question as an opportunity to object to new development, including the new settlement
 - Three respondents were unable to locate the consultation document and/or policy
 - One respondent identified a factual inaccuracy
 - Two respondents make more generic comments about health issues and the impact on people's lives.
- 6.4 Of the objections raised, concerns raised generally related to the following issues: -
- Site and/or site area should be applied to all development types when setting a threshold
 - Evidence to support the threshold of 30 dwellings is unclear. The HIA assessment should be proportionate.

- The thresholds are set too low, and smaller scale and less strategic sites can be addressed through national policy.
 - Question why a Screening Statement would be needed for some of the uses suggested e.g., leisure facilities, non-residential institutions, cafes
 - Further bureaucracy and unnecessary red tape added to the development process.
- 6.5 A summary of the comments received and officer responses are set out in Appendix E.

Summary of responses – Question 18

- 6.6 There was a total of 61 responses to this question
- 31 respondents agreed with/generally supported the approach
 - 18 respondents objected to the approach
 - Six respondents either suggested they were not qualified to answer, outside their specialism, not applicable, or did not understand the issue.
 - One respondent advised they have no preference
 - Three respondents used the question as an opportunity to object to new development, including the new settlement and the loss of greenfield land
 - Two respondents were unable to locate the consultation document
- 6.7 Of the objections received the over whelming concern related to the potential lack of clarity and uncertainty when a HIA Screening Statement would be required.
- 6.8 A summary of the comments received and officer responses are set out in Appendix E.

Considerations

- 6.9 The Planning Practice Guidance highlights the use of HIA as a tool to use when significant impacts are expected. The North West Leicestershire Health and Wellbeing Strategy 2018-2028 also supports the use of HIA through the planning process.
- 6.10 Having regard to this and the issues raised, it is considered appropriate to require a Health Impact Screening Statement in respect of certain developments. However, it is agreed that the policy needs to be clearer about those circumstances when a Health Impact Screening Statement should be undertaken and the thresholds used. Specifically for residential development, a threshold of 30 dwellings or more/ site area of 1 ha or more, has been identified in order to avoid unreasonable burden on the more small and medium size developments, consistent with government policy.
- 6.11 Amendments will be prepared for inclusion in the next round of consultation.
- 6.12 Only if the screening assessment indicates more significant health impacts would a more in-depth Health Impact Assessment be needed. The intention of the assessment process is to identify any positive opportunities for health from a proposal as well as highlighting potential negative impacts that need mitigation.
- 6.13 Furthermore, a bespoke platform – [Healthy Place Making](#) – has been developed for Leicestershire, Leicester and Rutland and includes the availability of a HIA Tool. It provides access to local authority data and includes a ‘smart form’ approach to completing an assessment, providing a methodology and prompts to consider a range of health impacts. The availability of this tool would support and facilitate of the application of this Local Plan policy.

7.0 RENEWABLES AND LOW CARBON

7.1 The consultation sought views on a range of matters related to the issue of how the Local Plan might address climate change. Each of these is considered below.

Wind Energy and Solar Energy

Background

7.2 The consultation sought views on the proposed approach to how the Local Plan should address the provision of wind and solar energy.

7.3 The following question was asked (Question 19) - Do you agree with the proposed renewable energy policy? If not, why not?

Summary of responses

7.4 There was a total of 67 responses to this question.

- 37 respondents support the proposed policy. 18 of which were a yes or agree response. 17 respondents agreed with the preferred policy approach and provided additional comments and two respondents support the preferred policy approach but request changes to the policy wording.
- Four respondents do not agree with the preferred policy approach.
- Seven respondents considered option 3 to be preferable in order to encourage renewable energy generation and to over-achieve on the delivery of renewable energy.
- 11 respondents made general comments about where solar and wind turbine developments should be located.
- Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
- Three respondents had no comment.

7.5 A summary of the comments received, and officer responses are set out in Appendix F.

Considerations

7.6 Part 5 of the proposed Renewable Energy policy requires all new developments to incorporate proposals for on-site electricity and heat production from solar, wind and other renewable technologies so as to maximise renewable energy production.

7.7 The proposed Reducing Carbon Emissions Policy part 1) c) also requires that heat and electricity be generated from renewable energy sources. There is, therefore, a degree of duplication in part 5 of the Renewable Energy Policy and part 1) c) of the Reducing Carbon Emissions policy.

7.8 Part 1 of the proposed Renewable Energy Policy supports renewable energy developments that are *appropriate to their setting*, which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.

7.9 Therefore, in order for the policy requirements to be clearer it is proposed that part 5) of the Renewable Energy Policy be deleted.

7.10 A number of other minor changes are suggested at Appendix F in order to provide clarification.

Energy Efficiency

Background

- 7.11 The consultation sought views on a proposed approach to energy efficiency.
- 7.12 The following question was asked (Question 20) - Do you agree with the proposed approach for energy efficiency? If not, why not?

Summary of responses

- 7.13 There was a total of 71 responses to this question.
- 33 respondents agreed with the preferred policy approach of which 21 were a yes or agree response. 10 respondents agreed and provided additional comments and two respondents supported the policy but suggested changes to the wording.
 - Four respondents agreed that option 3 – a higher target than 31% would be more appropriate.
 - 14 respondents stated that the policy is not necessary as it repeats requirements set out in Building Regulations.
 - Four respondents disagree with the policy with two generally sceptical of the green agenda and two respondents preferring option 2.
 - Nine respondents had general comments regarding energy efficiency.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Two respondents had no comment.
- 7.14 A summary of the comments received, and officer responses are set out in Appendix G.

Considerations

- 7.15 In terms of energy efficiency targets, the AECOM study commissioned to support the Local Plan states that the council should aim to set the highest standards for energy and CO2 performance that can reasonably and viably be implemented.
- 7.16 Since the preparation of the AECOM study and undertaking the consultation the subject of this report, there has been a change in circumstances as the Government has set out changes to the Building Regulation requirements as part of the Future Homes Standard (FHS) which came into effect in June 2022. The FHS will come in to force in 2025 and will, according to the Government, ensure that new homes built from 2025 produce 75-80% less carbon emissions.
- 7.17 The changes to the Building Regulations are an interim measure towards the FHS. As part of these changes, Part L of the Building Regulations now requires that CO2 emissions are reduced by 31% for dwellings (compared to the old regulations) and 27% for other buildings.
- 7.18 It is not appropriate for policies in local plans to repeat national policies and nor should it deal with matters that are dealt with through other legislation. It is considered, therefore, that the change in Building Regulation requirements and potential subsequent requirements of the FHS will be the most appropriate energy efficiency targets. It would not be appropriate to set an alternative target. This will be reflected in revised policy wording. Furthermore, any policies in the local plan can only be given full weight when the plan is adopted. This is currently estimated to be at about the same time that the FHS will come into effect and so there would be nothing to be gained from having an alternative target.

Reducing Carbon

Background

- 7.19 The consultation sought views on a possible policy approach in respect of the issue of Lifecycle Carbon Assessment as part of the Local Plan.
- 7.20 The following question was asked (Question 21) - Do you agree with the preferred policy approach for Lifecycle Carbon Assessment? If not, why not?

Summary of responses

- 7.21 There was a total of 60 responses to this question.
- 36 respondents agreed with the proposed policy, of which 26 were yes or agree responses. 10 agreed with the proposed policy wording and made additional comments.
 - Two respondents preferred option 2, to include a policy requirement for all developments (irrespective of size) to undertake a Lifecycle Carbon Assessment.
 - Seven respondents did not agree with the proposed policy.
 - Six responses were not relevant to the question with two respondents unable to find the consultation documents, one respondent was not familiar with Lifecycle Carbon Assessments and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents provided general comments on water and energy efficiency, how the policy would be regulated and updated and the removal of trees to make way for development.
 - Six respondents made no comment.
- 7.22 A summary of the comments received, and officer responses are set out in Appendix H.

Considerations

- 7.23 There are currently no national requirements for planning to assess the carbon impact of developments.
- 7.24 Whole Life-Cycle Carbon (WLC) assessments are a requirement of the London Plan 2021 and then they only apply to planning applications which are referable to the Mayor.
- 7.25 In considering how it can be demonstrated that proposed developments are addressing carbon emissions, it is necessary to strike a balance between ensuring that this issue is fully addressed whilst also not introducing a significant burden which could affect development viability as such an approach would be unlikely to be supported at Examination. In addition, it is important that they do not add significantly to the resource burden upon the Council. A review of, for example, the approach in London suggest that it would be resource intensive, both for the Council and applicants. Basically, any approach needs to be proportionate.
- 7.26 The Government has recognised that the issue of carbon assessments is problematical. As part of its consultation in respect of The Levelling Up and Regeneration Bill (considered elsewhere on this agenda) the Government notes (Chapter 7, paragraph 13) that they are investigating whether there are effective and proportionate ways of deploying a broad carbon assessment. This would ensure a consistent approach nationally.
- 7.27 The requirement for a lifecycle carbon assessment is considered to be too ambitious at this stage. Instead, a more appropriate approach would be to require proposals for new

developments to be accompanied by a checklist to ensure steps have been taken to minimise lifecycle carbon emissions. Officers are looking at some potential checklists to achieve this.

- 7.28 The NPPF consultation recognises that there is scope for some form of carbon assessment, and it may be something that we can be incorporated at a later date subject to the government's consideration of this issue.
- 7.30 In view of the above, changes will be reflected in revised policy wording to the proposed policy in respect of Reducing Carbon Emissions.

Overheating

Background

- 7.31 The consultation sought views on a possible policy approach in respect of the issue of overheating as part of the Local Plan.
- 7.32 The following question was asked (Question 22) - Do you agree with the preferred policy approach for overheating? If not, why not?

Summary of responses

- 7.33 There was a total of 63 responses to this question.
- 34 respondents agreed with the preferred policy approach of which 27 responses were yes or agree. Seven respondents agreed with the preferred policy approach and provided additional comments.
 - One respondent preferred option 2.
 - Nine respondents did not agree with the policy and considered that it was not necessary given the changes to Building Regulations.
 - One respondent considered that the requirements should apply to developments of all sizes.
 - Two respondents made general comments on the important role of green infrastructure and building design.
 - Eight responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Eight respondents had no comment.
- 7.34 A summary of the comments received, and officer responses are set out in Appendix I.

Considerations

- 7.35 Since the preparation of the consultation document the Government has set out changes to the Building Regulation requirements as part of the Future Homes Standard. These changes have introduced more stringent requirements.
- 7.36 In June 2022 a new Building Regulation: Part O (Overheating) came into force. The intention is that Part O limits excess solar gain in new and existing homes and removes excess heat. Compliance is based on the calculation of a large range of input data for each element, each calculation being bespoke to each property/building.
- 7.37 It is not appropriate for policies in local plans to repeat national policies and nor should it deal with matters that are dealt with through other legislation. It is considered, therefore, that with the change in Building Regulation requirements and potential subsequent requirements of the FHS and there is no need for the requirements to be repeated in

planning policy. The wording in respect of the proposed Reducing Carbon Emissions policy will be revised to reflect this.

Demonstrating that new development is addressing climate change

Background

- 7.38 The consultation sought views on a possible policy approach in respect of the issue of demonstrating how new development is addressing climate change as part of the Local Plan.
- 7.39 The following question was asked (Question 23) - Do you agree with the preferred policy approach for the climate change assessment of development? If not, why not?

Summary of responses

- 7.40 There was a total of 59 responses to this question.
- 31 respondents agreed with the preferred policy approach, of which, 17 were yes or agree responses. 14 respondents agreed with the policy approach and made additional comments.
 - Six respondents preferred option 2.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Nine respondents do not agree with the preferred policy approach.
 - Four respondents make general comments on climate change adaptation, that building more housing has adverse effects for climate change and generally the policy not being sufficient for real change.
 - Four respondents make no comment.
- 7.41 A summary of the comments received, and officer responses are set out in Appendix J.

Considerations

- 7.42 A number of respondents noted that the requirement of a Homes Quality Mark (HQM) assessment was not a requirement set out in the NPPF. Also that the use of additional HQM or Building Research Establishment Environmental Assessment Method (BREEAM) assessments and standards add an additional layer of bureaucracy to the planning process.
- 7.43 As noted previously, since the preparation of the consultation document changes to the Building Regulations have come into force in relation to energy efficiency, ventilation and overheating.
- 7.44 There is overlap between this issue and that of Lifecycle Carbon Assessments as addressed under question 21 which is partly reflected in some of the responses. Therefore, the considerations that are set out at paragraphs 7.23 – 7.30 also apply to the consideration of this matter. It is proposed that reference to the HQM assessments and BREEAM standards be removed from the policy as the checklist (as proposed in paragraph 7.27 of this report) will be used to demonstrate that new development is addressing climate change. These changes will be reflected in revised policy wording.

Reducing Carbon Emissions

Background

- 7.45 The consultation sought views on a possible policy regarding reducing carbon emissions as part of the Local Plan.
- 7.46 The following question was asked (Question 24) - Do you agree with the proposed policy for reducing carbon emissions? If not, why not?

Summary of responses

- 7.47 There was a total of 65 responses to this question.
- 39 respondents agree with preferred policy approach, of which 20 provided a yes or agree response. 12 provided additional comments and seven respondents support the preferred policy approach but request changes to the wording.
 - Nine respondents do not agree with the referred policy approach.
 - Nine respondents make general comments on the need for more to be done sooner, industry being accountable for its own pollution, and questioning the effectiveness of policies when there is an airport in the district.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents make no comment.
- 7.48 A summary of the comments received, and officer responses are set out in Appendix K.

Considerations

- 7.49 Other than the issue of carbon offsetting, the responses to this question raised no further significant issues in addition to those set out above in relation to the responses to questions 20 to 23.
- 7.50 The proposed policy referred to the “*Council’s carbon offset fund to enable residual carbon emissions to be offset by other local initiatives*”.
- 7.51 Some respondents referred to the potential of using other carbon offset funds rather than being restricted to one specific fund.
- 7.52 The use of an established carbon offset fund is attractive, not least because it removes the resource required to establish it in the first place. However, this needs to be balanced against other considerations, including the fact that under current Planning Obligation regulations there would need to be a clear link between a development and where any carbon offsetting was to take place. Furthermore, it would mean that there was not any local control over any fund or how it was use.
- 7.53 Officers will continue to explore the issue of carbon offsetting and report back to a future meeting of this committee. Any subsequent decisions will then be reflected in any revised wording.

Water Efficiency

Background

- 7.54 The consultation sought views on a possible policy regarding water efficiency standards as part of new development.
- 7.55 The following question was asked (Question 25) - Do you agree with the proposed policy for water efficiency? If not, why not?

Summary of responses

- 7.56 There was a total of 67 responses to this question.
- 41 respondents agree with the proposed policy, of which 34 provide a yes or agree response. Six respondents agree with the proposed policy and provide additional comments and one respondent supports the policy but suggest changes to the wording.
 - Nine respondents do not agree with the policy.
 - Seven respondents provide general comments on the need for viability and deliverability to be tested as well as suitable evidence and justification for the requirements set out in the policy. General comments also on the damage of wastewater from new developments on the water table and sewerage system and the potential for increased risk of flooding.
 - Two respondents consider that further evidence is needed to justify the standard set out in the policy.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents provide no specific comments.

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

Considerations

- 7.57 A number of respondents state that further evidence is needed to justify the standard set out in the policy and that the policy is not necessary as a requirement is set out in the Building Regulations.
- 7.58 The Environment Agency published a report (July 2021) on water stress areas. The report provides formal advice to the Secretary of State on which areas in England are areas of serious water stress. North West Leicestershire is located within the area covered by Severn Trent. This area has been classed as 'seriously water stressed' – the most significant classification.
- 7.59 On 1 September 2022, Steve Double MP wrote to all Local Authorities in England regarding water efficiency in new homes. The letter confirms that in areas of serious water stress that the letter can be used as evidence by Local Planning Authorities to set out Local Plan policies requiring new homes to meet the optional tighter standard of 110 l/p/d.
- 7.60 As such it is proposed that the new Local Plan utilises the letter dated 1 September 2022 as evidence to require new homes to meet a tighter water standard of 110 l/p/d.

8.0 OTHER MATTERS

Background

- 8.1 The consultation included a final, more general question in relation to the matters the subject of the consultation.

8.2 The following question was asked (Question 26) - What additional comments do you have about the Local Plan Review not covered by the preceding questions?

Summary of responses

8.3 There was a total of 111 responses to this question. This is in addition to the 233 responses objecting to the potential development of two SHELAA (2021) sites, Land at Isley Walton (IW1) for housing and Land to the north and east of Diseworth (EMP90) for employment.

- 8.4 The comments can be categorised as follows:
1. Consultation: arrangements and documents
 2. Additional issues not covered in the consultation document
 3. Responses from expert agencies
 4. Responses from district/borough councils
 5. Information about/support for a potential development site
 6. Objection to a potential development site
 7. Objection to development in general
 8. Other comments

8.5 A summary of the comments received and officer responses is set out in Appendix M.

Considerations

8.6 As this question asked about additional matters, the comments inevitably cover a range of different topics and opinions.

8.7 In a number of cases, respondents raised issues which were not covered in detail the consultation document, but which will be addressed at a later stage in the plan's preparation, for example transport, infrastructure and future biodiversity requirements.

8.8 The adequacy of the consultation arrangements was raised in a number of the comments. Respondents felt that the consultation period should have been longer, more widely publicised and the documents should have used more straightforward language. There was scepticism from a few that residents' comments would not be taken on board and/or that 'consultation fatigue' could set in.

8.9 In response to these criticisms, it is considered that the consultation arrangements were appropriate for the matters under consideration. It will be appreciated that it is necessary to strike a balance between devoting time and resources to consultation and to the other technical work needed for the Local Plan to progress. The views reported here, and previously at the July and September 2022 meetings of this committee, will be taken into account as the plan progresses.

Policies and other considerations, as appropriate	
Council Priorities:	Developing a clean and green district Local people live in high quality, affordable homes 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 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	Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q6

Q6 - DO YOU AGREE WITH THE PROPOSED SELF-BUILD AND CUSTOM HOUSEBUILDING POLICY? IF NOT, WHY NOT?

A summary of the issues raised in the comments received are set out below:

Comments	NWL Officer Response
In favour of small-scale self build projects.	Noted.
Normal planning rules should be used to determine the viability of such a scheme.	Policy is not considered to be overly prescriptive. Policy wording amended to make specific reference to viability.
Approach may offer a more flexible approach to housing provision and protection of the countryside.	Local Plan policy seeks an appropriate balance between the provision of suitable housing and the protection of the environment.
Does the Council have the manpower to run anything bigger than the odd self-build project?	It is not being suggested that the Council provide self build and custom build homes or run the building projects.
Self-build and custom housebuilding objectives, key in the delivery of new homes and the policy should reflect the statutory obligations of the Self-Build and Custom Housebuilding Act 2015.	Noted.
Allocate specific sites for self-build and custom build housing.	Whilst it is open to the Council to allocate specific sites for self and custom build, it would need evidence to demonstrate that they would be available for such a use. Furthermore, any such site would have to be considered in the same way that other sites are as there are no 'special circumstances' in national planning policy for self build and custom housebuilding as opposed to general housing.
Identify specific allocations that are suitable to deliver a proportion of new homes as self-build and custom housebuilding.	The proposed policy seeks to encourage developers to provide an element of self build and custom housebuilding plots where there is evidence of need. This provides the flexibility for specific site circumstances and characteristics to be taken on board when considering their suitability in providing these plots.
Include guidance for applications to be assessed against issues such as design, amenity, highway safety and climate change.	The new Local Plan will also include a suite of policies, covering these issues, and applicable to all development in the district. Repetition of policies is not necessary.
Development be in keeping with surroundings and the character of the area, and of a suitable quality and architecture. Concern that corners are cut in this type of build.	The new Local Plan will include policies addressing these issues and will be applicable to all development in the district.

Should not be located on greenfield sites nor form ribbon development. Environment should be protected.	The new Local Plan will seek to promote a sustainable pattern of development, including the re-use of brownfield land, and the protection of the natural environment, balanced against the development needs of the area.
Homes should be sustainable and include infrastructure for electric charging points.	The new Local Plan will include policies seeking to address the environmental impact of all development, including impacts on climate change.
People shouldn't be put off the self-build register by high fees. Far higher percentages of self and custom build houses are achieved in many countries.	There is no fee applied to be added to the district's self-build register. Proposed policy demonstrates the Council's support for self build and custom housebuilding and provides a mechanism that seeks to increase the supply of such.
Planning and building control should ensure that the sites are properly monitored.	Comments noted.
Unsold plots should not be available for sale/build out by developer. Leaves opportunity for developer to price plots out of the market in order they are able to develop them at a later date.	There may ultimately be instances where there is insufficient interest in the purchase of the allocated self build and custom housebuilding plots. Rather than the plot remaining vacant indefinitely it is considered preferable the plot be made available for sale on the open market. It is suggested that the policy wording is amended to ensure that the serviced plots are appropriately marketed. The local authority will also have a role to play in ensuring those on the register are aware of the development of such plots. Supporting text will clarify what is expected to be provided in terms of a serviced plot.
Support for unsold plots to be used for the delivery of general market housing.	Noted.
The proposed availability and marketing of plots for a period of at least 12 months is too long.	It is considered that 12-months is a reasonable and balanced approach and length of time to provide an opportunity for plots to be marketed.
The level of self-build and custom housebuilding planning applications is not representative of the demand for plots. The level of demand would be greater. Unclear whether any secondary sources of data have been explored.	Noted. The NPPG advises that level of demand is established by reference to the number of entries added to an authority's register during a base period. Therefore reference will be made to the Register in order to identify current and upcoming demand. However it is acknowledged that the NPPG also suggests that the demand data from the register can be supported as necessary from secondary sources. Supporting text will acknowledge the role of secondary data, and that it will be referred to if and when

	appropriate, for example, if demand on the Register is met and justification is being made for a proposal.
Approach is not positive. Does not promote the existence of the register. Does encourage self-build and custom builds as route for providing for housing. Can add value to the variety and quality of housing stock.	The range of benefits of self build and custom housebuilding is noted and agreed. The specific self build and custom housebuilding policy seeks and encourages the provision of plots.
The Local Plan should enable the delivery of appropriate self-build plots without overly prescriptive policies and requirements.	Policy is not considered to be overly prescriptive. Seeks a mixed approach to the provision of plots. Allows for account to be taken of site characteristics, level of demand, viability and the market.
Agree with hybrid approach – specific support for the lack of delivery target and provision of plots on sites suitable for housing.	Noted.
Unclear how the policy would run along the approach for Local Needs Villages. As Local Needs Housing policy would provide support for new dwellings in the countryside but the current approach for self-build and custom housebuilding does not.	It is the intention that the proposed Local Housing Needs Policy would also apply to self building and custom housebuilding plots where it can be demonstrated that the requirements of the Local Needs Housing policy can be satisfied.
Threshold of 50 is too high and could lead to abundance of plots without evidence of need. Request consideration be given to a higher entry point.	The approach seeks to avoid burden being placed on small and medium sites. Policy to be amended to clarify that when seeking/encouraging serviced plots on sites of 50 or more dwellings, the Council will refer to the Register to identify any current and upcoming demand. Policy seeks provision where servicing and site arrangements can be made suitable and also allows for account to be taken of site characteristics, the level of demand on the register, viability and market conditions.
Could be an opportunity to specify the provision for plots.	This approach would undermine the flexibility of the policy. By not detailing a specific provision, this allows for account to be taken of site characteristics, the level of demand on the register, viability and market conditions.
Quantity of self-build and custom housebuilding plots should be taken into account when setting trigger points for infrastructure delivery and/or financial contribution.	Noted. Policy allows for development of plots for market housing if plots are not taken up as self build and custom housebuilding plots. Therefore, triggers would still be met.

<p>If trigger point reliant on delivery of these plots, there is a risk this may not happen.</p> <p>If plots are excluded when setting the trigger point considerable new homes could come forward without delivery of necessary infrastructure.</p>	
<p>Developers should be encouraged to enable self-build by the allocation of CSB plots with options for developers to offer multi plot sites provisioned with services and road access.</p>	<p>It is considered that the suggested policy would allow for this, if there is the demand and in suitable locations for housing.</p>
<p>No evidence, legislative or national policy basis to require sites of 50 dwellings to provide such plots.</p> <p>NPPG advises Council should 'engage' and 'encourage' landowners to consider self and custom builds 'where they are interested.'</p>	<p>Policy seeks to engage and encourage provision . Provision will be sought, based on the demand contained in the register, and where servicing and site arrangements can be made suitable. No specific quantum of development is prescribes to allow for for account to be taken of site characteristics, the level of demand on the register, viability and market conditions.</p>
<p>Approach excludes smaller sites which tend to be more attractive to custom and self builders.</p>	<p>The Council will specifically seek to encourage provision on sites of 50 or more dwellings but it does not exclude provision being proposed in smaller sites, where there is a demand and is in a suitable location.</p>
<p>It is also unclear from the policy wording when self or custom build would be required on site.</p>	<p>The provision of plots will be sought on sites capable of providing 50 or more dwellings, where suitable servicing and site arrangements can be made.</p> <p>However no specific quantum is referred to in order to allow some flexibility to the policy. The suggested approach allows for negotiation and account to be taken of a variety of factors, such as site size and characteristics, the level of demand on the register, infrastructure provision, viability and market conditions. All of these could determine whether the site is suitable to provide self-build and custom housebuilding plots.</p> <p>Policy to be amended to clarify that when seeking/encouraging serviced plots on sites of 50 or more dwellings, the Council will refer to the Register to identify current and upcoming demand.</p>
<p>Policy fails to identify the quantum of CSB plots on site. For example, what proportion of the register need should be delivered on site, what</p>	<p>Policy to be amended to clarify that when seeking/encouraging serviced plots on sites of 50 or more dwellings, the Council will refer to the Register to identify current and upcoming demand.</p>

<p>percentage/number of plots would be required.</p>	<p>However no specific quantum is referred to in order to allow some flexibility to the policy, for account to be taken of site characteristics, the level of demand on the register, viability and market conditions.</p>
<p>Policy is unclear as what evidence is required to be submitted.</p> <p>What is meant by 'or other evidence submitted as part of any planning application.'</p>	<p>Noted and policy to be amended to clarify that when seeking/encouraging serviced plots on sites of 50 or more dwellings, the Council will refer to the Register to identify current and upcoming demand.</p> <p>Supporting text will acknowledge the role of secondary data, as is detailed in National Planning Policy Guidance, and that it will be referred to if and when appropriate, for example, if demand on the Register is met and justification is being made for a proposal.</p>
<p>Register may be creating an artificial need i.e. more an expression of interest, register on multiple registers, lack of finance or skill to undertake a project.</p>	<p>In accordance with national policy, the Council must give suitable development permissions to enough suitable serviced plots of demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.</p>
<p>Most self-build proposals will come from applicants that already have their own land/looking for bespoke applications.</p>	<p>Policy supports applications of this nature in locations considered suitable.</p>
<p>Inspectors have rejected proposals in other plans that require a specific percentage of plots on allocated sites, for a number of reasons, such as level of need, lack of justification, potential for plots to remain vacant, viability, practicalities of delivering plots (health and safety).</p>	<p>The policy itself does not state a specific percentage and in recognition of some of these issues, allows sites to be considered where circumstances are appropriate.</p> <p>A viability assessment will also be undertaken of all the policies of the New Local Plan.</p>
<p>Practical issues in terms of delivery, such as working hours, health and safety implications, length of build programme, gaps within street scene as project timings differ, presence of multiple contractors and market ability. The requirement may dissuade housebuilders from operating in the district.</p>	<p>Appreciated there are potential issues in respect of the delivery of plots on larger housing allocations and the policy makes reference to the suitability of servicing and site arrangements. These issues will depend on the sites characteristics including layout. However, these should not act as a barrier to development and should be considered early on in the development process. For example, role of the site manager to coordinate issues such as Health and Safety, site deliveries and storage of materials, and implementation of practical measures to take account of differing site access requirements during the construction phase.</p>

<p>Approach will not boost housing supply within the district.</p>	<p>The aim of the policy does not seek to increase housing supply. Rather it seeks to support a mix of housing type that meets the needs of the district and responds to national policy which requires authorities to provide for SCB.</p>
<p>Potential for unsold plots and timescale for reversion of these plots to the original housebuilder to create practical difficulties in co-ordinating construction activity on site.</p>	<p>Proposed policy is considered a reasonable and balanced approach and length of time provides an opportunity for plots to be marketed.</p> <p>Certainty of what would be required would allow developers to allow this requirement to be incorporated in their management and delivery plans for the development of the site.</p>
<p>Impact on viability, for example, detrimental impact on the level of affordable housing provision.</p>	<p>A Viability Assessment will be undertaken of the Local Plan which will address these matters and consider the financial impacts of the proposed policy approach.</p>
<p>Self build plots should be counted within the total number of units delivered on a site when calculating affordable housing provision.</p>	<p>When the threshold is applied, for affordable housing provision, this will take into account the overall number of properties/plots on site, for example, open market housing as well as self build and custom housebuilding plots.</p> <p>If affordable housing is triggered when self-build plots comprise part of the development, the new Local Plan will allow for viability considerations to be taken into account.</p> <p>The approach will be clarified and addressed as part of the Affordable Housing policy.</p>
<p>These plots can represent a proportion of affordable housing as 'other affordable routes to home ownership' and may support viability. Policy could include this option.</p>	<p>NPPG suggests that self-build and custom build can provide a route to affordable home ownership.</p> <p>Therefore if it is demonstrated that a self-build or custom build property were to meet the definition of affordable housing, such development would be subject to a legal agreement requiring the property to remain as 'affordable housing' for perpetuity.</p>
<p>No legal or national policy requirement that states the delivery of CSB plots is more important than market housing. Seems incongruous to structure a policy that would result in less market housing being delivered.</p>	<p>Local Planning Authorities are required to undertake an assessment of local housing need, including of those people wishing to self-build or custom-build their own homes. This policy seeks to support the authority in its duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.</p>
<p>Plan should encourage provision on strategic sites, recognising the</p>	<p>Policy seeks provision on suitable sites of 50 dwellings or more, where servicing and site arrangements can be made</p>

<p>potential difficulties and the need for robust evidence of need</p>	<p>suitable and attractive, where there is a clear evidence of demand. As stated in the NPPG, the level of demand is established by reference to the number of entries added to an authority's register during a base period, as well as secondary sources of data where necessary, which is to be reflected in the policy wording.</p>
<p>Schemes may still generate the need for a contribution towards the provision of new school places.</p>	<p>Noted.</p>

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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q7

Q7 - DO YOU AGREE WITH THE PROPOSED POLICY ON SPACE STANDARDS? IF NOT, WHY NOT?

A summary of the issues raised in the comments received are set out below:

Summary of Comments	NWL Officer Response
The proposed approach allows flexibility should space standards change over plan period	Comments noted
The policy should incorporate 'change of use' as well as conversions.	Comments noted
Space standards are important as lack of internal space and overcrowding is associated with negative implications on mental wellbeing, psychological safety (due to a lack privacy/personal space) and health outcomes, lower educational attainment and family tensions. Working from home is now more common following Covid-19.	Comments noted
It is important to note that there are likely to be other factors also that could impact on land supply, including the impacts of the Government's most recent cycle infrastructure design guide, Local Transport Note 1/20 and its general encouragement for segregated cycle routes. A reference to this would be good.	These comments relate to urban design rather than internal space standards and are therefore more relevant to design policies and the Council's authority-wide Design Code which is in the process of being prepared.
<p>Viability</p> <ul style="list-style-type: none"> • The impact of introducing NDSS needs to be factored into a whole Plan viability assessment. • The proposed policy needs to be balanced alongside changes to the Building Regulations, response to climate change and biodiversity net-gain which will also add to the cost of developing sites. • The Council will need to be satisfied that the selection of sites that underpin its delivery strategy remain viable following the application of the NDSS. 	The policy will be tested as part of a whole plan viability assessment at Regulation 19 stage. This will be in accordance with guidance and will be prepared to ensure that "policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable" (PPG, Reference ID: 61-039-20190315).

Impact on affordability and customer choice

The following response is typical of many of the concerns raised by developers/agents/landowners on this issue:

“There is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provided a good, functional home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.”

One developer suggested:

“...any evidence based policy [should] seek a proportion of homes to be NDSS compliant rather than every home so that consumers can continue to prioritise what is important to them when making house purchasing decisions.”

“[The NDSS] allows for different combinations of single and double/twin bedrooms to be reflected in the minimum Gross Internal Area. The breakdown of the minimum Gross Internal Area therefore allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy” (NDSS, paragraph 5).

There are different space/size options for houses with the same number of bedrooms, for example:

- a two bed home can be designed as a one storey or two storey dwelling and with either three or four bedspaces. The difference in space standard between a one storey, three bedspace property (61 sqm) and a one storey, four bedspace property (70 sqm) is nine square metres. The difference between a two storey, three bedspace property (70 sqm) and a two storey, four bedspace property (79 sqm) is also nine square metres.
- a three bed house can be designed to provide four, five or six bedspaces. The difference in space standard between a two storey, four bedspace property (84sqm) and a two storey, six bedspace property (102 sqm) is 18 square metres.
- A four bed home can be designed to provide five, six, seven or eight bedspaces. The difference between a two storey, five bedspace property (97sqm) and a two storey, eight bedspace property (124sqm) is 27 square metres.

Ultimately, it is for the homeowner to decide how they use their space, but it is expected that the differences in floor space would be reflected in the sales price.

Developers would need to clearly identify bedrooms as double/twin or single. The NDSS for a double bedroom is at least 11.5 sqm; officers have found examples of where a

	<p>bedspace was being marketed as a double bedroom but did not meet this standard.</p> <p>Officers have looked at examples of recently adopted Local Plans. Policies generally require all homes to comply with the minimum NDSS standards; some required deviation from the standards to be robustly justified.</p> <p>It is recommended that NWLDC proceeds with seeking to obtain the minimum NDSS standards in all new homes (subject to viability testing).</p>
<p>Sufficiency of evidence base</p> <ul style="list-style-type: none"> • The Council's evidence suggests that the majority of developments exceed the Nationally Described Space Standards. This suggests this policy is not necessary or justified / there is no systemic problem to resolve. • It is clear current evidence does not provide justification for the imposition of the optional NDSS within North West Leicestershire. The Local Housing Needs Assessment and the Leicester and Leicestershire HEDNA prepared in 2017 provide no commentary or evidence in respect of NDSS. • More work is required by the Council to justify its approach on NDSS. 	<p>One agent provided the example of the Harborough Local Plan, where a proposed policy requirement for development to comply with the NDSS was deleted due to the inadequacy of the evidence (Inspector's Report, 8 April 2019, paragraph 49). Officers did some more investigation on what Local Plan Inspectors deem sufficient evidence by looking at Local Plans that have recently gone through the examination process. Officers have decided that our evidence would be strengthened if we expanded upon the snapshot of developments previously relied upon, and have undertaken a more comprehensive survey of approved house types. Whilst this work has not yet been completed, to date it has found that one, two and three bed homes are more likely to be below the minimum NDSS than four or five bed homes, suggesting there <i>is</i> a systemic issue to resolve.</p> <p>The previous snapshot also applied a 10% discount to the gross external area in order to get a figure for the gross internal floor area. Officers decided that the evidence would be strengthened if the internal floorspace was measured off plans.</p>
<p>Transition Period</p> <p>If the Council can justify a NDSS policy:</p> <ul style="list-style-type: none"> • A transition period between adoption and implementation is required to enable 	<p>Aside from the comments that the NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date, there were no</p>

<p>developers to adapt their housing specifications</p> <ul style="list-style-type: none"> • A transition period is needed to account for the fact that the land deals underpinning strategic and non-strategic sites may have been secured prior to any proposed introduction of the NDSS • Sites should be allowed to move through the planning system before any proposed policy requirements are enforced. Prior to a specified date, the NDSS should not be applied to any reserved matters applications or any outline or detailed approval. 	<p>suggestions on what an appropriate transition period might be.</p> <p>The PPG says that there “may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.”</p> <p>The Doncaster Local Plan was adopted on 23 September 2021. In the Inspector’s report, dated 30 June 2021, the Inspector concluded that (our emphasis):</p> <p><i>“The Council’s intention to introduce the standards was made clear in the consultation on the draft plan in 2018. I am, therefore, satisfied that the requirement in policy 46 part A for all new housing to meet the Nationally Described Space Standard as a minimum is justified by adequate, proportionate and up to date evidence about need, viability and timing.”</i></p> <p>This means that the Inspector concluded that the time period of roughly three years between consultation and the publication of their report was a sufficient transition period.</p> <p>NWLDC first presented a Local Plan Committee report on space standards on 8 September 2021 with the Regulation 18 consultation following in January 2022. A similar timeframe to adoption as Doncaster is likely to apply in North West Leicestershire and as a result, a further transition period in the Local Plan is not recommended.</p>
<p>Density of developments</p> <ul style="list-style-type: none"> • Higher density housing preferred as it means less environmental damage. • Existing developments in the district are overcrowded. • Plot and garden sizes are more important than internal space. • Car parking is just as important. Not enough car parking spaces are being provided and the Council should not allow garage conversions as this results in more on-street parking. 	<p>Whilst related, the density of development is outside of the remit of a minimum space standards policy. Density is a current design consideration of NWLDC and will be addressed in an authority-wide Design Code which is currently being prepared.</p>

<p>Yes, perhaps the standards do Not go far enough in terms of future proofing our houses for technology and electrical requirements.</p>	<p>This comment doesn't appear to relate to space standards.</p>
<p>The NDSS need to be monitored/enforced to ensure they are being applied correctly.</p>	<p>Comments noted. Developers will only have planning permission to build in accordance with the approved plans. The PPG makes clear that:</p> <p><i>"...the space standard has not been incorporated into the Building Regulations. Establishing compliance and any enforcement action therefore rests with the local planning authority."</i> (Paragraph: 021 Reference ID: 56-021-20150327)</p>
<p>The proposed policy should be amended to include a requirement that all applications for new residential developments must be accompanied by information that demonstrates that the proposal complies with the Nationally Described Space Standards, as a minimum. Without the submission of such information, there will be a significant increase in the work that needs to be undertaken by the Council's Development Management team when assessing such proposals to see if they meet the space standards requirement, which in turn will increase the time it takes for the Council to deal with such applications and result in delays in issuing decisions.</p>	<p>The process by officers of checking floorspaces across a wide range of developers/applicants has revealed the inconsistency of information provided on plans. Some provide a total internal floorspace measurements in square metres, whereas some provide it in square feet, some provide the external floor area and provide no information at all (requiring officers to measure off plans). Very few plans provide information on sqm of storage in a particular dwelling.</p> <p>It is agreed that if a policy on NDSS was to be pursued, that the information provided needs to be consistent.</p> <p>The supporting text of the Doncaster Local Plan (adopted September 2021) sets out the following requirements and a similar approach is recommended for NWLDC:</p> <p><i>"To allow the Planning Authority body to check compliance of a development against the Nationally Described Space Standard it would be helpful if planning applications clearly state on all appropriate plans:</i></p> <ul style="list-style-type: none"> • <i>The internal area (m2) and width (m) of every bedroom and the number of intended occupants for each bedroom in each different type of dwelling on the site;</i> • <i>All specific storage spaces and its internal area (m2) in each different type of dwelling on the site; and</i> • <i>The overall gross internal area (m2) of each different type of dwelling on the site."</i>

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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q8

Q8 - DO YOU AGREE WITH THE PROPOSED POLICY ON ACCESSIBLE AND ADAPTABLE HOUSING? IF NOT, WHY NOT?

Summary of Comments	NWL Officer Response
Generally supportive of moves to address accessibility and the application of the M4(2) accessibility standards which is becoming an industry standard.	Comments noted
<p>Strongly support the accessible and adaptable housing policy and reference to meeting Building Regulations M4(2). A Freedom of Information request was made by the respondent in January 2022, asking NWLDC to confirm the number of people in NWL who require an accessible home:</p> <ul style="list-style-type: none"> • Requires single level – 111 applicants • Requires single level with level access shower – 146 applicants • Requires wheelchair accessible – 14 applicants • There are 13 applicants banded because their home required adaptations that cannot be carried out (or their landlord has refused permission) • 96 applicants are banded as having a medical need to move, some of which will require adaptations but some may need to move to alternative accommodation for another non-adaptation reason <p>New homes that meet category M4(2) will deliver:</p> <ul style="list-style-type: none"> • significantly fewer disabled people out of work, further reducing the impact on local government spending* • faster hospital discharges • Reduced local government expenditure on more expensive residential care settings • provide a better environment for ongoing independence when needs change 	Comments noted
Potential duplication of the Building Regulations	This is a relevant consideration. The government has consulted on potential changes to Part M of the Building Regulations (Raising

This is a matter that is more appropriately dealt with under the Building Regulations rather than planning policy. This policy will potentially duplicate the proposed changes to Part M of the Building Regulations.

accessibility standards for new homes) and published its response to the consultation in July 2022. The government has confirmed that it proposes to mandate Part M(2)

The government consultation sought views on the following five options:

- **Option 1** – Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing
- **Option 2** – Make M4(2) the minimum standard, with M4(1) applying by exception only. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
- **Option 3** – Make M4(2) the minimum standard, with M4(1) removed altogether. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
- **Option 4** - Make M4(2) the minimum standard, with M4(1) applying by exception only. A set percentage of M4(3) homes would also need to be applied in all areas.
- **Option 5** – Change the content of the mandatory technical standard, e.g. a revised M4(1) with requirements between the existing M4(1) and M4(2).

Paragraph 73 of the government’s July 2022 paper confirms that they propose to make M4(2) the mandatory standard (i.e. Option 2 above):

“Government proposes that the most appropriate way forward is to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes... M4(1) will apply by exception only, where M4(2) is impractical and unachievable... Subject to a further consultation on the draft technical details, we will implement this change in due course with a change to the building regulations.”

The July 2022 paper confirms that the government will consult further on the technical changes to the Building Regulations to mandate M4(2) and on their approach to how exceptions will apply. Paragraph 84 states that transitional

	<p>provisions are necessary to allow the industry to adapt.</p> <p>Given the government’s proposed direction of travel and to avoid any abortive work, for the time being it is recommended that no further work justifying a policy for accessible and adaptable homes (M4(2)) is progressed.</p>
<p>Suitability of the Council’s evidence</p> <p>More evidence is required, including being clear as to how the proposed requirement relates to the future needs within the area and whether the adaptability of existing housing has been considered, whether the needs across different tenures have been taken into account and whether consideration has been given to the impact that this requirement may have on the viability implications for development.</p> <p>The evidence does not identify local circumstances/need; an ageing population affects the whole country and is not an issue specific to North West Leicestershire. If the Government had intended that evidence of an ageing population alone justified adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.</p> <p>The Council’s evidence (Local Housing Needs Assessment, JG Consulting, June 2020) does not justify the proposed approach.</p>	<p>In consulting on a review of Part M of the Building Regulations, the government has recognised the importance of suitable homes for older and disabled people:</p> <p><i>“The provision of appropriate housing for older and disabled people makes an important contribution to a safe and independent life. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs through policy change.”</i> (Paragraph 2, Raising accessibility standards for new homes: summary of consultation responses and government response, July 2022).</p> <p>The government has concluded that it <i>“is committed to raising accessibility standards for new homes”</i> (paragraph 71) and considers the most appropriate way to achieve this is to mandate M4(2) as the minimum standard for all new homes.</p> <p>Alongside government recognising the importance of this issue, the LHNA provides evidence of an ageing population and that is anticipated to increase by 2039. As the population grows, so too will the numbers of people with a long term health problem or disability: <i>“The growth shown in those with disabilities provides clear evidence justifying delivering ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations.”</i></p>
<p>The requirements have implications for the design of new homes, both internal and external and this should only be a planning policy requirement where there is evidence of need.</p>	<p>Evidence of need will not be required should M4(2) be made the minimum standard for all new homes as the government is proposing.</p>
<p>All new homes are built to M4(1) “visitable dwelling” standards. These standards include level approach routes, accessible front door</p>	<p>These comments are noted and it is agreed that newer properties built to M4(1) standards offer</p>

<p>thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. M4(1) standards are not usually available in the older existing housing stock. These standards benefit less able-bodied occupants and are likely to be suitable for most residents.</p>	<p>greater accessibility benefits than many older properties.</p> <p>However, as set out in more detail above, the government has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p>Many older people already live in the District and are unlikely to move home. No evidence is presented to suggest that households already housed would be prepared to leave their existing homes to move into new dwellings constructed to M4(2) standards. Those who do move may not choose to live in a new dwelling. Recent research by Savills “Delivering New Homes Resiliently” published in October 2020 shows that over 60’s households “are less inclined to buy a new home than a second-hand one, with only 7% doing so”. The District’s existing housing stock is significantly larger than its new build component, therefore adaption of existing stock will form an important part of the solution.</p>	<p>Comments noted, as set out in more detail above, the government has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p>Viability</p> <p>The proposed policy should be taken into account in a Viability Assessment that seeks to ensure that “the total cumulative cost of all relevant policies will not undermine the deliverability of the plan” (PPG Ref. 10-002-20190509), in order to ensure that the policy requirement is “deliverable” in accordance with NPPF paragraph 16b. If it is the case that this Viability Assessment finds that the proposed level of provision would render development schemes unviable, then the level of provision should be capped at a level that would allow for viable schemes.</p>	<p>The policy will be tested as part of a whole plan viability assessment at Regulation 19 stage. This will be in accordance with guidance and will be prepared to ensure that “policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable” (PPG, Reference ID: 61-039-20190315).</p>
<p>The Government’s consultation “Raising Accessibility Standards for New Homes” estimates the additional cost per new dwelling is approximately £1,400 for dwellings, which would not already meet M4(2). The extra costs for M4(3) are much higher. In September 2014 during the Government’s Housing Standards Review, EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. These costs should be</p>	<p>Comments noted.</p>

<p>applied plus inflationary cost increases since 2014. M4(2) and M4(3) compliant dwellings are also larger than NDSS (see DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013), therefore larger sizes should be used when calculating additional build costs for M4(2) and M4(3) and any other input based on square meterage except for sales values as enlarged sizes are unlikely to generate additional value.</p>	
<p>Again, there are costs associated with this policy which would increase the cost of housing, where in most of the cases there will be no functional need for dwellings to be built to this standard. This again will have impacts on the ability of people to afford a new build, as it has been built to a specification which does not benefit them, but with associated increased costs. People will purchase a dwelling based on their personal needs.</p>	<p>Comments noted, but it is also worth noting that people’s needs will change over time and delivering in accordance with M4(2) could enable people to live a more comfortable life in homes they purchased prior to having any older age/health related concerns. The government has acknowledged that this is an issue and as noted in more detail above, has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p>If the requirements for M4(2) & M4(3) are carried forward, the NPPG specifics that “Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied” (ID 56-008-20160519).</p> <p>It is suggested that flexibility is allowed in relation to scheme viability, for example by extending the above policy wording to read “exceptions to these requirements will only be considered where it can be robustly demonstrated that it will not be possible to provide safe, step-free access, or where provision of accessible and adaptable housing would render the site unviable.”</p>	<p>As confirmed above, the government is proposing to mandate M4(2) as the minimum Building Regulation standard (it is currently M4(1)). The accompanying response to the consultation statement confirmed that:</p> <p><i>M4(1) will apply by exception only, where M4(2) is impractical and unachievable.</i></p> <p>The government will continue to recognise that there are instances where M4(2) would not be achievable (as currently set out in the PPG, ID 56-008-20160519). However, the onus will be on developers to “justify the use of the M4(1) standard against specific individual homes and justify why M4(2) is not appropriate on their project.” (paragraph 78, government consultation respons)</p>
<p>The Local Housing Needs Assessment is based upon an assumed provision of 480dpa, it should be revisited based upon the higher proposed housing requirements (to consider whether the provision of all dwellings at Part M4(2) standard</p>	<p>The Leicester and Leicestershire Housing and Economic Needs Assessment (HENA, June 2022) provides more up to date information on housing need. In any event, as the government is proposing to mandate M4(2) as the minimum standard in the Building Regulations, further</p>

<p>and 5% of affordable dwellings at M4(3) standard would be appropriate).</p> <p>Indeed, whilst it would be a reasonable to suggest that the additional demand in the plan period would increase directly in line with the increase in housing delivery, it is noted that the existing shortfall of accessible / adaptable housing comprises a significant amount of the overall shortfall that is expected by the end of the plan period. That figure, however, is a base figure that will not increase alongside the increased level of housing delivery that should be pursued. It may well be the case, therefore, that those needs could be met whilst requiring a reduced proportion (in terms of a percentage) of Part M4(2) and Part M4(3) housing.</p>	<p>work on justifying a policy approach for M4(2) is not considered necessary for the time being.</p>
<p>Accessible housing must be within areas where existing infrastructure is sufficient and where nearby retail outlets would benefit</p>	<p>Comments noted</p>
<p>Disabled and older people always need consideration</p>	<p>Comments noted</p>
<p>There is an increasing population who have disabilities of various kinds. And the number continues to rise. Where is this taken into consideration?</p>	<p>This proposed policy is seeking to provide more accessible/adaptable in the provision of new homes.</p>
<p>HIGH DENSITY Multi-dwelling units where people can live and shop and move to work more easily would be a better solution.</p>	<p>Comments noted</p>

SUMMARY OF RESPONSES TO Q9

Q9- SHOULD PART M4(3)(A) WHEELCHAIR ADAPTABLE DWELLINGS ALSO APPLY TO MARKET HOUSING? IF NOT, WHY NOT?

Summary of Comments	NWL Officer Response
<p>This is a matter that is best dealt with in the Building Regulations.</p>	<p>The government published 'Raising accessibility standards for new homes: summary of consultation responses and government response' in July 2022.</p> <p>With regards to M4(3) the government has concluded that:</p> <p><i>M4(3) would continue as now where there is a local planning policy in place in which a need has been identified and evidenced. Local authorities will need to continue to tailor the supply of wheelchair user dwellings to local demand."</i> (paragraph 74).</p> <p>The government resisted applying a set percentage of M4(3) homes to be applied in all areas (rather than this being done through local planning policy) because <i>"having a mandatory percentage for wheelchair homes could reduce the number of homes coming forward and therefore conflict with the objective to boost supply of accessible housing"</i> (paragraph 76).</p> <p>The government's intention is that <i>"the saved resource and expertise on making M4(2) policies will help local planning authorities focus on evidencing the need and proportion for wheelchair-user dwellings."</i> (paragraph 75)</p>
<p>Recommends 10% of new homes comply with Part M4(3) Standard (wheelchair accessible) due to the lack of wheelchair accessible properties available in general across the country. Consider that a 10% requirement of wheelchair ready (Part M4(3)) homes should be considered as a starting point for all local plans, with the remaining 90% meeting Part M4(2) accessible and adaptable dwellings. Recommend this approach for NWL which has been successfully adopted in the London Plan. Adequate number of homes should be built to Building Regulation M4(3) standard to meet national accessible home deficit.</p>	<p>Since the consultation ended, further evidence has come forward in the form of the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are</p>

	limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.
<p>M4(3)(a) wheelchair adaptable dwellings should also apply to market housing given the anticipated rise in persons requiring such adaptability in homes in future years.</p> <p>In respect of market housing the proportion of housing that is required to meet M4(3)(a) should be no greater than the need identified within the housing needs assessment for the District and take account of the level of provision delivered through affordable housing and supported housing schemes delivered across the overall scheme.</p>	Comments noted.
<p>Agree but numbers should be assessed on a site by site basis following discussion between the District Council and developers.</p>	<p>The NPPF requires plans to “contain policies that are clearly written and unambiguous, so it is evidence how a decision maker should react to development proposals” (paragraph 16d).</p> <p>If there is the evidence to underpin a 5% requirement for M4(3)(a) homes and the policy is acceptable in viability terms, then it would provide greater certainty for applicants and decision makers to include a percentage policy requirement rather than negotiate on a site and application basis.</p>
<p>Sensible as it would help make up for the relative lack in older housing stock.</p>	<p>Comments noted and it is far more efficient to design homes to meet future needs from the outset as opposed to retrofitting existing buildings.</p>
<p>Do not object to the requirement that 5% of affordable housing should be delivered to M4(3) standards, subject to a recognition that the topography of some sites will mean this may not be possible to deliver.</p> <p>It is important to note that the Planning Practice Guidance is clear that site specific factors that may make a site less suitable for M4(2) and M4(3) dwellings should be taken into account, and where step-free access is not viable, neither optional requirements in Part M should be applied.</p>	<p>Flexibility can be built into the policy/supporting text so that it accords with the PPG.</p>
<p>Object to the suggestion that this requirement should be applied to the market housing. This</p>	<p>Since the consultation ended, further evidence has come forward in the form of the Leicester</p>

<p>requirement has not been justified and there is no evidence to justify such a requirement. Such a requirement seems to be arbitrary and should not be pursued as part of the ongoing development of this Local Plan.</p> <p>Should the Council wish to include M4(3) for market housing and the evidence supports its application, the Council will need to provide evidence, setting out the specific case for Optional Technical Standards in North West Leicestershire. Limited evidence with regard to the 5% requirement, particularly in relation to size, accessibility and adaptability of existing housing stock, location and quality of dwellings needed to meet identified needs has not been undertaken.</p>	<p>and Leicestershire Housing and Economic Needs Assessment (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.</p>
<p>In terms of Part M4(3) (a), this requirement should not be applied to market housing. The requirement for Part M4(3) should only be required for dwellings over which the Council has housing nomination rights, as outlined in the Planning Practice Guidance.</p> <p>It is also noted that the Council is seeking to apply M4(3) standards to 5% all new housing. It is noted that the NPPG (ID 56-008-20150327) only requires this for dwellings over which the Council has housing nomination rights. Therefore, whilst it should be encouraged across all developments, it should only be required in these specific circumstances. This is to prevent many housing schemes suffering viability concerns given that cost increase estimates provided to the Government's Housing Standards Review by EC Harris estimated £15,691 per apartment and £26,816 per house. Again, this is something that should be considered as part of the whole plan viability exercise which is encouraged by national policy.</p> <p>We do not agree with the proposed policy wording. Section 3A is the approach to the dwelling and is optional under Building Regulations only required where there is a planning condition requiring compliance with this optional requirement. 3A is the approach route between the dwelling and the point, or points, at which a wheelchair uses or other</p>	<p>The PPG is clear that local plan policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling (Reference ID: 56-009-20150327). Wheelchair accessible homes fall under part M4(3) (b) of the Building Regulations, whereas part M4(3) (a) (to which this question relates) deals with wheelchair adaptable housing. There are examples of other local planning authorities (e.g. Doncaster) that have applied an M4(3)(a) policy requirement to all homes and this has been regarded as a sound approach by the Local Plan Inspector.</p>

<p>disabled occupant or visitor, would expect to get in and out of a car. This needs evidence of need which is not in place to underpin such a policy, especially for market housing where occupancy is typically subject to the market and not controlled by the local authority</p>	
<p>It is entirely appropriate to apply a requirement for Part M4(3)a housing only to affordable housing, rather than market housing. Indeed, the Council's LHNA identifies that wheelchair users comprise a higher proportion of social tenants compared to owner-occupiers. Thus, reflecting that by providing wheelchair adaptable dwellings in the form of affordable housing only is a sensible approach.</p> <p>With that said, BHL's response to Question 8 highlights that, when taking into account the need to adopt a 730dpa housing requirement, the requirement for M4(3) housing within the affordable housing offer may reduce in any event.</p>	<p>Since the consultation ended, further evidence has come forward in the form of the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.</p>
<p>Any proposed policy should be considered as part of the Local Plan Viability Assessment to ensure that any proposed approach does not compromise viability of development.</p>	<p>The policy will be tested as part of a whole plan viability assessment at Regulation 19 stage. This will be in accordance with guidance and will be prepared to ensure that "policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable" (PPG, Reference ID: 61-039-20190315).</p>
<p>It should be noted that many older people living in the district are unlikely to move home. The HBF in its submission points to research by Savills that shows that over 60s households are less inclined to buy a new home than a second-hand one. Given the size of the Council's existing stock, the Council should recognise that adaptation of existing stock is a key issue that would result in more positive outcomes than solely focusing on new build.</p>	<p>Comments noted but designing homes from the outset to meet future needs is far more efficient than retrofitting existing buildings.</p>
<p>Putting such dwelling where the householders will be isolated - and that is what happens in big builds, makes for an unhealthy situation. Where bungalows for the disabled are crowded together and there are No facilities just creates another sort of ghetto.</p>	<p>Comments noted</p>

It should but most developers work with profits per unit paramount	Comments noted
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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q16

Q16 - DO YOU AGREE WITH THE PROPOSED HEALTH AND WELLBEING POLICY? IF NOT, WHY NOT?

A summary of the issues raised in the comments received are set out below:

Comments	NWL Officer Response
There is a well established connection between planning and health, and this is apparent in the NPPF. Planning can facilitate improvements to health services and infrastructure and provide a mechanism to address the wider determinants of health.	Comments noted.
Would welcome further engagement with the Council on this matter.	Comments noted.
<p>Policy is a welcome addition as provides a specific focus. However a number of the terms used are considered ambiguous, for example,</p> <p>'creating an inclusive built and natural environment'</p> <p>'promoting and facilitating active and healthy lifestyles'</p> <p>Therefore a risk that policy could be hard to apply at a development management level without sufficient detail on what action would be expected.</p> <p>Measures to improve health and wellbeing include – improving quality of walking and cycling infrastructure, creation of a network of well-designed, functional open spaces, considering sport and active recreation needs, create playable environment, embracing Healthy Street principles etc.</p> <p>Identified the availability of the platform - Healthy Place Making. This should be mentioned in the policy.</p>	Comments noted. It is the intention that the policy wording and supporting text is amended to address these issues and to provide greater clarity as well as the availability of supporting guidance that would assist in the application of the policy, taking into account that there maybe instances that guidance maybe revised or replaced by subsequent guidance.
Recommend policy encourages the use of SuDS to create multi-use amenity space and flood mitigation. Could also be applied alongside sustainable transport routes.	Noted. Recent government announcement has been made with the expectation for SuDS to be mandatory for new developments beginning in 2024.
Promoting health and wellbeing involves decisions where development is located, its design and access to countryside and nature. These should be incorporated directly in decisions and policies for development.	Noted.

<p>The built environment is shaped so people can access green spaces and are enabled to walk and cycle more.</p>	<p>Encouragement of the delivery and use of sustainable forms of travel will be incorporated within the Local Plan. Policy amended to make specific reference to active travel.</p>
<p>Support policy if implemented properly.</p>	<p>Comments noted.</p>
<p>Design of places can influence people's ability to follow healthy behaviours. Support development which can support and encourage active and healthy lifestyles.</p>	<p>Comments noted.</p>
<p>Suggest further addition to point 'v' to include specific reference to creating new, and enhancing existing, green spaces and providing multi-functional green infrastructure within new developments, rather than simply ensuring access to existing resources.</p>	<p>Policy amended to refer to the protection and improvement of these spaces/infrastructure. A specific policy on Green Infrastructure provision will also be included within the new Local Plan.</p>
<p>Suggest wording to prevent negative impacts on landscape character, as well as to recognise the specific role of landscape character in enhancing health and well being.</p>	<p>The Health and Well Being policy specifically recognises the benefits of access to green space. Local Plan policy will also seek to protect the character of the natural environment.</p>
<p>Welcome the use of a Health Impact Screening Statement for certain developments.</p>	<p>Noted.</p>
<p>With the creation of NWLDC's GI strategy underway, recommend the use of Natural England's Green Infrastructure mapping tool to identify important areas lacking in Green Infrastructure.</p>	<p>This has been used to inform the preparation of the Green and Blue Infrastructure Study for NWL, to identify deficiencies and accessibility issues.</p>
<p>Like to see references to Active Design guidance (Sport England) and other similar guidance . 'Uniting the Movement' which includes the following themes; 'connect communities', 'connect with health and wellbeing' and 'active environments'.</p>	<p>Policy amended to provide link with health and wellbeing and the design of a development. Supporting text of the Plan can make reference to guidance, for example, LLR Healthy Place Making (Active Environments) Design Guide. The wording would also have to take into account that there maybe instances that guidance is revised or replaced by subsequent guidance.</p>
<p>Welcome the following: <ul style="list-style-type: none"> • Actions to support the development of community identity and opportunities for residents to come together; • Sufficient green space and local recreational facilities that enable residents to access physical activity with ease. </p>	<p>Support noted.</p>

<ul style="list-style-type: none"> • New developments are designed in such a way to enhance physical and mental health and wellbeing. • Designs that support the reduction in carbon emissions, as this has a direct impact on some resident's health 	
Requirements of the policy should be tested to ensure viability and deliverability is not undermined.	A Viability Assessment will be undertaken of the whole New Local Plan, looking at the cost implications on development of each policy.
How can the proposed housing developments surrounding Diseworth contribute to health and well being of existing or incoming residents.	It is the intention that this type of development will be subject to a Health Impact Assessment and/or Screening Statement in order to enhance the potential positive aspects of a proposal while avoiding or minimising any negative impacts.
Does this policy consider just the future residents of development, or also the existing neighbourhoods and residents of those neighbourhoods?	The policy will apply to all new development and therefore impact on the health and well being of existing and future communities and residents.
Cultural facilities, e.g. theatres have an important role to play in supporting the well-being of local people, in that they provide opportunities for participation and engagement. Policy should be supplemented by a policy which strongly protects facilities from unnecessary loss.	The NPPF also supports the retention of local services and community facilities. This issue will be addressed elsewhere in the Local Plan as well as the accessibility to these services.
New housing development has been allowed but Health Authority have not provided adequate doctor numbers. Surgeries are operating at over capacity.	The Local Authority will continue to work in partnership with the relevant public health organisations to support the provision of appropriate health infrastructure. This partnership working will inform the preparation of the District's Infrastructure Delivery Plan.
Lack of cycle and walking paths. Lack of provision between Coalville and Ashby. Lack of facilities on new development e.g. housing, industrial and retail.	Council has recently published its Walking and Cycling Strategy for 2022-2032. Sets out the approach to improve walking and cycling opportunities. Now developing a Local Cycling and Walking Infrastructure Plan to support access to funding to improve the cycling and walking infrastructure and network across the district. This work can be used to inform the decision making process in terms of cycling and walking infrastructure provision and will be addressed in the new Local Plan.
Necessary infrastructure and services should be provided. The remainder is not necessary.	NPPF makes it clear that the planning system has a role to play in the provision

	<p>of health infrastructure as well as the health and well-being of communities.</p> <p>Evidence and justification for a policy of this nature can be found in the NPPF and Planning Practice Guidance alongside the Council's Delivery Plan and Health and Wellbeing Strategy.</p>
<p>Removing access to green spaces and destroying the countryside contradicts this policy.</p>	<p>The planning system seeks to balance the district's development needs alongside the protection of the environment and the health and well being of its communities.</p>
<p>Policy provides opportunity to link health and wellbeing with the Council's ongoing assessment of green infrastructure. Suggest part (v) of the policy is amended to read:</p> <p>v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities, [including green infrastructure corridors connecting settlements with the countryside]</p>	<p>Policy to be amended provide this link.</p>
<p>There has been disregard for health and wellbeing having allowed the airport expansion to continue unabated.</p>	<p>The New Local Plan seeks to promote a sustainable pattern of development, balancing the development needs of the area as well as the health and well being of its communities.</p> <p>The suggested policy applies to proposals for new development and to embed health and well being issues in the planning process.</p>
<p>Policy does not go far enough. All developments should connect communities through the provision of walking and cycling facilities.</p>	<p>Policy has been amended to make specific reference to Active Travel and connectivity within development and the wider community.</p> <p>In addition, the Council's Walking and Cycling Strategy for 2022-2032 sets out its approach to improve walking and cycling opportunities. Now developing a Local Cycling and Walking Infrastructure Plan to support access to funding to improve the cycling and walking infrastructure and network across the district. This work can be used to inform the decision making process in terms of cycling and walking infrastructure provision.</p>

Health and wellbeing seem to be completely neglected	The health and well being of communities encompasses a range of issues and there are opportunities for the planning system to have a positive impact. An explicit health and well being policy provides a greater opportunity to address the current challenges faced with respect to health and wellbeing.
Option 1 would be sufficient. The issues relates to the policing of the guidelines.	This option is considered to be a missed opportunity to explicitly embed health and well being in the Local Plan and to show conformity with the NPPF and the Council's Health and Wellbeing Strategy. Policies will be monitored to measure their effectiveness.
Access to countryside and SSSIs is the greatest aspect of health and well being. These areas should be protected.	Policy recognises the importance of access to green spaces and also supports the protection and improvement of these spaces.
Blaby District Council will continue to work with Leicestershire County Council Public Health Team and NWLDC to further develop effective policies and procedures for delivering healthy communities.	The mutual benefits of such an approach are noted, in terms of resourcing, expertise and consistency.
A specific stand alone policy is not necessary. Largely replicates requirements of other policies. Health and well being should be a thread or hook in the Plan that all policies reflect. The draft policy wording can be used as policy justification for a HIA policy or combined into a single HIA policy.	A stand-alone policy supports the principles of health and well-being contained in the NPPF and illustrates conformity with the vision and priorities of the North West Leicestershire Health and Wellbeing Strategy 2018-2028. This policy would apply to all development proposals and is an integral part of the development process. A separate HIA policy is to be applied to specified types of development, whilst being proportionate to the development type.
Part (v) can be met through the creation of green infrastructure.	Noted. Policy to be amended provide link between health and well being and green infrastructure.
Criterion b should only relate to unallocated sites	Agreed. The impact of allocations on existing services and facilities will be addressed as part of the Infrastructure Delivery Plan. Policy wording to be amended to address this.
Should be specific reference to including Active Travel options (which will also link into the Carbon Reduction agenda), with specific mention to supporting delivery of the NWL Cycling and Strategy and Local Cycling and Walking Infrastructure Plan (LCWIP) - this	Policy has been amended to explicitly refer to Active Travel. Relevant supporting strategies will be referred to in supporting text.

<p>would be through encouraging active travel options within developments and ensuring there are adequate links to the wider infrastructure.</p>	
<p>Requirement for all applications to be supported by a Screening Statement is not considered proportionate. Only larger developments are likely to benefit from a HIA and it is questioned how uses such as restaurants/cafés, drinking establishments and hot food takeaways would be able to demonstrate compliance.</p> <p>The form of the HIA is also important as this needs to be proportionate. The approach taken by Nottinghamshire County Council to this matter is considered to be a appropriate approach (https://www.Nottinghamshire.gov.uk/planning-and-environment/planning-and-health-framework/planning-and-health-framework-2019-2022).</p>	<p>Early screening is seen as an opportunity to identify any health and well being issues and whether there is a need for a Health Impact Assessment. Only applications of a specific scale or type, would require a screening assessment. Policy will be amended so the requirement of a Screening Statement will depend on the scale of the development.</p>
<p>Health and wellbeing strategies must provide for everyone and not just the able-bodied. For example, closure of day centres, too much focus on those attending university and not enough on practical skills. In regard to older persons, there should be opportunities to use skills they have developed over the course of their working lives.</p>	<p>Policy seeks to improve the health and wellbeing of all the district's communities. However the issues raised are not matters than can be addressed by the planning system.</p>
<p>Amend requirement b should be updated to read "The Council will require: statutory consultees to consider their impact upon existing services and facilities, relating to health, social wellbeing, cultural and recreation through the emerging Infrastructure Delivery Plan, and for applicants to make the necessary provision to mitigate that impact, be that through on-site provision or financial contributions."</p>	<p>Policy to be amended. Consideration to be given to the locational accessibility to services, as well as the impact of development on the infrastructure requirements of services and facilities. The second issue will be supported by the Infrastructure Develivry Plan which will identify the district's infrastructure requirements.</p>
<p>Requirement c should be updated to read ""proposals for development schemes that meet the criteria set out in Policy XX Health Impact Assessment (HIA) include a Health Impact Assessment [...]."</p>	<p>Agreed. Policy wording updated.</p>
<p>Can be challenging when setting measureable targets/delivery improvemets. National Design Guide and Building for a Healthy Life includes some useful advice in this regard.</p>	<p>Noted.</p>
<p>Responsibility of CCG to work with NLW to align the provision of medical facilities with population growth. Developers are unable to</p>	<p>Noted. The Councils engagement with the CCG is an ongoing process and will inform the requirements of the New Local</p>

<p>require the CCGs to commission new primary care facilities. Criterion iv) should be reviewed.</p>	<p>Plan. Policy seeks to maintain or improve accessibility to health care facilities.</p> <p>The provision of health infrastructure will be informed and supported by the Infrastructure Delivery Plan.</p>
<p>Recommend engagement with the CCG informs further refinement of the Infrastructure Delivery Plan as part of the Local Plan review process.</p>	<p>Noted and agreed. Engagement with the CCG is an ongoing process.</p>
<p>The policy could be amended to refer to a) access to healthy food; b) social interaction; c) children getting the best start in life; d) measurable outcomes.</p>	<p>Policy has been amended to specifically refer to social interaction and healthy food. Approach applies to all generations.</p> <p>Joint working, between multiple stakeholders is being undertaken across the district and county wide referencing healthy eating including a focus on children.</p> <p>Suitable monitoring will be put in place to measure the effectiveness of policy.</p>
<p>The wider Plan SA should highlight links between the historic environment/cultural heritage and well-being opportunities.</p> <p>Approach aligns with the draft Green and Blue Infrastructure Strategy. There are links between the natural and historic environment. Opportunities for enhancement can assist with place making and well-being.</p>	<p>Noted.</p>

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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q17

**Q17 - DO YOU AGREE WITH THE PROPOSED HEALTH IMPACT ASSESSMENT
POLICY? IF NOT, WHY NOT?**

A summary of the issues raised in the comments received are set out below:

Comments	NWL Officer Response
Option 3 seems reasonable.	Noted. This has been identified as the preferred option.
Both residential and non-residential development includes threshold so that only large schemes would require the initial need for a Screening Statement. Suggest that a threshold in terms of site area/floorspace is applied to the other development types on the list.	Policy to be amended to provide a threshold for residential and non-residential uses, rather than also providing a list of uses. Further work to be undertaken on the threshold for non-residential development.
The 30 dwelling threshold or 1 hectre seems a reasonable and proportionate threshold.	Noted.
HIA should be completed at the point in which it is able to have the biggest impact on the design of a development.	Policy seeks to ensure that health and well being issues are an integral part of the development process, and are considered at an early stage.
The evidence to support the suggested threshold of 30 dwellings is not clear. If the intention is to not place a burden on medium housebuilders, this low threshold is likely to catch a number of developments medium housebuilders are involved in. Would result in an increase in costs and time.	Policy seeks to limit the burden being placed on small and medium sized sites - which are detailed within the NPPF as being sites no larger than 1 hectare in size. This size has been used to inform the threshold and the policy seeks a balanced approach. It is also the intention that a HIA would only be needed if this process identifies significant health impacts and a toolkit will be available to support the screening statement process.
In the absence of clear evidence to justify a lower threshold, it is considered that a threshold of 100 dwellings or 2.5 hectares would be reasonable. For smaller and less strategic developments, health and well being matters can be addressed through existing national policy requirements.	Policy seeks to limit the burden being placed on small and medium sized sites - which are detailed within the NPPF as sites being no larger than 1 hectae in size. This size has been used to inform the threshold and the policy seeks a balanced approach. It is also the intention that a HIA would only be needed if this process identifies significant health impacts and a toolkit will be available to support the screening statement process.
For smaller scale and less strategic developments, health and wellbeing matters can be addressed through existing national policy requirements.	Local plan policy allows for evidence to be sought that demonstrates that developments incorporate health and wellbeing considerations. National policy is not considered sufficient to address this.

At Table 8.19, Option 1 should the text read EIA rather than SEA?	Noted.
Recognise that HIAs play an important role in addressing health impacts of planning decisions on communities in line with the social objective of sustainable development as set out in the NPPF.	Noted and agreed.
All developments should consider Health Impacts – Option 2 would be fine. If it proves a disincentive to development, if they do not want to consider health impacts, that is a good thing.	There are concerns that Option 2, which seeks screening assessments to accompany all planning applications, may not be disproportionate to smaller developments. The proposed would apply to all development in the district.
Who in the Council has the expertise to assess HIA's once they are submitted?	Engagement with Public Health Leicestershire is ongoing to address HIAs.
A site area/threshold should be provided for all development types.	Policy to be amended to provide a threshold for residential and non-residential uses, rather than also providing a list of uses. Further work to be undertaken on the threshold for non-residential development.
Is there any evidence to suggest that Leisure facilities/cafes have a detrimental impact on health and well-being;	Policy to be amended to provide a threshold for residential and non-residential uses, rather than also providing a list of uses. Further work to be undertaken on the threshold for non-residential development.
How do we prevent a situation where applications are designed so they fall under the threshold or developers create a conglomeration between them but, individually, they are all below the threshold.	A balance is being sought. Policy seeks to allow for screening statements to be proportionate to the type of development proposed and to reduce the likelihood of disproportionate expenses to the applicant. It is hoped that with these measures they would reduce an occurrence of the issues raised.
Agree with the principle of the approach but NHS Property Services would welcome further engagement on the proposed thresholds.	Noted.
Requirement for Screening Statements in other unspecified instances provides uncertainty. Should be replaced with clear criteria.	Noted. Specific triggers or thresholds would provide this clarity and certainty for all parties involved.
Another line could be added "...any other proposal considered by the Council to require one."	The wording suggested lacks clarity and certainty.
Use of the Healthy Placemaking screening tool can address some ambiguity.	A bespoke platform – Healthy Place Making – has been developed for Leicestershire, Leicester and Rutland and

	includes the availability of a HIA Tool. It provides access to local authority data and includes a 'smart form' approach to completing an assessment, providing a methodology and prompts to consider a range of health impacts. The availability of this tool would support and facilitate of the application of this Local Plan policy.
What if an application came in close proximity of HS2/trainline; What if an application is located to a health facility that has just closed or stopped taking patients; What if an application is close to a new AQMA?	Issues such as pollution, access to health and air quality would be considered as part of any screening process/health impact assessment.
Recognise the important role of HIAs in addressing health impacts.	Comments noted.
The substance and requirements of the HISS/HIA should be clearly set out. A SPD maybe needed to support the policy. Relevant background and issue faced by the district should be provided so the impact on these issues can be addressed.	<p>The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents.</p> <p>The supporting text to the policy will provide an explanation of the policy requirements as well as the relevant background and issues faced by the district.</p> <p>There is also available a bespoke platform – Healthy Place Making – that has been developed for Leicestershire, Leicester and Rutland and includes the availability of a HIA Tool. It provides access to local authority data and includes a 'smart form' approach to completing an assessment, providing a methodology and prompts to consider a range of health impacts. The availability of this tool would support and facilitate of the application of this Local Plan policy. Reference to this could also be made in the supporting policy text.</p>
The Policy should account for the different level of information available for different planning application types, i.e. full, outline, reserved matters and recognise that corresponding HIAs will be able to provide different levels of detail.	It is proposed that the Screening Statement will identify whether a more comprehensive HIA will be required and the appropriate level of detailing, taking into account the nature and characteristics of the development proposed. It is the intention that a HIA would only be needed if this process identifies significant health impacts.

	Wording can be added to the policy supporting text to provide this clarification.
This policy is not necessary as the The HIA should be an integral part of the Strategic Environmental Assessment and health and well being factors should for part of other policies within the Local Plan.	<p>Not all applications are subject to a Strategic Environmental Assessment. The proposed policy seeks to ensure health and wellbeing issues are addressed for all proposals that are likely to have significant health benefits.</p> <p>A specific policy would allow the plan to build upon the principles of the NPPF, contribute to the priorities of the NWL Health and Wellbeing Strategy and take into account the health status and needs of the local population.</p>
Policy should just set out the development types and require a proportionate relevant HIA. Policy is unnecessarily burdensome.	The policy seeks to provide clarity when a HIA would be required and that it is proportionate to the nature of the development proposed.
Unclear why the development list includes leisure facilities and non-residential institutions.	<p>A HIA is a useful tool to identify any positive health impacts of a development as well the identification of negative impacts, and giving an opportunity to provide for suitable mitigation.</p> <p>Policy to be amended to provide a threshold for residential and non-residential uses, rather than also providing a list of uses. Further work to be undertaken on the threshold for non-residential development.</p>
The need for individual HIAs at a planning application stage should only be necessary when two criteria are both met: a proposal for development that is not allocated in the adopted plan and it could give rise to likely significant health impacts. The emerging policy should explain the three types of HIA and in most cases that a rapid assessment is most likely (subject to screening) for non-allocated sites.	<p>It is the intention that a HIA would only be needed if the Screening process identifies significant health impacts. This would partly depend on matters such as the layout and design of a development and this would need to be addressed at the planning application stage, rather than as part of the Local Plan. Therefore this policy should apply to both allocated and unallocated sites.</p> <p>Supporting text will address the different types of HIA in more detail.</p>
Unnecessary with too much red tape in place already.	A specific policy would allow the plan to build upon the principles of the NPPF,

	<p>contribute to the priorities of the NWL Health and Wellbeing Strategy and take into account the health status and needs of the local population.</p>
<p>You should be considering the impact on air quality with every single planning application with monitoring undertaken by the Council at site for a period of several months. If monitoring identifies an issue an application should be refused.</p>	<p>The Screening Statement and HIA would cover the issues of air quality. Air quality would also be the subject of a separate local plan policy.</p>
<p>I have a problem with any policy that tries to specify what people should do with / in their lives and your ability to interfere is surely limited.</p> <p>Live in an area where 70%+ of EMA flights take off over at full power and low height. What can be done for our health and wellbeing.</p>	<p>A specific policy would allow the plan to build upon the principles of the NPPF, contribute to the priorities of the NWL Health and Wellbeing Strategy and take into account the health status and needs of the local population. The policy would apply to new development.</p>
<p>Challenging for a generic policy to consider the specific impacts of a East Midlands Airport and Donington Race Track. More work should be undertaken to reconcile policy and reality within the Assessment. Combined impacts of determinants such as Noise, traffic congestion and air pollution should be considered.</p>	<p>A Screening Statement would be required and potentially a HIA for specific development types, including non residential development. Noise, traffic pollution and air pollution would be considered as part of this process.</p> <p>However this process cannot be applied retrospectively towards existing development.</p>

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q18

Q18 - DO YOU AGREE THAT THE POLICY SHOULD ALSO INDICATE THAT AN INITIAL HEALTH IMPACT SCREENING STATEMENT COULD ALSO BE SOUGHT FOR ANY OTHER PROPOSAL CONSIDERED BY THE COUNCIL TO REQUIRE ONE? IF NOT, WHY NOT?

A summary of the issues raised in the comments received are set out below:

Comments	NWL Officer Response
Approach is imprecise and will lead to inconsistencies amongst planning officer requests. Having set a threshold it would be inappropriate to introduce such an arbitrary category.	Concerns over lack of clarity are noted and agree that this approach would provide uncertainty. Therefore suggested that policy does not include this element of wording and instead only provides specific triggers/thresholds.
Concerns regarding the costs associated with implementation and monitoring and resources required to ensure its effectiveness in delivering improved health and wellbeing outcomes.	Annual monitoring of all Local Plan policies will be undertaken, to help measure their effectiveness. On health and well being, this will likely be undertaken collaboratively between planning officers as well as representatives from the Council's Health and Well Being Team and Public Health Leicestershire.
Reference is made to the benefits of the Health Impact Assessment (HIA) tool which has been developed by the Local Active Partnership.	Noted.
A policy should clearly set out the criteria to ensure clarity and transparency for all parties.	Noted
Guidance/separate SPD could be provided on what other circumstances could be as well as simpler assessments used that reflect scale of development	Still concerns over this approach in that it could still result in uncertainty for those involved in the development process. Should also note that the current government consultation (Levelling-up and Regeneration Bill), proposes SPDs can no longer be prepared and to be replaced by Supplementary Plans, which will be afforded the same weight as a Local Plan.
Recognise that national guidance allows for discretion of the local authority when preparing such policy. However a policy needs to be provide clarity and certainty as to when a screening statement would be required.	Concerns over lack of clarity are noted and agree that this approach would provide uncertainty. Therefore suggested that policy does not include this element of wording and instead only provides specific triggers/thresholds.

<p>Any HIA requirement should be specific and not include any additional screening assessment.</p>	<p>Noted. The role of the policy is to facilitate the use of a screening assessment to identify whether a full HIA is required, in order to seek a balanced and proportionate approach to the type of development proposed.</p>
<p>This approach does not appear to be justified given the guidance referred to above. A decision to request a HIA must be based on the likelihood of significant health impacts resulting from development.</p>	<p>Concerns over lack of clarity are noted and agree that this approach would provide uncertainty. Therefore suggested that policy does not include this element of wording and instead only provides specific triggers/thresholds.</p>
<p>A HIA Screening Statement should not be mandatory for all applications above the threshold – process could slow down progress on application whilst waiting response to a screening statement. Screening to be provided at discretion of the applicant.</p>	<p>Thresholds have been identified in order to avoid unreasonable burden on small and medium size development. Use of these thresholds is considered to provide a balanced approach and certainty of what is expected and to avoid delays. HIAs are considered necessary to demonstrate that health and well being has been properly considered.</p>
<p>National policy requirements could deal with smaller scale and less strategy developments. A specific policy for these types of developments would be onerous.</p> <p>Suggest that Health Impact requirements are focussed on large (100+) sites, where they would have the greatest impact.</p>	<p>Thresholds have been identified in order to avoid unreasonable burden on small and medium size development. Use of these thresholds is considered to provide a balanced approach and certainty of what is expected and to avoid delays. HIAs are considered necessary to demonstrate that health and well being has been properly considered. A screening assessment would be utilised to identify if a HIA is necessary.</p> <p>A HIA tool has been developed by LCC Public Health Team, Active Together and the local Active Partnership. This tool supports and would assist the implementation of the policy.</p>
<p>There are enough guidelines/regulations in place already and we need less bureaucracy.</p>	<p>The principle of the policy supports national policy and guidance. Allows for a balanced and proportionate approach and for local health and well being issues to be considered in the development process.</p>
<p>All development should be subject to a Screening Statement to ensure adverse physical and environmental issues.</p>	<p>Suggested that such an approach would be disproportionate in terms of the Health Impact Screening and Assessment process. The specific development types identified are considered those that are potentially going to have a greater impact on health and well being determinants.</p>

	<p>For those developments that fall below the suggested thresholds, it is the intention that a separate and more strategic Local Plan policy would seek the consideration of health and well being issues.</p>
<p>A risk that smaller developments will be deliberately built to avoid the assessment.</p>	<p>The screening assessment is not considered to be onerous given the availability of the HIA tool. Therefore questions could be raised as to how likely it would be for development to be 'designed' so as to avoid this requirement.</p>

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q19

Question 19 – Do you agree with the proposed renewable energy policy? If not, why not?

A summary of the comments received are set out below:

Comment	NWL Officer Response
Requirement for renewable energy infrastructure is welcome, suggest minor alteration to the wording to part (2) c) of the policy to say, 'mitigate impacts on, or provide enhancements for, biodiversity'.	Suggest amendment to current wording of part (2) c) of the policy. <i>"All impacts <u>Mitigate impacts on, or provide enhancements for</u>, biodiversity have been adequately mitigated or enhanced"</i> .
Preference for brownfield sites to be utilised for renewables and avoid the use/loss of best and most versatile land.	These comments are noted. Part (4) of the proposed policy details that the preference is for solar installations to be on brownfield land, away from the best and most versatile agricultural land.
The Local Plan should prevent wind and solar energy generation equipment in the most valuable locations in terms of landscape and agricultural land quality unless mitigation is possible.	These comments are noted. Part (4) of the proposed policy details that the preference is for solar installations to be on brownfield land, away from the best and most versatile agricultural land. Part (2) b) of the proposed policy seeks to ensure that there is no adverse impact on landscape character taking into account the special qualities of individual National Character Areas. In addition, it is expected that proposals for renewable energy installations would be accompanied by a detailed assessment of landscape character.
Policy and Option 2 are supported with caveats. NWLDC should consider the impact that solar and wind energy generation can have on landscape character and their potential cumulative adverse impact in particular locations. Stronger design requirements are suggested subject to constraints set out in 2(a) to 2(e), for solar and wind infrastructure to be integrated into the surrounding landscape with minimal impacts where projects are allowed to go ahead.	These comments are noted. Renewable energy proposals would be assessed against design policies in the new Local Plan and the Good Design Supplementary Planning Document. Part (2) b) of the proposed policy seeks to ensure that there is no adverse impact on landscape character taking into account the special qualities of individual National Character Areas. It is expected that proposals for renewable energy installations would be accompanied by a detailed assessment of landscape character.
Need to ensure the impact of wildlife is minimised.	These comments are noted. Part (2) c) of the proposed policy requires that all impacts on biodiversity should be adequately mitigated or enhanced.

<p>Preference for solar panels to be sited on roofs to mitigate their negative environmental impact. Support for warehouse developments to incorporate renewable technologies, but also for solar generation to be maximised on both new and existing properties.</p>	<p>These comments are noted. Part (4) of the proposed policy states that there is a preference for solar installations to be on previously developed land, this could include on existing buildings.</p>
<p>Option 3 is preferable; an ambitious target should be set to overachieve on the delivery of renewable energy.</p>	<p>Whilst it would be possible to include a more ambitious target it is also necessary to be realistic. Option 2 is the preferred approach as the targets have been identified as achievable by independent consultants through the Renewable and Low Carbon Energy Study 2021 (The AECOM Study).</p>
<p>The plan should provide a consistent approach to renewably sourced electric vehicle charging, ensuring that new builds are EV ready, and that car parks and commercial premises have substantially more than a perfunctory level of vehicle charging spaces.</p>	<p>The provision of EV charge points is now required through Building Regulations and therefore there is no requirement to repeat this legislation in planning policy.</p>
<p>NWLDC should consider the importance the impact of solar and wind can have on landscape character (proposed policy 2(b) and their potential cumulative adverse impact in particular locations (proposed policy 2(e)). The policy should also refer to avoidance of harm to habitats or species, not just mitigation and enhancement.</p>	<p>The potential impact of wind and solar installations on landscape is addressed in part (2) b) of the proposed policy and the potential cumulative impact is addressed in part (2) e) of the proposed policy. Part (2) c) of the policy (subject to proposed changes to wording above) requires mitigation for any impacts on biodiversity. Biodiversity includes all the different kinds of life you will find in an area and therefore separate reference to habitats and species is not required.</p>
<p>Policy is supported but suggests initially higher renewable energy targets to encourage renewable energy generation to be created sooner. Suggested amendments to proposed policy: Part 2c) needs to be rewritten to ensure that a broad range of landscape and biodiversity enhancements are secured, not just linked with any impacts. Part 2) should include that where public rights of way pass through or near to the site, planning applications will need to ensure mitigation and enhancement of public rights of way. The preference at part 4) for solar farms to be on previously developed land is overly restrictive, particularly given the information provided within paragraph 9.12.</p>	<p>Whilst it would be possible to include a more ambitious target, option 2 is the preferred approach as the targets have been identified as achievable by independent consultants through the Renewable and Low Carbon Energy Study 2021 (The AECOM Study).</p> <p>Suggest amendment to current wording of part (2) c) of the policy. <i><u>"All impacts Mitigate impacts on, or provide enhancements for, biodiversity have been adequately mitigated or enhanced"</u></i>.</p> <p>Suggested that a reference regarding Public Rights of Way is added to Policy IF4 of the Local Plan.</p>

	Part (4) of the proposed policy looks to locate such installations on previously developed land in the first instance and such installations will only be permitted on the best and most versatile agricultural land if they can be exceptionally justified.
The targets set out in the roadmap should be reached before 2050. Targets for renewable energy should not be pro rata across the plan period as this will not respond quickly enough to the climate change emergency. A number of responses suggest alternative dates by which the renewable targets should be met by, including, by 2039, by 2040 and by 2045 (which would align with Leicestershire County Council's ambition).	The target in the Zero Carbon Roadmap for the district to be zero carbon by 2050 has been adopted by the Council. It may be possible for this target to be met earlier and whilst it would be possible to include a more ambitious target it is also necessary to be realistic. Option 2 is the preferred approach as the targets have been identified as achievable by independent consultants through the Renewable and Low Carbon Energy Study 2021 (The AECOM Study).
There should not be explicit targets to produce renewable energy via any specific technology. Any future policy should allow developers flexibility to utilise the energy infrastructure which is most appropriate to the site and its operations. A single target (rather than two separate targets for wind and solar) would enable greater flexibility between different forms of renewable energy generation.	<p>The proposed policy does not dictate the type of renewable energy generation required on specific sites. Part 1) of the proposed policy supports renewable energy developments that are appropriate to their setting which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.</p> <p>Having a target for both wind and solar will enable more accurate monitoring.</p>
In order to achieve the council's commitment to net zero it will require much more than renewable technologies.	These comments are noted.
The requirement for all new developments to incorporate proposals for on-site renewable technologies so as to maximise renewable energy production is not suitable; particularly for small and medium-sized developments. As such, it is suggested that requirement 5 of the policy instead <i>"encourages applicants to consider opportunities for on-site electricity and heat production from solar, wind and other renewable technologies so as to maximise renewable energy production."</i>	<p>The proposed policy does not dictate the type of renewable energy generation required on specific sites. Part 1) of the proposed policy supports renewable energy developments that are appropriate to their setting which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.</p> <p>Suggested addition to Part 1 of the Renewable Energy Policy: "1) The council will support renewable energy developments that are <u>proportionate to the development</u>, appropriate to their setting and make a positive contribution towards increasing the levels of renewable and low carbon energy generation in the district".</p> <p>It is recommended that part 5 of the policy be deleted.</p>

<p>Flexibility should be built into Criteria 5 of the proposed policy. Requirements should take account of site-specific issues. For example, it is unlikely that wind production will be feasible on smaller sites. Part 5) would benefit from some clarification. As written, it could be interpreted as requiring on-site energy generation from each of solar, wind and other technologies, when in fact the most appropriate approach should be determined on a case-by-case basis. It is suggested that this part of the policy is amended to read, “...<i>electricity and heat production from renewable technologies so as to...</i>”</p>	<p>The proposed policy does not dictate the type of renewable energy generation required on specific sites. Part 1) of the proposed policy supports renewable energy developments that are appropriate to their setting which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.</p> <p>Suggested addition to Part 1 of the Renewable Energy Policy: “1) The council will support renewable energy developments that are <u>proportionate to the development</u>, appropriate to their setting and make a positive contribution towards increasing the levels of renewable and low carbon energy generation in the district”.</p> <p>It is recommended that part 5 of the policy be deleted.</p>
<p>Requiring all new developments to incorporate on-site electricity and heat production from solar wind and other technologies is not the most appropriate strategy as this would require both electricity and heat production which is challenging on some sites given the patchy level of supply and it does not set out a standard based on an objective of seeking net zero carbon whereas it is rather one-sided focusing on a desire to maximise renewable energy production.</p>	<p>The proposed policy does not dictate the type of renewable energy generation required on specific sites. Part 1) of the proposed policy supports renewable energy developments that are appropriate to their setting which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.</p> <p>Suggested addition to Part 1 of the Renewable Energy Policy: “1) The council will support renewable energy developments that are <u>proportionate to the development</u>, appropriate to their setting and make a positive contribution towards increasing the levels of renewable and low carbon energy generation in the district”.</p> <p>It is recommended that part 5 of the policy be deleted.</p>
<p>Further information regarding the parameters for the requirements and the preparation of a Supplementary Planning Document as suggested would assist applicants in preparing developments and understanding the Council’s requirements in advance of submitting applications.</p>	<p>These comments are noted.</p> <p>The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.</p>

Any requirements should also be included in viability testing.	The requirements will be tested as part of the whole Local Plan Viability Assessment.
The policy criterion includes reference to heritage assets and setting and this is welcomed.	These comments are noted.
Policy is supported but it could go further. The consultation has identified the need to build many thousands of new homes, office buildings and warehousing. It is unbelievable that existing 'new builds' are not already furnished with solar roof panels. The surface area of the roofs on the amount of new development proposed would provide a great deal of energy.	These comments are noted.
Welcome plans to increase renewable energy. New homes should have solar panels, heat pumps and great insulation. A reduction in energy demand must be the first step. The plan commits to more use of resource, especially cement for building, which is carbon emission heavy and growth in both car ownership and use. Need a change in mind set.	These comments are noted.
Agree with the proposed renewable energy approach. Renewable energy will continue to play a significant role in addressing the climate emergency. However, there are obvious economies of scale associated with delivering sustainable renewable energy options and delivering larger scale new development presents an opportunity to consider various renewable energy options. A New Settlement would have sustainability at its core and presents the opportunity for new innovative designs to be utilised on the scheme through a fabric first approach to design.	These comments are noted.
May be prudent to cover accessibility to a site for construction (including for 'abnormal loads' as necessary) and future maintenance purposes in the proposed criteria under item 2, especially in respect of sites for wind turbines.	It is agreed that reference to maintenance in Part 2) f) of the Renewable Energy Policy would be helpful: "f) Proposals are accompanied by details to demonstrate how <u>future maintenance will be undertaken and how</u> the site will be decommissioned to ensure the restoration of the site following cessation; and"
From a public health perspective, there is concern around fuel poverty.	These comments are noted.
Supports opportunities to exceed these targets rather than stopping if the targets were met. More could be done to look into low-carbon heat forms too.	These comments are noted. The targets included in the proposed policy have been identified as achievable by independent consultants through the Renewable and Low Carbon Energy Study

	<p>2021 (The AECOM Study). The targets are not ceiling figures.</p> <p>The AECOM study identifies that one of the main opportunities for renewable energy in NWLDC going forward will be heat pumps. The proposed policy wording (part 1) looks to support renewable energy developments that are appropriate to their setting and make a positive contribution towards increasing the levels of renewable and low carbon energy generation in the district. This includes heat pumps and other low carbon heat forms.</p>
<p>In respect of the overall topic of renewables and low carbon, approaches are supported that a) consider environmental risks b) minimise impacts and risks to people and the environment and c) are fit for the future. Sustainable renewable policies are supported, as long as they do not unacceptably impact the environment. Any policy should consider the environmental requirements ensure that appropriate measures are in place to protect the local environment.</p>	<p>These comments are noted.</p>
<p>In respect of wind and solar energy, an alteration to wording taken from the Zero Carbon Roadmap is suggested: Paragraph 9.13 The second bullet-point currently reads: “Solar - Set a formal target for solar capacity in NWL from 89MW today to at least 140MW by 2050 in the Local Plan.” However, the Zero Carbon Roadmap shows that 89MW is the capacity of currently installed and planning approved systems. Therefore, consideration should be given to amending the above wording to the following: “Solar – Set a formal target for solar generation in NWL from the current capacity of 89MW to at least 140MW by 2050 in the Local Plan...”. The same consideration should be given to amending the wording for wind generation.</p>	<p>The wording quoted is taken from the supporting text and not the policy itself.</p> <p>As the Local Plan period only goes up to 2040, we cannot set a target to 2050. The suggested changes can be incorporated into revisions to the supporting text.</p>
<p>The policy states that there should be a solar target of 37.11MW by 2039. It is unclear whether this is an increase of 37.11MW from the current capacity of 89MW or an actual capacity target. In order to provide clarity, suggest stating the following within the policy wording, for both wind and for the solar:</p>	<p>These comments are noted.</p> <p>The plan period is now to 2040 and the pro-rated renewable energy targets will need amending to reflect this.</p>

<ul style="list-style-type: none"> • Current generating capacity, • The 2050 capacity target, • The prorated 2039 target • The required increase in generating capacity from current. 	<p>It is recommended that a further explanation regarding the figures is included in the supporting text of the policy.</p>
<p>The need to address climate change is being addressed on a co-ordinated and industry wide basis through Building Regulation changes, agreed targets and joint multi-agency working relationships. Local Planning Authority targets that go beyond the national objectives threaten to undermine these collective efforts and result in ad-hoc site-by-site installations to meet Local Authority requirements. The NPPG identifies that Local Planning Authorities should only seek to go beyond nationally agreed objectives where there is clear and specific local evidence of a need to do so. No such evidence of a compelling local need in NW Leicestershire exists.</p>	<p>The inclusion of a target for renewable energy generation within the district does not go beyond the requirements of the Building Regulations.</p>
<p>It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.</p>	<p>These comments are noted.</p>
<p>The net zero ambition is a disaster politically fostered out of ignorance and greed. It is the primary cause of the threatening toxic inflation as sound and proven resources and storage of energy are being discarded at the whims of politicians and public servants. The EU has had the sense to designate natural gas as a green energy source whereas we have abandoned the potential resources in the surrounding ocean and fracking opportunities on land. Together these actions have raised our energy prices beyond anywhere else in Europe. In addition, we are being expected to scrap our oil burning and gas heating and cooking stoves within 5 years.</p>	<p>These comments are noted.</p>
<p>A more overarching benefit could be to provide full noise and energy saving insulation for council owned properties.</p>	<p>These comments are noted.</p>
<p>Renewable energy must be used but at a cost people can afford.</p>	<p>These comments are noted.</p>

<p>This headlong rush into green issues has been generated by an 'us too' follow my leader attitude that supports industries and experts whose job depends on compliance. Something of benefit would be to volunteer to test Rolls Royce and JCB's technologies.</p>	<p>These comments are noted.</p>
<p>More information required; it is very light in detail.</p>	<p>These comments are noted.</p>
<p>The policy should be at least the national requirement. Why not mandate that all developments (new build, change of use, conversion etc) must install solar panels as the cost is no longer prohibitive. This would be an easy way to meet targets and could even help to achieve a target higher than the national average.</p>	<p>These comments are noted.</p>

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q20

**Question 20 – Do you agree with the preferred policy approach for energy efficiency?
If not, why not?**

A summary of the comments received are set out below:

Comment	NWL Officer Response
Water efficient technology is often energy efficient by reducing the need to heat water. The promotion of water efficiency in line with Energy efficiency has the potential to support the delivery of the energy efficiency targets whilst also managing a vital resource in a more sustainable way.	These comments are noted. Water efficiency is addressed through its own proposed policy.
Support setting a higher energy efficiency target and support Option 3. Achieving higher levels of energy efficiency is crucial and should be a priority.	These comments are noted.
Option 3 is ambitious. Clear policies are needed to maximise the take up of insulation and ensure that new builds meet and exceed energy efficiency standards. There should be a greater emphasis on the incorporation of renewable energy generation. This needs to be achieved with clear and enforceable policies. Where opportunities exist, the plan should seek to encourage Passivhaus designs.	These comments are noted. Renewable energy generation is subject to a separate proposed policy.
Requiring contributions to a carbon offset fund will provide valuable resources for the council to be proactive in the retrofitting of net zero measures to the existing housing stock and to promote/support low carbon infrastructure.	These comments are noted.
What are the implications for residents and consumers of energy efficiency measures which include possibly impractical or very costly heating solutions being rushed through. Preference for Option 2 as a better balance.	These comments are noted.
The selection of Option 3 is welcome. Links to useful resources are suggested.	These comments are noted.
The Council does not need to set local energy efficiency standards due to the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard. It is important to avoid policy wording that it too inflexible or could conflict with government legislation and building regulations. The policy is not	Refer to paragraph 7.15 - 7.18 of the main report.

<p>necessary, the Government's intention is clear to set standards for energy efficiency through Building Regulations. Appropriate evidence and viability testing would be needed if the Council wish to set targets higher than the intended Governmental targets to ensure targets do not negatively impact the delivery of housing. Building Regulations which align with the Future Homes Standard will be mandatory before this Local Plan is adopted.</p>	
<p>The direction of travel is supported in respect of carbon reduction. However, the success of achieving a low carbon future is by standardisation rather than individual council's specifying their own policy approach to energy efficiency.</p>	<p>To ensure a standardised target is in place the Building Regulation requirements and subsequent requirements of the Future Homes Standard are considered to be the most appropriate energy efficiency targets. This will be reflected in revised policy wording.</p>
<p>Viability and cost implications should be noted/addressed in any policy.</p>	<p>The policy will be subject to viability testing as part of the Local Plan Viability Assessment.</p>
<p>The proposed approach is supported – it is important to set targets which focus attention and will help to ensure that the council's ambitions are met.</p>	<p>These comments are noted.</p>
<p>The 31% improvement is specifically for new homes (Future Homes Standard) whilst the equivalent for Non-domestic buildings is the Future Buildings Standard and sets different targets for different building types. For Logistics (Use Class B8) this is circa 27% improvement on current 2013 Regulations. The draft policy should clarify the different targets for different types of development.</p>	<p>The Building Regulation requirements and subsequent requirements of the Future Homes Standard are considered to be the most appropriate energy efficiency targets. The Building Regulations cover dwellings as well as non-domestic buildings. This will be reflected in revised policy wording.</p>
<p>Policy wording should be avoided that is too inflexible or could conflict with Government legislation and building regulations. Flexible policy wording should be used that will ensure that the standards within the policy are not quickly outdated. For example, the proposed policy should require developments to <i>“achieve an energy efficiency in line with the latest standards set by the Government, whether that be Building Regulations or the Future Homes Standard (including any transitional arrangements).”</i></p>	<p>Refer to paragraph 7.15 -7.18 of the main report.</p>
<p>Contributions to a carbon offset fund will provide valuable resources for the Council to be proactive in the retrofitting of net zero carbon measures to the existing housing</p>	<p>These comments are noted.</p>

stock and to promote/support low carbon infrastructure.	
There should be a greater emphasis on the incorporation of renewable energy generation and better standards of insulation etc. in new developments. This needs to be achieved with clear and enforceable policies.	<p>The provision of renewable energy generation is subject to a separate proposed policy.</p> <p>Part 1) b) of the proposed Reducing Carbon Emissions policy makes reference to <i>“energy efficiency through better insulation”</i>.</p>
The approach is supported and the quicker it is done the better for the health and wellbeing of the district’s residents. Energy efficient policies can positively affect health and wellbeing through reducing the negative impact of fuel poverty.	These comments are noted.
From a landowner perspective it is far more effective to have mandatory energy requirements for buildings so that this forces higher standards. When voluntary it is too easy for these to be excluded for various reasons.	These comments are noted.
Agree with the introduction of a policy for addressing carbon emissions. The policy should retain the clause regarding technical feasibility and economic viability to ensure each scheme and any constraints can be assessed individually. The preparation of and SPD would assist applicants in preparing and understanding the council’s requirements.	<p>These comments are noted.</p> <p>The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.</p>
The policy should go further. Currently houses are being built with gas boilers and no solar power as standard.	These comments are noted.
Option 3 is the only approach. However solar energy generation needs to be built into housing and wind energy generation should not adversely impact biodiversity.	<p>These comments are noted.</p> <p>Solar and wind energy generation is covered in the proposed Renewable Energy Policy.</p>
Option 2 is supported – new builds should be required to achieve a 31% energy efficiency target as soon as possible. Energy efficiency is the top concern.	These comments are noted.
Not supported as the current policies are not complied with. New properties could be required to have solar panels – be the leader not the follower.	These comments are noted.
This headlong rush into green issues has been generated by an ‘us too’ follow my leader attitude that supports industries and experts whose job depends on compliance.	These comments are noted.

Something of benefit would be to volunteer to test Rolls Royce and JCB's technologies.	
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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q21

Question 21 – Do you agree with the preferred policy approach for Lifecycle Carbon Assessment? If not, why not?

A summary of the other comments received are set out below:

Comment	NWL Officer Response
Energy and water efficiency go hand in hand and can potentially promote multiple benefits if delivered.	These comments are noted.
It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. In setting policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with government legislation and building regulations.	These comments are noted.
The sentiment of the preferred approach is understood. However, if it is the intention that Lifecycle Carbon Assessments (LCAs) should include highways and transport infrastructure associated with new developments, then this would become very wide ranging and complex; it is not clear how and where this would align with the planning application process nor current 'traditional' highway adoption processes; and would likely require additional training for Local Highway Authority officers.	These comments are noted. Whole Life-Cycle Carbon (WLC) emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. It is not intended that highways and/or transport infrastructure be included.
The need to address climate change is being addressed on a co-ordinated and industry wide basis through Building Regulations changes, agreed targets and joint multi-agency working relationships.	Refer to paragraph 7.23-7.30 of the main report. Policies will be tested as part of Local Plan Viability Assessment.
The inclusion of LCA in policy is not supported. The supporting evidence base (Renewable and Low Carbon Energy AECOM Study), states that such an assessment would incur significant design team (applicant) costs. It is questioned how much value will be derived from the assessments. Meeting Building Regulations will be sufficient to demonstrate that energy/water efficiency, overheating and carbon reductions have been achieved. No evidence has been provided to suggest this has been viability tested and therefore it is unclear whether it is deliverable.	Refer to paragraph 7.23-7.30 of the main report. Policies will be tested as part of Local Plan Viability Assessment.

<p>LCAs are emerging as part of the London Plan but are not widely sought elsewhere. Whilst it is an important topic for NWL, it is suggested that all developments as a minimum are expected to complete a carbon lifecycle checklist, but formal assessments should remain discretionary at this early stage in their development. As part of the 5 year local plan review cycle, this could be an area of change when there is a wider range of businesses offering to complete LCAs and a greater knowledge within the LPA to interpret them.</p>	<p>Refer to paragraph 7.23-7.30 of the main report.</p>
<p>The policy needs to recognise that new methods of assessing carbon may come forward in the future as this becomes more mainstream.</p>	<p>Refer to paragraph 7.23-7.30 of the main report.</p>
<p>Any proposed Policy should ensure that it is not too restrictive and does not prevent important development from being brought forward. With current construction methods and materials, it could be extremely difficult to offset this embodied carbon in, for example, a housing scheme. Consideration must be given in any policy wording to the above constraints.</p>	<p>These comments are noted.</p>
<p>How would such an approach be regulated for example where is the detail of the standard set-out, how might this be updated going forward, how will the Council resource assessments of the LCA and will this be factored into viability of appraisal of planning policies? Option 3 is supported. Question whether there are the resources to police/monitor the policy?</p>	<p>Refer to paragraph 7.23-7.30 of the main report.</p> <p>Policies will be tested as part of Local Plan Viability Assessment.</p>
<p>Support Option 3, however, It is important that any future policy wording allows flexibility to acknowledge that, at outline design stage, there will only be limited material data and information available to draw upon which will significantly reduce the effectiveness of the LCA exercise. It would be more efficient to allow the use of benchmark data for an outline application with an LCA required for detailed planning submissions.</p>	<p>These comments are noted.</p>
<p>The submission of an LCA is not a requirement that is set out in the NPPF and is therefore a complicated additional burden that goes beyond the requirements of national policy. Paragraph 154 of the NPPF states that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical</p>	<p>Refer to paragraph 7.23-7.30 of the main report.</p>

standards. More reasonable for applicants to submit an overarching Sustainability Statement that sets out the proposed scheme's compliance with relevant policy requirements and gives an overview of the scheme's sustainability credentials.	
The requirements should apply to ALL developments. There seems little point in having a policy that can be evaded in smaller developments resulting in non-compliant properties being built.	These comments are noted. The NPPF recognises the contribution small and medium sized builders can make to meeting the housing requirement of an area. However, small and medium sized builders do not benefit from the same level of resources as volume housebuilders therefore, requirements need to be balanced against resource levels.
Preference is for Option 2 but the impact on smaller developments is appreciated, and this approach is considered acceptable. Re point 9.35 - the language reads that smaller developments need to demonstrate Lifecycle Carbon has been "considered" - it is the enforcement of the intention of this policy that will be key.	These comments are noted.
Support the proposal for more specific requirements to address 'Embodied Carbon' through life cycle carbon assessments. The proposals in Option 3, which we support, represent a useful step forward from the existing rather general Local Plan policy that "new development should have regard to sustainable design and construction methods".	These comments are noted.
The policy approach is agreed and the opportunity the review gives to how repurposing existing built fabric (designated or non-designated heritage assets) can assist with considerations about embodied carbon.	These comments are noted.
Option 3 would be the most pragmatic and viable option.	These comments are noted.
The introduction of a policy for addressing carbon emissions is agreed. The policy should retain the clause regarding technical feasibility and economic viability to ensure each scheme and any constraints can be assessed individually. The preparation of a Supplementary Planning Document would assist applicants in preparing developments and understanding the Council's requirements. Any requirements should also be tested to ensure that viability and deliverability is not adversely impacted	These comments are noted. The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.

Option 2 is preferred, everything needs considering.	These comments are noted.
Policy is not supported. Too much development is allowed on green field sites. If the removal of every green item is allowed, it cannot be carbon neutral.	These comments are noted.
This headlong rush into green issues has been generated by an 'us too' follow my leader attitude that supports industries and experts whose job depends on compliance. Something of benefit would be to volunteer to test Rolls Royce and JCB's technologies.	These comments are noted.
If using Option 3 then officers would need adequate training to check and ensure the policy is followed and not just a tick box.	These comments are noted.
Point 5 of the proposed combined policy looks to replace proposed heating systems with heat pumps or similar in the future. The policy should insist that developments to be started some years ahead are built with heat pumps or similar technology.	These comments are noted.

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q22

Question 22 – Do you agree with the preferred policy approach for overheating? If not, why not?

A summary of the comments received are set out below:

Comment	NWL Officer Response
Multi-functional Green Infrastructure (GI) and SuDS have an important role in preventing overheating. Design elements such as street trees and open swales can have a significant impact on overheating whilst providing a plethora of other biodiversity, wellbeing and amenity benefits. These GI/SuDS elements could be included within any checklists for developments to demonstrate that the risk of overheating has been considered.	These comments are noted.
Support the proposal for specific requirements to address ‘Embodied Carbon’ through life cycle carbon assessments. The proposals in Option 3, which are supported, represent a useful step forward from the existing rather general Local Plan policy that “new development should have regard to sustainable design and construction methods”.	These comments are noted.
It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. In setting policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with government legislation and building regulations.	These comments are noted.
The need to address climate change is being addressed on a co-ordinated and industry wide basis through Building Regulations changes, agreed targets and joint multi-agency working relationships. It is important that local planning policies do not accelerate beyond the requirements of building regulations, particularly without evidence to support that such requirements are deliverable and will not prevent the speedy delivery of housing in accordance with the aspirations of the NPPF. Therefore, the requirement for applicants to submit an	Refer to paragraph 7.35 – 7.37 of the main report.

industry recognised assessment that considers overheating is not appropriate.	
The assessment is not nationally required. Paragraph 154 of the NPPF outlines that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.	Refer to paragraph 7.35 – 7.37 of the main report.
The ability for large developments to source a certain percentage of their energy supply from on-site renewables will need to be balanced with the burden of delivering other infrastructure requirements that will be required to support the chosen spatial strategy to ensure the delivery of sustainable communities.	These comments are noted.
No evidence has been provided to suggest this has been viability tested and therefore it is unclear whether it is deliverable.	All policies will be tested as part of Local Plan Viability Assessment.
In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.	These comments are noted.
Suggested that Overheating Assessments remain a discretionary part of any planning applications. As part of the 5-year local plan review cycle, this could be an area of change when there is a wider range of businesses offering to complete Overheating Assessments and a greater knowledge within the LPA to interpret them.	Refer to paragraph 7.35 – 7.37 of the main report.
It is appropriate to consider building design including orientation when it comes to overheating.	These comments are noted.
The policy should retain the clause regarding technical feasibility and economic viability to ensure each scheme and any constraints can be assessed individually. The preparation of a Supplementary Planning Document would assist applicants in preparing developments and understanding the Council's requirements. Any requirements should also be tested to ensure that viability and deliverability is not adversely impacted	These comments are noted. The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.
Requirement should apply to ALL developments. There seems little point in having a policy that can be evaded in smaller developments resulting in Non-compliant properties being built.	These comments are noted. The NPPF recognises the contribution small and medium sized builders can make to meeting the housing requirement of an area. However, small and medium sized

	builders do not benefit from the same level of resources as volume housebuilders therefore, requirements need to be balanced against resource levels.
The policy should specify that solutions for the overheating issue should be passive – i.e. Not installing air con.	Refer to paragraph 7.35 – 7.37 of the main report.
The policy at 9.55 is headed reducing carbon emissions, whereas overheating should address wellbeing. These issues are related, but separate. The policy does not take overheating seriously and needs to be comprehensively reassessed and rewritten.	Refer to paragraph 7.35 – 7.37 of the main report.
The approach of having a simple checklist in place for small developments to demonstrate that risk of overheating has been considered as part of the house design appears reasonable and is supported.	These comments are noted.
Support the policy approach for climate change assessment of development. Without consideration of this issue at an early stage in the planning process there is the risk that future maladaptation of new build schemes, to reduce any increase in heating that may occur, which could affect the setting of heritage assets in a way that was not taken into account at application stage.	These comments are noted.
Support the preferred policy approach as it covers both small and large developments and will become more important in the future as climate change comes into play.	These comments are noted.
Option 3 seems logical.	These comments are noted.
No strong view but would lean toward Option 2. Where are the recourses to manage this? The Mediterranean and most of the 3rd World manages without too much mollycoddling - why can't we?	These comments are noted.

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**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q23

Question 23 - Do you agree with the preferred policy approach for the climate change assessment of development? If not, why not?

A summary of the comments received are set out below:

Comment	NWL Officer Response
There should be a strategic policy at the very front of the plan to address Climate Change and meet net-zero targets and both the design and location of development should be judged against that policy.	There is an agreed Local Plan objective that specifically refers to climate change.
Option 2 should be adopted; all developments should demonstrate that they are addressing climate change and meeting BREEAM/HQM requirements given the net zero by 2050 commitment for the district.	
Option 2 is supported – all developments need to prove they have a net positive impact on climate including biodiversity.	These comments are noted.
It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. In setting policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with government legislation and building regulations.	These comments are noted.
Less consideration appears to have been given to climate change adaptation as required by the Planning & Compulsory Purchase Act (2004) and NPPF.	The consultation proposes policies that aim to mitigate the impacts of climate change. Policies relating to climate change adaptation including flood risk and sustainable drainage systems have not yet been reviewed.
Climate Change policies should also take into account flood risk, water resources, water quality and nature-based solutions.	These comments are noted.
In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.	These comments are noted.
Support the policy approach in relation to overheating. Without consideration of this issue at an early stage in the planning process there is the risk that future maladaptation of new build schemes, to reduce any increase in heating that may occur, which could affect the setting of	These comments are noted. A new Building Regulation has been introduced in relation to overheating.

<p>heritage assets in a way that was not taken into account at application stage.</p>	
<p>Local planning policies should not accelerate beyond requirements of building regulations. The need to address climate change is being addressed on a co-ordinated and industry wide basis through Building Regulations changes, agreed targets and joint multi-agency working relationships. Compliance with Building Regulations will be sufficient to demonstrate that energy/water efficiency, overheating and carbon reductions have been achieved.</p>	<p>Since the preparation of the consultation document changes to the Building Regulations have come into force in relation to energy efficiency, ventilation, and overheating. As these matters are dealt with via Building Regulation requirements and potential subsequent requirements of the Future Homes Standard and there is no need for the requirements to be repeated in planning policy. The policy wording will be revised to reflect this.</p> <p>Water efficiency is subject to a separate proposed policy.</p>
<p>No viability evidence has been provided as to the inclusion of a policy that requires applicants to undertake a recognised industry assessment. Therefore, it is unclear whether it is deliverable.</p>	<p>The policy will be subject to viability testing through the whole Local Plan Viability Assessment.</p>
<p>The submission of an HQM assessment is not a requirement set out in the NPPF and is a complicated additional burden that goes beyond the requirements of national policy. More reasonable for applicants to submit an overarching Sustainability Statement that sets out the proposed scheme's compliance with relevant policy requirements and gives an overview of the scheme's sustainability credentials.</p>	<p>It is suggested that reference to HQM be removed from the proposed policy. It is suggested that development proposals be required to demonstrate how they are addressing climate change and that the requirements of the policy have been met. The policy wording will be revised to reflect this.</p>
<p>The Government, (in paragraph 9.50 of the Reg 18 consultation document), establish the mandatory standards for energy use and CO2 emissions. It is not clear whether any detailed assessment has been given to the viability impact of going beyond these nationally set requirements? Furthermore, the use of additional BREEAM or HQM standards and assessments seems to add another layer of unnecessary bureaucracy to the planning process which will only serve to delay development which complies with the latest Part L Building Regulations.</p>	<p>Since the preparation of the consultation document changes to the Building Regulations have come into force in relation to energy efficiency, ventilation and overheating. As these matters are dealt with via Building Regulation requirements and potential subsequent requirements of the Future Homes Standard and there is no need for the requirements to be repeated in planning policy. The policy wording will be revised to reflect this.</p> <p>It is suggested that reference to HQM be removed from the proposed policy. It is suggested that development proposals be required to demonstrate how they are addressing climate change and that the requirements of the policy have been met. The policy wording will be revised to reflect this.</p>

	The policy will be subject to viability testing through the Local Plan Viability Assessment.
The introduction of a policy for addressing carbon emissions is supported and should retain the clause regarding technical feasibility and economic viability to ensure each scheme and any constraints can be assessed individually. A Supplementary Planning Document would assist applicants in preparing developments and understanding the Council's requirements.	These comments are noted. The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.
Approach is supported provided there are thorough and comprehensive assessments undertaken via site visits and not desk based assessments that do not consider the locale's characteristics.	These comments are noted.
Clarification is required on what 'major developments' are e.g., 30+ houses etc.	Paragraph 8.21 of the consultation document sets out the definition of major developments as: those of 1ha or more or 30 or more dwellings and not developed by a small to medium sized builder, defined as those having a turnover of up to £45m.
The requirements should apply to ALL developments. There seems little point in having a policy that can be evaded by smaller developments resulting in non-compliant properties being built. It is just as important that smaller developments are built to a high standard and contribute to carbon neutral targets.	These comments are noted.
The proposed requirement for BREEAM to be applied on non-residential developments is supported, particularly the incorporation of the water efficiency polices.	These comments are noted.
Option 3 would be most pragmatic and viable.	These comments are noted.
Supports the preferred policy approach for the climate change assessment of development and seems appropriate.	These comments are noted.
Supports the aim of improving developments to better deliver Climate Change goals with Option 3 as the preferred one. However, that needs to be seen in the context of the location of development.	These comments are noted.
Large scale new developments should be held to high standards of construction methods and design and therefore the proposed policy approach for climate	These comments are noted.

change assessments of developments is agreed.	
Proposed policy is supported but it is not sufficient for real change.	These comments are noted.
Building more housing will affect climate change.	These comments are noted.
Policy is not supported, things are far too serious for any of your policies, recycling, including of land should be a major factor. The damage to the environment should be paramount.	These comments are noted.
No objection to well insulated new homes and buildings, it is sensible and cost effective. Surely all it needs is adherence to the building regulations.	These comments are noted.
Option 3 is preferred provided that the implications for residents and consumers of energy efficiency measures which include possibly impractical and or very costly heating solutions are not rushed through. It makes sense to assess all developments, but realism will be needed as to the standards themselves.	These comments are noted.
Unsure whether a change is needed to policy to set-out specific targets under assessment criteria.	These comments are noted.
Option 3 is preferred - with the same provisos as in previous assessments. Where are the resources to manage this?	These comments are noted.
Policy is supported but notes that it is never applied to new planning applications.	These comments are noted.
Option 2 is preferred to Option 3 given the net zero by 2050 commitment for the district.	These comments are noted.

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q24

**Question 24 - Do you agree with the proposed policy for reducing carbon emissions?
If not, why not?**

A summary of the comments received are set out below:

Comment	NWL Officer Response
Whilst it is noted that there is a separate policy relating to water efficiency it is highlighted that water efficiency and the implementation of water efficient design and technology often supports energy efficiency and would therefore help to reduce household carbon production, but also carbon production used for the water treatment for consumption and wastewater treatment process.	These comments are noted.
Support the aim of improving developments to better deliver Climate Change goals and supports elements of the proposed policy in para. 9.55. As with Q23, the location of development is significant.	These comments are noted.
The Plan should limit the number of policies relating to climate change. There needs to be a strategic policy set out the start of the plan to address Climate Change and meet net-zero targets. This could include clear criteria on each matter for developments to be assessed against.	There is an agreed Local Plan objective that specifically addresses climate change. The number of policies in the Local Plan relating to climate change will be limited.
The aims of the policy are noted but the policy does not address reducing carbon emissions through different modes of travel and the location of developments. It needs additionally to include policies relating to Transport and Movement (category 2.1 in HQM guide). For purposes of clarity, this policy should re-named 'Sustainable Buildings and Reducing Carbon Emissions'.	The development strategy will address the issue of the location of development. This policy is concerned with reducing carbon emissions associated with new buildings. Suggest the policy could be retitled "Reducing carbon emissions in new buildings". The Transport Infrastructure and new development policy of the Local Plan has not yet been reviewed.
It should be made clear that the last paragraph does not negate or qualify the requirement for a 31% improvement in energy efficiency over the 2013 edition of the Building regulations but applies to any shortfall below 100% net zero.	The Building Regulations requirement for energy efficiency is going to be relied upon and the policy wording will be amended to reflect this.
Support in principle but wary of the government's apparent adoption of targets without any thought as to how to manage the transition and the financial impact of, for	These comments are noted. We are aware of this issue and will continue to discuss with energy providers.

<p>example, low carbon heating systems in older properties. There is no mention of the very substantial increase in the resilience required for power networks as electricity becomes critical to more and more aspects of everyday life.</p>	<p>The lack of capacity in the network is a nationwide issue and the council could write to the Government regarding the issue.</p>
<p>General support for the approach to reduce carbon emissions. Strong support for development plan carbon mitigation policies and projects which ensure climate resilience and environmental benefits at the heart of the delivery of new homes and the infrastructure that enables healthy, productive places. Supports increases in the uptake of nature-based solutions, including blue and green infrastructure, which provide multi-functional benefits. Suggest that the proposed hierarchy of measures in the policy should start with building design covering, for example, energy reduction, energy efficiency and renewable energy.</p>	<p>These comments are noted.</p> <p>The proposed policy in part 1) refers to the design of new buildings and then sets out the fabric first sequence (points a) to c)) which address energy reduction, energy efficiency and renewable energy.</p>
<p>It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. In setting policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with government legislation and building regulations.</p>	<p>These comments are noted.</p>
<p>The proposed policy wording for reducing carbon emissions is supported. Noted that the carbon offset fund is still under consideration at this time.</p>	<p>These comments are noted.</p>
<p>In setting planning policy, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.</p>	<p>These comments are noted.</p>
<p>Supports the policy on carbon emissions with funding being provided as the last resort option. There should be reference within the policy to incorporating infrastructure/technology required to support the decarbonisation of transport, including electric vehicle charging points.</p>	<p>These comments are noted.</p> <p>There has been a new Building Regulation (Part S) which requires the installation of charging points for electric vehicles. As this is covered by Building Regulation requirements there is no need for this to be repeated in planning policy.</p>
<p>The reduction of carbon is an element of a much larger model, the 'circular economy' of which there is no mention. Reference to carbon and material efficiency can be strengthened and expanded upon through reference to specific measures. There is not</p>	<p>The circular economy extends beyond the jurisdiction of planning policy. The Local Plan can only address those matters which are within the scope of the planning system.</p>

<p>enough mention of resource efficiency. There should be more emphasis on the wider role of green spaces and ecosystems.</p>	
<p>From a landowner perspective, it is far more effective to have mandatory energy requirements for buildings so that this forces higher standards. When voluntary it is too easy for these to be excluded for various reasons. By mentioning off-setting as an option, this can provide an easy way out for builders.</p>	<p>These comments are noted. The new Building Regulations will require achieving the specified standards.</p>
<p>The policy is supported. The intention is for the Airport to reach net-zero carbon emissions by 2038 at the latest through innovation, new technologies and investment from airports, airlines and aircraft manufacturers.</p>	<p>These comments are noted.</p>
<p>The Plan should include a clear and comprehensive policy to address climate change. The draft policy would benefit from some clarification. As written, it is unclear how the required reduction in regulated CO2 is to be applied, as it appears to relate to all new development yet be referable to the Dwelling Emission Rate. The approach to commercial and other non-residential development should be clarified. It is considered that compliance with Building Regulations will be sufficient to demonstrate that energy/water efficiency, overheating and carbon reductions have been achieved.</p>	<p>It is proposed that the Building Regulation requirements for energy efficiency and overheating are going to be relied upon and the policy wording will be amended to reflect this.</p> <p>Water efficiency is subject to a separate proposed policy.</p>
<p>It is important that local planning policies do not accelerate beyond requirements of building regulations, setting onerous requirements on development particularly without evidence to support that such requirements are deliverable will prevent the speedy delivery of housing in accordance with the aspirations of the NPPF.</p>	<p>These comments are noted. It is proposed that the Building Regulation requirements for energy efficiency and overheating are going to be relied upon and the policy wording will be amended to reflect this.</p>
<p>It is noted that the policy adopts a fabric first approach which is supported. Consideration will also need to be given to ensuring that development is in sustainable locations which minimise the need to travel or the distance to be travelled.</p>	<p>These comments are noted.</p> <p>The Transport Infrastructure and new development policy of the Local Plan has not yet been reviewed. There are agreed Local Plan objectives that refer to sustainable development and sustainable transport.</p>
<p>The proposed policy should include a Carbon Offsetting Fund as developments may not be able to deliver the required level of CO2 emissions reduction onsite. This</p>	<p>These comments are noted. The policy refers to there being a carbon offset fund although no decisions about the requirements of the councils own potential</p>

<p>fund should be tested to ensure the viability the set rates will have on developers and these assessments should be made clear to prove that it is deliverable.</p>	<p>fund or the potential to use an alternative carbon offset fund have been finalised.</p> <p>Policies in the Local Plan will be subject to viability testing through the Local Plan Viability Assessment.</p>
<p>There are many alternative carbon off-setting funds available, and the development plan should not tie developers into a single method of off-setting. The policy wording should seek carbon off-setting to be demonstrated and secured through appropriate planning obligations as a reasonable alternative to the Council's own fund for which no details are currently known.</p>	<p>These comments are noted.</p> <p>The Council is considering the potential for a carbon offset fund. No decisions about the requirements of the councils own potential fund or the potential to use an alternative carbon offset fund have been finalised.</p>
<p>Supportive of policy which requires a reduction of carbon emissions. This policy could be combined with part 5 of the renewable energy policy, or perhaps cross referenced. Part 3 of this policy could include an expectation of using timber in construction to lock away carbon and increase demand for timber construction products.</p>	<p>These comments are noted. Part 3) already refers to reducing embodied carbon and maximising opportunities for reuse of materials.</p> <p>It is recommended that part 5 of the Renewable Energy policy be deleted.</p>
<p>Concern regarding the requirement to use HQM on all major developments and this should be set out as an option, allowing other forms of assessment to also be used. Concern is also raised with regard to the use of onsite renewable energy generation or where not maximised, then a payment to the Council's own carbon off-setting fund. There are many alternative carbon off-setting funds available, and the development plan should not tie developers into a single method of off-setting. The policy wording should seek carbon off-setting to be demonstrated and secured through appropriate planning obligations as a reasonable alternative to the Council's own fund for which no details are currently known.</p>	<p>It is suggested that reference to HQM be removed from the proposed policy. The policy wording will be revised to reflect this.</p> <p>The Council is considering the potential for a carbon offset fund. No decisions about the requirements of the councils own potential fund or the potential to use an alternative carbon offset fund have been finalised.</p>
<p>The target goes beyond the proposed plan period and there is no evidence of testing of development viability for such targets or what the phased approach might be.</p>	<p>Renewable energy targets have been pro-rated for the plan period. The targets need amending as the plan period now goes to 2040.</p>
<p>The Plan viability assessment and viability assessment of strategic sites should include the cost of network upgrades to support technologies. Where a viability assessment is submitted to accompany a planning application, this should be based</p>	<p>These comments are noted.</p> <p>Policies in the Local Plan will be subject to viability testing through the Local Plan Viability Assessment. Only the requirements coming from policies can be</p>

<p>upon and refer back to the viability assessment that informed the plan, with evidence of what has changed since then. Until the Future Homes Standard and the Standard Assessment Procedure software is finalised (the Government is due to consult in 2023) the industry will be unable to confirm building specification and carbon reduction over Building Regulations 2013. Currently the Future Homes Standard is intended to become legislation in 2025. The proposed local plan policy should be flexible to allow developers to utilise the most appropriate technology available at that time. The Government’s approach “remains technology-neutral and designers will retain the flexibility they need to use the materials and technologies that suit the circumstances of a site and their business”. (MHCLG Summary Response to the FHS (2019 Consultation Changes to Part L and F).</p>	<p>tested. The need for a connection is a given for any development but it is not a policy requirement.</p> <p>It is proposed that the Building Regulation requirements for energy efficiency and overheating are going to be relied upon and the policy wording will be amended to reflect this.</p>
<p>The sentiments of the proposed policy are supported. However, a number of detailed points require clarification.</p> <p>a) The draft Policy requires all development to achieve net zero carbon, however it’s not clear as to the definition and timescales associated.</p> <p>b) Non-domestic buildings are assessed under different regulations which set different targets for different building types, and this should be clarified within the proposed policy wording.</p> <p>c) Carbon offset fund – The Council should make clear what charge would be levied on any residual carbon emissions which cannot be offset through onsite initiatives. Developers may already be off setting their emissions through a recognised 3rd party certified scheme outside the district and policy should make allowances for this situation. The council should ensure that their fund meets the requirements of high-quality carbon offset projects to enable such offsets to be counted toward a net zero carbon target. Also, a number of other factors, in addition to renewable energy, can contribute to a reduction in carbon. Great weight should be given to the benefit of those developments which adopt a broad range of approaches to reduce their carbon output in the decision-making process.</p>	<p>The council made a climate change emergency declaration on 25 June 2019 which set out the council’s commitment to support the Government’s net zero target to 2050. It is suggested that be amended to clarify timescales and definitions.</p> <p>The Building Regulation requirements and subsequent requirements of the Future Homes Standard are considered to be the most appropriate energy efficiency targets for residential and non-residential developments. This will be reflected in revised policy wording.</p> <p>The Council is considering the potential for a carbon offset fund. No decisions about the requirements of the councils own potential fund or the potential to use an alternative carbon offset fund have been finalised.</p>
<p>Requirement 2 of the proposed policy should be re-worded so as to require</p>	<p>These comments are noted.</p>

<p>developments to “<i>achieve an energy efficiency in line with the latest standards set by the Government, whether that be Building Regulations or the Future Homes Standard (including any transitional arrangements)</i>.” The suggestion that applicants should make a financial contribution towards the Council’s carbon offset fund in circumstances where on-site delivery is not economically viable appears counter intuitive.</p>	<p>Since the preparation of the consultation document changes to the Building Regulations have come into force in relation to energy efficiency, ventilation, and overheating. As these matters are dealt with via Building Regulation requirements and potential subsequent requirements of the Future Homes Standard and there is no need for the requirements to be repeated in planning policy. The policy wording will be revised to reflect this.</p> <p>The Council is considering the potential for a carbon offset fund. No decisions about the requirements have been finalised.</p>
<p>The policy should retain the clause regarding technical feasibility and economic viability to ensure each scheme and any constraints can be assessed individually. A Supplementary Planning Document would assist applicants in preparing developments and understanding the Council’s requirements.</p>	<p>These comments are noted.</p> <p>The Levelling Up and Regeneration Bill: reforms to national planning policy consultation document states that authorities will no longer be able to prepare supplementary planning documents. It is therefore suggested that the reference to Supplementary Planning Document be deleted.</p>
<p>The policy should only apply to major development proposals.</p>	<p>These comments are noted.</p>
<p>The policy should apply to all proposals.</p>	<p>These comments are noted.</p>
<p>Agree in principle with having a policy but have the following comments:</p> <p>Section 1 – the reduction methods should be put in an order but 1a to 1d are all equally important measures to take when planning a development – it does not make sense for example to consider solar panels only after smart systems and insulation – surely all of these measures should be considered alongside each other/as part of the same process rather than either/or approach?</p> <p>Section 1a - behavioural changes are part of the planning process as there is no way to “police” how people use the facilities installed.</p> <p>Could neighbourhood heat systems be considered for developments of more than 1 property? Conventional heating systems should not be permitted as there are plenty of sustainable options available and many have grant funding attached to them.</p>	<p>These comments are noted.</p> <p>The AECOM Study recommended that guidance should emphasise the importance of following the energy hierarchy. The policy follows the Energy Hierarchy and in doing so seeks to reduce energy use before seeking to meet the remaining demand by the cleanest means possible.</p> <p>Part 1) a) of the proposed policy makes reference to behavioural changes. This is not something that can be determined through the planning system therefore it is recommended that this is deleted. delete</p> <p>The requirement for requiring neighbourhood heat systems would need to be economically viable. There is not anything in the policy that would preclude this as an option for inclusion in a development.</p>

<p>New developments must not have a detrimental impact on existing neighbour renewable energy schemes – for example by blocking sunlight to existing solar panels, or blocking wind for turbines etc.</p> <p>Section 5 – this ought to be done now, on building, rather than being an option for the future.</p> <p>The requirement to use the Homes Quality Mark scheme should be applied to ALL developments, why allow any developments to avoid meeting the carbon reduction targets of the local plan?</p> <p>The use of renewables should be included in the Design and Access statement for planning applications.</p>	<p>Since the preparation of the consultation document a new Building Regulation relating to overheating has come into force. There is no need for the requirements to be repeated in planning policy. The policy wording will be revised to reflect this.</p> <p>It is suggested that reference to HQM be removed from the proposed policy. It is suggested that development proposals be required to demonstrate how they are addressing climate change and that the requirements of the policy have been met. The policy wording will be revised to reflect this.</p> <p>The NPPF recognises the contribution small and medium sized builders can make to meeting the housing requirement of an area. However, small and medium sized builders do not benefit from the same level of resources as volume housebuilders therefore, requirements need to be balanced against resource levels.</p>
<p>Broadly support the proposed policy for reducing carbon emissions. The draft policy wording appears to include flexibility to recognise the difficulties for smaller developments in addressing climate issues. The more stringent requirements are therefore levelled at the larger development where economies of scale make this more achievable.</p>	<p>These comments are noted.</p>
<p>The science is telling us that more needs to be done and sooner.</p>	<p>These comments are noted.</p>
<p>It appears you are only interested in short term gain for NWL and the policies proposed will only make it worse. Too little too late, stop building and you might have a chance. Development is too carbon positive. The damage to carbon stores is not taken into account.</p>	<p>These comments are noted. The Council is required to meet the future housing and economic needs of the district, but in doing so has to balance this against a wide range of other considerations, including climate change and its potential impact.</p>
<p>Policy supported. Industry must be accountable and must pay for its' own pollution.</p>	<p>These comments are noted.</p>
<p>Support but not feasible for those on lower incomes to buy into.</p>	<p>These comments are noted.</p>
<p>Surely this again already has a central government policy that only requires adherence. Anything that is linked to carbon trading should be considered a con and not tolerated.</p>	<p>These comments are noted.</p>
<p>When you have an airport on your doorstep with planes stinking up the atmosphere, I</p>	<p>These comments are noted.</p>

think tinkering about with paperwork is ineffective.	
Not possible to agree or disagree with the proposed policy, as the section on offsetting is too sketchy. It is unacceptable not to hold developers to account to minimise emissions on site, and resulting impacts e.g., traffic congestion. This is especially pertinent in the context of proposals for significant housing near a 24/7 airport, which multiplies emissions growth.	These comments are noted.
Welcomes plans to increase renewable energy. Regarding point 9.35 - the language reads that smaller developments need to demonstrate that Lifecycle Carbon has been "considered" - it is the enforcement of the intention of this policy that will be key. Any offsetting has to be considered the last resort.	These comments are noted.
Welcome plans to increase renewable energy. New homes should have solar panels, heat pumps and great insulation. Need a change in mind set.	These comments are noted.

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -
JANUARY TO MARCH 2022**

SUMMARY OF RESPONSES TO Q25

Question 25 - Do you agree with the proposed policy for water efficiency standards? If not, why not?

A summary of the comments received are set out below:

Comment	NWL Officer Response
<p>This policy is not necessary as a requirement is set out in the Building Regulations. The need to address climate change is being addressed on a co-ordinated and industry wide basis through Building Regulations changes, agreed targets and joint multi-agency working relationships.</p> <p>There is insufficient evidence provided for a locally needed lower requirement. It is considered that compliance with Building Regulations will be sufficient to demonstrate that energy/water efficiency, overheating and carbon reductions have been achieved.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p>
<p>Optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the PPG. This evidence does not appear to be present.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p> <p>Policies in the Local Plan will be subject to viability testing through the Local Plan Viability Assessment.</p>
<p>The Council needs to provide sufficient justification by applying the criteria set out in the PPG.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p>
<p>In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.</p>	<p>These comments are noted.</p>
<p>The proposed policy for water efficiency standards is agreed but there is scope to consider water efficiency in change of use and conversions and ambition for water efficiency standards to extend beyond new stock to existing stock (beyond the planning function).</p>	<p>These comments are noted.</p> <p>The compliance with water efficiency standards is dealt with through Building Regulations. Part G2 of the Building Regulations sets out that water efficiency requirements exclude dwellings formed by a material change of use.</p> <p>We cannot address issues in the existing stock unless planning permission is required.</p>

<p>From a public health perspective, the policy should ensure it enables opportunity to help lower energy bills and fuel poverty is associated with negative effects on mental wellbeing and stress. Section 9.67 NWL classification of a 'seriously water stressed' area has obvious concerns around health and wellbeing in long, dry, hot periods, especially for our more vulnerable populations.</p>	<p>These comments are noted. The Local Plan can only address those matters which are within the scope of the planning system.</p>
<p>It is incumbent on the LPA to show a clear need based on existing sources of evidence, consultation with local water and sewerage company, the EA and catchment partnerships, consideration of the impact on viability / housing supply. If sufficient evidence is provided, a change from 125l to 110l of water consumption per person per day may be justified.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p>
<p>Proposed policy for water efficiency standards is not supported. The standards proposed are 110 litres per person per day, which is more than the nationally required standards, which are 125 litres per person per day. The draft plan does not undertake consultations with the stakeholders stated within PPG in Paragraph 015.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p>
<p>Proposed policy is not supported. The proposed water efficiency standards should be justified by applying the criteria set out in the NPPG. Although, NWL is located within an area covered by Severn Trent, which has been classed as seriously water stressed, the Council's evidence does not demonstrate a clear local need.</p>	<p>Refer to paragraphs 7.57 – 7.60 of the main report.</p>
<p>Policy is supported, some house builders already design their homes to achieve a maximum of 110 litres of water per person per day.</p>	<p>These comments are noted.</p>
<p>Securing all water credits requires the adoption of potentially restrictive approaches such as grey water recycling, which may affect the feasibility of development. Amend the policy wording to achieving BREEAM excellent water credits which does require the extensive use of water efficiency measures and rainwater harvesting.</p>	<p>The BREEAM Wat01 water consumption requirements are very technical. Therefore, it is suggested that BREEAM excellent water credits is required instead. The policy wording will be updated to reflect this change.</p>
<p>All new developments should comply. There are other measures that could be considered to save water such as to only install showers and removing outside taps. Also, encouraging the use of rainwater collection which could then be used in</p>	<p>These comments are noted.</p>

<p>washing machines or to flush toilets. It would also be possible to reuse “grey water” such as bath water in this way.</p>	
<p>Support the proposals to change the policy and recommend the 110 l/p/d water efficiency standard this supports the delivery of a more resilient water system and mitigate some of the anticipated changes as a result of climate change. It also supports the objectives of the Humber River Basin Management plan that recommends the implementation of this water efficiency standard.</p>	<p>These comments are noted.</p>
<p>The proposed policy to adopt the Building Regulations lower water use requirement carries various benefits. An additional benefit is that it would lower the impact of new development on the River Mease SAC: This is a result of A) Less water being abstracted, and B) less foul water discharging to the river via waste-water treatment works, which subsequently results in a reduced amount of phosphorous entering the River. Welcome the intention to stick to the recognised lower water use requirements as used within the Building Regulations and the RBMP, as well as to further investigate the viability of setting this requirement to ensure its sustainability.</p>	<p>These comments are noted.</p>
<p>The benefits of water efficiency are wider than the household-level ones referred to in the consultation document. The requirement to achieve the national water efficiency standard of a maximum of 110 litres of water per person per day is welcomed. A driver that isn’t explicitly stated is that water efficiency measures are required to reduce the associated impact of a growing population accessing an already stressed resource.</p>	<p>These comments are noted.</p>
<p>In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.</p>	<p>These comments are noted.</p>
<p>Aiming to achieve best practice in an area of water stress is supported.</p>	<p>These comments are noted.</p>
<p>Any policy should be tested in terms of viability and deliverability. Any requirements should also be suitably evidenced and justified.</p>	<p>These comments are noted.</p>

Your plans seem to ignore the damage all the new housing is doing to the water table and to the sewerage systems.	These comments are noted.
This area suffers from flooding and the proposals will only increase run off.	These comments are noted. This policy is concerned with water usage other policies will address flooding.
Policy is not supported. Whether or not NWL is 'water stressed' or not, the water companies are profligate with waste and over generous to their shareholders. Before the Local Plan considers sanctioning the water company's clients it should first hold the suppliers to account and force them to generate some real efficiencies and improvements.	These comments are noted but the points raised are not planning matters.
Proposed policy is supported. As Castle Donington is lower than the proposed development the risk of flooding NEEDS to be a major concern/issue.	These comments are noted. This policy is concerned with water usage. Other policies will address flooding.
Water use is a private, paid for, matter. Water in this country is not a scarce resource. If NWLDC wish to do something then get the water companies to improve their efficiency, get them to move more water from north to south.	These comments are noted.
It is recognised that real estate is a significant contributor to carbon emissions through the construction and operation of buildings. and takes measures to address this. In setting planning policy on sustainable design, given the rapidly changing technologies and approaches, it is important to avoid policy wording that is too inflexible or could conflict with Government legislation and building regulations.	These comments are noted.

Title of Report	LOCAL PLAN REVIEW – RESPONSE TO CONSULTATION	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk	
Background Papers	Responses to consultation New Local Plan - progress so far - North West Leicestershire District Council (nwleics.gov.uk)	Public Report: Yes
	Development strategy Options and Policy Options consultation – January to March 2022 Statement of Common Ground (2022) National Planning Policy Framework Planning Practice Guidance	Key Decision: Yes
Financial Implications	The cost of the substantive Local Plan Review is met through existing budgets.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications 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 the comments received in response to consultation undertaken in January-March 2022 on the emerging Local Plan in respect of: <ul style="list-style-type: none"> • Housing – self-build and custom housebuilding /Space standards/Accessible and Adaptable housing • Health and wellbeing/ Health Impact Assessments • Renewables and low carbon 	
Recommendations	THAT THE LOCAL PLAN COMMITTEE: (I) NOTES THE RESPONSES TO THE CONSULTATION; (II) AGREES TO THE REVISIONS TO THE PROPOSED	

SELF AND CUSTOM HOUSEBUILDING POLICY SET OUT AT APPENDIX A OF THIS REPORT;

- (III) AGREES TO INCLUDE A REQUIREMENT REGARDING SPACE STANDARDS IN NEW HOUSING, SUBJECT TO THE COMPLETION OF WORK REFERRED TO AT PARAGRAPH 3.7 OF THIS REPORT CONTINUING TO DEMONSTRATE THAT SUCH STANDARDS ARE JUSTIFIED AND TO ALSO INCLUDE SUPPORTING TEXT AS OUTLINED IN APPENDIX B OF THIS REPORT;**
- (IV) NOTES THE PROPOSAL FROM GOVERNMENT TO MANDATE THE CURRENT M4(2) REQUIREMENT IN BUILDING REGULATIONS AS A MINIMUM STANDARD FOR ALL NEW HOMES;**
- (V) AGREES TO INCLUDE A REQUIREMENT FOR THE PROVISION OF M4(3) WHEELCHAIR-USER DWELLINGS SUBJECT TO THE OUTCOME OF THE WHOLE PLAN VIABILITY ASSESSMENT;**
- (VI) AGREES TO THE REVISIONS TO THE PROPOSED HEALTH IMPACT ASSESSMENT POLICY AS SET OUT IN PARAGRAPHS 6.9 – 6.13 AND APPENDIX E OF THIS REPORT;**
- (VII) AGREES TO AMEND THE PROPOSED RENEWABLE ENERGY POLICY AS SET OUT AT PARAGRAPHS 7.6 -7.10 AND APPENDIX F OF THIS REPORT;**
- (VIII) AGREES TO AMEND THE REQUIREMENT IN RESPECT OF ENERGY EFFICIENCY TO REFLECT THE CHANGES IN THE BUILDING REGULATIONS AS SET OUT AT PARAGRAPHS 7.15 – 7.18 OF THIS REPORT;**
- (IX) AGREES TO NOT INCLUDE A REQUIREMENT AT THIS STAGE FOR A LIFECYCLE CARBON ASSESMENT AS SET OUT AT PARAGRAPHS 7.23 – 7.30 OF THIS REPORT, BUT THAT THE MATTER BE KEPT UNDER REVIEW;**
- (X) AMENDS THE REDUCING CARBON EMISSIONS POLICY IN RESPECT OF OVERHEATING AS SET OUT IN PARAGRAPHS 7.35 -7.37 OF THIS REPORT;**
- (XI) AGREES TO REMOVE OUT REFERENCE TO HQM AND BREEAM IN THE REDUCING CARBON EMISSIONS POLICY AND TO INSTEAD DEVELOP A CHECKLIST AS SET OUT IN PARAGRAPHS 7.42 -7.44 AND APPENDIX J OF THIS REPORT;**
- (XII) NOTES THAT WORK IS ONGOING IN RESPECT OF THE ISSUE OF CARBON OFFSETTING AS SET OUT AT PARAGRAPHS 7.49 – 7.53 AND APPENDIX K OF THIS REPORT;**
- (XIII) AGREES TO INCLUDE A POLICY IN RESPECT OF**

	<p>WATER EFFICIENCY AS SET OUT AT PARAGRAPHS 7.57 – 7.60 AND APPENDIX L OF THIS REPORT;</p> <p>(XIV) NOTES THE ISSUES RAISED IN RESPECT OF QUESTION 26 AND OFFCIERS RESPONSE AS SET OUT AT PARAGRAPHS 8.6 – 8.9 AND APPENDIX M OF THIS REPORT.</p>
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1.0 BACKGROUND

- 1.1 Members will recall that several reports have been considered at previous meetings of this committee in respect of emerging options as part of the review of the Local Plan. These issues were then the subject of consultation between 17 January and 14 March 2022.
- 1.2 A copy of the consultation document can be viewed from this the link at the beginning of this report. The document covered the following issues and included a series of questions to help guide responses:
- *Local Plan objectives*
 - *Settlement hierarchy*
 - *Development strategy options for housing*
 - **Housing – self-build and custom housebuilding /Space standards/Accessible and Adaptable housing**
 - *Development strategy options for employment*
 - Employment – Policy Ec2(2) (New Employment sites)/Strat-Up space/Local Employment
 - **Health & wellbeing/ Health Impact Assessments**
 - **Renewables and low carbon**
- 1.3 The responses to those matters listed above in *italics* were considered by this committee at its meeting on 12 July 2022. The responses to those matters listed above that are underlined were considered by this committee at its meeting on 27 September 2022
- 1.4 The purpose of this report is to consider the responses to those remaining matters listed above highlighted in **bold**.
- 1.5 Copies of all responses can be viewed from this the link at the beginning of this report.
- 1.6 Where revised policy wording is required, this will be prepared and brought to a future meeting of this committee.

2.0 HOUSING - SELF-BUILD AND CUSTOM HOUSEBUILDING

Background

- 2.1 The consultation sought views on how the Local Plan should address the issue of making provision for self-build and custom housebuilding and included a suggested draft policy.
- 2.2 The following question was asked (question 6) - Do you agree with the proposed self-build and custom housebuilding policy? If not, why not?

Summary of responses

- 2.3 There were 91 responses to this question.
- 34 respondents agreed with the proposed approach to self-build and custom housebuilding
 - Seven respondents supported some elements of the proposed approach to self-build and custom housebuilding

- 33 respondents objected to the whole or part of the approach to self-build and custom build.
 - 10 respondents made no comment or did not know as either outside their area of specialism, do not understand the question, do not mind or could not find the consultation document.
 - Four respondents used the question to generally object to new development, or objected to the loss of greenfield land and countryside
 - One respondent used the question to object to development in Ashby de la Zouch
 - One respondent used the question to generally object to new development in Whitwick and to state their opinion that Whitwick is not part of Coalville
 - One respondent used the question to object to the use of properties for multiple occupation.
- 2.4 In terms of the objections received, key concerns related to:
- Specific sites should be allocated for self-build and custom housebuilding plots.
 - Queries relating to the evidence of demand for plots.
 - The proposed site thresholds
 - Unclear when self-build and custom housebuilding plots will be required on site
 - Concerns over the process for any unsold plots.

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

Considerations

- 2.5 Self-build and custom housebuilding is a key element of the government's agenda to increase the supply of housing and to meet the district's housing need. There is a duty upon Council's to grant permission for enough suitable plots of land to meet the demand in their area and national planning guidance identifies Local Plan policy, that seeks the provision of such plots, as one of the ways to support this type of housebuilding.
- 2.6 In terms of the proposed policy approach, the allocation of specific sites for self-build and custom housebuilding is not supported as justification for this approach is questioned, particularly given there are no 'special circumstances' in planning terms for this type of housing as opposed to general housing.
- 2.7 National planning guidance suggests authorities engage with developers and landowners and encourage them to consider the provision of self-build and custom housebuilding plots. To reflect this approach, the proposed policy seeks the provision of self-build and custom housebuilding plots on sites of 50 or more dwellings. The number of plots provided will however not be specified and will be a matter of negotiation in order for account to be taken of a variety of factors including site specific characteristics, the demand for self and custom build plots and infrastructure provision. When seeking provision of these plots, in line with national guidance, consideration will be given to the evidence of demand contained within the Council's Self-build and Custom Housebuilding Register.
- 2.8 However, it is recognised that there may be circumstances when plots are provided but remain unsold after a period of time. Therefore, the proposed policy addresses this and allows for any unsold plots (after a period of 12 month) to be built out by the developer on the open market, subject to criteria being met. This is considered to be a reasonable and balanced approach; it allows for plots to be appropriately marketed for self-building and custom housebuilding but then also seeks to ensure plots, do not remain vacant in the long-term.

3.0 HOUSING-SPACE STANDARDS

Background

- 3.1 The consultation sought views on whether the Local Plan should include a policy seeking all new residential developments to include a minimum space standard as per the Nationally Described Space Standards (NDSS).
- 3.2 The following question was asked (Question 7) - Do you agree with the proposed policy on Space Standards? If not, why not?

Summary of responses

- 3.3 There was a total of 75 responses to this question:
- 25 respondents agreed with the proposed approach on space standards with no/little further comment.
 - One respondent agreed with the proposed approach but said it should not be too prescriptive.
 - One respondent agreed with the proposed approach if developers agree with it.
 - Two respondents disagreed with the proposed approach on space standards with no further comment.
 - Two respondents disagreed on the basis that you do not know who the end user will be.
 - Seven respondents did not know or felt they couldn't answer the question.
 - One respondent could not locate the relevant consultation documents.
 - Five respondents used the question to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement.
- 3.4 A summary of the remaining 31 comments received, together with officer responses are set out at Appendix B.

Considerations

- 3.5 Whilst there was some support for a policy of this type from developers/agents/landowners, the majority of their responses highlighted concerns regarding viability, impact on affordability and choice, the sufficiency of the Council's evidence on this topic and the requirement for an appropriate transition period.
- 3.6 The majority of comments from individuals related to the density of developments. Density goes beyond the remit of floorspace standards and takes into account gardens, open spaces, spaces between buildings etc. It is an important consideration which is already taken into account in the determination of planning applications and will also be addressed in an authority-wide Design Code which is currently being prepared.
- 3.7 In terms of the concerns from developers, these can be summarised as follows:
- **Viability** – a policy requiring residential development to accord with the NDSS should be tested as part of a whole plan viability assessment at Regulation 19 stage. A Viability Assessment of the whole plan will be undertaken in accordance with guidance and will be prepared to ensure that “*policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable*” (Planning Practice Guidance, Reference ID: 61-039-20190315).
 - **Impact on customer choice and affordability** – The NDSS allows for different combinations of single and double/twin bedrooms (or ‘bedspaces’) to be reflected in the minimum Gross Internal Area. These means there is a variation in floorspace requirements for homes with the same number of bedrooms, which gives

developers flexibility, allows customer choice and should be reflected in the sales value. For example, the minimum standard for a two storey, three-bedroom home varies between 84 sqm (four bedspaces) and 102 sqm (six bedspaces). Further examples are provided in Appendix B.

- **Sufficiency of evidence base** - More work to justify the need for a policy requiring the NDSS is currently being undertaken by officers. The gross internal floor areas of a wider range of sites and locations than was previously presented to this committee at its meeting on 8 September 2021 has been assessed. This is so that any future policy on NDSS is underpinned by a robust evidence base. Whilst this work is still ongoing, to date officers have found that one, two and three-bedroom homes are more likely to be below the minimum NDSS than four or five-bedroom homes. In officers' opinion, there is sufficient evidence to support the requirement for NDSS than from the information previously presented to this committee.
- **Transition period** – the Council's intention to introduce NDSS into the Local Plan was first presented at Local Plan Committee on 8 September 2021, with the Regulation 18 Local Plan consultation following in January 2022. The fact that there is still some time before the Local Plan is adopted is considered to be a sufficient transition period. An example of a Local Plan Inspector using this justification is provided in Appendix B. In that example, the Inspector considered the period between 2018 (when the Council first made their intention to introduce space standards clear) and the publication of the Inspector's Report in 2021 as a sufficient transition period.

3.8 Following the analysis of consultation responses, there is no reason to suggest that the Council should not continue to pursue a policy requiring NDSS in all new residential development.

3.9 Should a policy on space standards be adopted, all applications for new residential developments will need to be accompanied by information that demonstrates that the proposal complies with the NDSS, as a minimum. There is currently a lack of consistency in how information is provided by applicants, which increases the workload for case officers. Therefore, there will be a need for a consistent approach. This will be addressed through supporting text and/or other guidance.

4.0 HOUSING - ACCESSIBLE AND ADAPTABLE HOUSING

Background

4.1 The consultation sought views on whether the Local Plan should include a policy seeking all new residential developments to meet at least M4(2) (accessible and adaptable) standards of the Building Regulations (or subsequent update). It also sought comments on whether 5% of all new dwellings of the affordable housing requirement should be required to meet Part M4(3) (wheelchair user dwellings) standard – with the number of these dwellings to meet Part M4(3)(b) (wheelchair accessible) to be determined in consultation with the District Council and the respective registered provider.

4.2 The following questions were asked (Questions 8 & 9):

- Q8 - Do you agree with the proposed policy on accessible and adaptable housing? If not, why not?
- Q9 - Should part M4(3)(a) wheelchair adaptable dwellings also apply to market housing? If not, why not?

Summary of responses – Question 8

4.3 There was a total of 74 responses to this question, although two of these were 'no comment'.

- 27 respondents agreed with the proposed approach on accessible and adaptable housing with no/little further comment.
 - Four respondents disagreed with no/little further comment.
 - One respondent could not locate the relevant consultation documents.
 - Eight respondents did not know / felt unable to comment /did not understand the question.
 - Four respondents used the questions to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement.
- 4.4 A summary of the remaining 27 comments received and officer responses are set out in Appendix C. The majority of these responses were from developers/agents/landowners who had concerns with the adequacy of the Council's evidence and the viability of such a policy. Several respondents also flagged a potential duplication of the government's proposed changes to Part M of the Building Regulations. There were fewer detailed comments from individuals and these tended to relate to the location of homes for older/disabled persons.

Summary of responses – Question 9

- 4.5 There was a total of 67 responses to this question, although 3 of these were 'no comment'.
- 31 respondents agreed that Part M4(3)(a) wheelchair adaptable dwellings should also apply to market housing with the no/little further comment.
 - One respondent disagreed with no/little further comment (all individuals).
 - Two respondents said people should pay to adapt their homes themselves/grants.
 - One respondent could not locate the relevant consultation documents.
 - Three respondents didn't know / felt unable to comment /did not understand the question (all individuals).
 - Two respondents used the questions to generally object to new development which would result in the loss of greenfield land, including the proposed New Settlement (all individuals).
- 4.6 A summary of the remaining 27 comments received and officer responses are set out in Appendix C.

Considerations (Questions 8 & 9)

- 4.7 Since the end of the Local Plan consultation, there have been two changes in circumstance which are material to the topic of accessible and adaptable homes:
- The government responded to the '[Raising accessibility standards for new homes](#)' consultation. The consultation sought views on potential changes to Part M of the Building Regulations and published its response on 29 July 2022 '[Summary of consultation responses and government response](#)'.
 - The Leicester and Leicestershire Housing and Economic Needs Assessment was published in June 2022
- 4.8 The 'Raising accessibility standards for new homes' consultation sought views on the following five options:
- **Option 1** – Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing
 - **Option 2** – Make M4(2) the minimum standard, with M4(1) applying by exception only. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).

- **Option 3** – Make M4(2) the minimum standard, with M4(1) removed altogether. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
- **Option 4** - Make M4(2) the minimum standard, with M4(1) applying by exception only. A set percentage of M4(3) homes would also need to be applied in all areas.
- **Option 5** – Change the content of the mandatory technical standard, e.g. a revised M4(1) with requirements between the existing M4(1) and M4(2).

4.9 For clarification the standards referred to above and elsewhere in Section 4 of this report are:

- M4(1) - Category 1 – Visitable dwellings (the current mandatory standard)
- M4(2) - Category 2 – Accessible and adaptable dwellings (currently optional)
- M4(3) - Category 3 – Wheelchair user dwellings (currently optional)
- M4(3)a – relates to wheelchair *adaptable* dwellings
- M4(3)b – relates to wheelchair *accessible* dwellings

4.10 Paragraph 73 of the government’s July 2022 paper states:

“Government proposes that the most appropriate way forward is to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes... M4(1) will apply by exception only, where M4(2) is impractical and unachievable... Subject to a further consultation on the draft technical details, we will implement this change in due course with a change to the building regulations.”

4.11 The government has concluded that it is committed to raising the accessibility standards for new homes and considers the most appropriate way to achieve this is to mandate M4(2) as the minimum standard for all new homes (consultation Option 2). This represents a significant change in circumstances from when the consultation was proposed and undertaken.

4.12 The July 2022, paper confirms that the government will consult further on the technical changes to the Building Regulations to mandate M4(2) and on their approach to how exceptions will apply. Paragraph 84 states that transitional provisions are necessary to allow the industry to adapt.

4.13 Given the government’s proposed direction of travel and to avoid any abortive work, for the time being it is recommended that any further work justifying a policy for accessible and adaptable homes (M4(2)) is put on hold. Subject to further guidance and decision from government, it is possible that there will not be a need for a specific policy to secure the provision of M4(2). However, the matter will be kept under review.

4.14 With regards to M4(3), the government confirmed at paragraph 74 of its July 2022 paper:

“M4(3) would continue as now where there is a local planning policy in place in which a need has been identified and evidenced. Local authorities will need to continue to tailor the supply of wheelchair user dwellings to local demand.”

Paragraph 76 confirmed that:

“Option 4 was rejected as having a mandatory percentage for wheelchair homes could reduce the number of homes coming forward and therefore conflict with the objective to boost supply of accessible housing.”

4.14 The government’s intention is that “the saved resource and expertise on making M4(2) policies will help local planning authorities focus on evidencing the need and proportion for wheelchair-user dwellings.”

- 4.15 The consultation proposed a requirement of 5% of affordable dwellings to meet the M4(3)(b) (wheelchair *accessible*) standards. Question 9 asked whether this requirement should also be applied to market dwellings (although in the case of market dwellings, only the standards for wheelchair *adaptable* dwellings; M4(3)(a) can be sought). Many of the developer responses argued that the Council did not have sufficient evidence to support a requirement for wheelchair-user dwellings in market homes.
- 4.16 However, since the consultation ended, further evidence has come forward in the form of the [Leicester and Leicestershire Housing and Economic Needs Assessment](#) (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.
- 4.17 The HENA notes that:
- “As with M4(2) homes it may not be possible for some schemes to be built to these higher standards due to built-form, topography, flooding etc. Furthermore, provision of this type of property may in some cases challenge the viability of delivery given the reasonably high build out costs [these costs are included in the HENA at Table 11.30].”* (paragraph 11.110)
- 4.18 There is evidence which supports a policy requirement for M4(3) wheelchair-user dwellings in North West Leicestershire. It is recommended that the Council pursues a requirement in both affordable and market dwellings and that the proposed HENA requirements at paragraph 4.16 above are tested as part of a whole plan viability assessment before a final recommendation is made.

5.0 HEALTH AND WELLBEING

Background

- 5.1 The consultation sought views on a proposed policy regarding how the Local Plan should ensure that health and wellbeing issues are addressed as part of new development.
- 5.2 The following question was asked (Question 16) - Do you agree with the proposed health and wellbeing policy? If not, why not?

Summary of responses

- 5.3 There was a total of 79 responses to this question.
- 54 respondents agreed with/generally supported the inclusion of a health and wellbeing policy
 - 14 respondents objected to the proposed approach in terms of addressing health and wellbeing issues.
 - Four respondents either suggested they were not qualified to answer, the question was not applicable or they had no comment to make.
 - Two respondents used the question as an opportunity to object to new development, including the development on greenfield land.
 - Three respondents were unable to locate the consultation document and/or policy.
 - Two respondents recommended engagement with the CCG to inform the delivery of health infrastructure.
- 5.4 Of the objections received, the key concerns raised related to:

- Health and well-being issues could be satisfactorily addressed through other policies in the Local Plan without the need for a standalone policy.
- A stand-alone policy is not necessary as it would replicate other policy requirements.
- Screening statements for all applications is not considered proportionate.

5.5 A summary of all the comments received and officer responses are set out in Appendix D

Considerations

5.6 The NPPF and Planning Practice Guidance identify that the planning system has a clear role to play in the creation of healthy communities. This is also echoed in the vision and objectives of the North West Leicestershire Health and Wellbeing Strategy 2018-2028 and also in agreed Objective 1 for the new Local Plan. The inclusion of a specific policy explicitly embeds health and wellbeing within the Local Plan and subsequent decision making. It is considered that the proposed approach represents a balanced approach which ensures that health and wellbeing issues have been addressed, but without adding significant burdens. On its own it is suggested that national policy would not be sufficient alone to support this desired outcome.

6.0 HEALTH IMPACT ASSESSMENTS

Background

6.1 The consultation sought views on a proposed Health Impact Assessment (HIA) policy and also whether a Health Impact Screening Statement for developments not covered by a HIA.

6.2 The following questions were asked (Question 17) - Do you agree with the proposed Health Impact Assessment policy? If not, why not?

(Question 18) - Do you agree that the policy should also indicate that an initial Health Impact Screening Statement could also be sought for any other proposal considered by the council to require one? If not, why not?

Summary of responses – Question 17

- 6.3 There was a total of 71 responses to this question
- 37 respondents agreed with/generally supported the proposed approach to Health Impact Assessments
 - 19 respondents objected to the proposed approach
 - Seven respondents either suggested they were not qualified to answer, outside their specialism, not applicable, did not understand the issue or did not have sufficient time to look at it
 - Two respondents used the question as an opportunity to object to new development, including the new settlement
 - Three respondents were unable to locate the consultation document and/or policy
 - One respondent identified a factual inaccuracy
 - Two respondents made more generic comments about health issues and the impact on people's lives.
- 6.4 Of the objections raised, concerns raised generally related to the following issues: -
- Site and/or site area should be applied to all development types when setting a threshold
 - Evidence to support the threshold of 30 dwellings is unclear. The HIA assessment should be proportionate.

- The thresholds are set too low, and smaller scale and less strategic sites can be addressed through national policy.
 - Question why a Screening Statement would be needed for some of the uses suggested e.g., leisure facilities, non-residential institutions, cafes
 - Further bureaucracy and unnecessary red tape added to the development process.
- 6.5 A summary of the comments received and officer responses are set out in Appendix E.

Summary of responses – Question 18

- 6.6 There was a total of 61 responses to this question
- 31 respondents agreed with/generally supported the approach
 - 18 respondents objected to the approach
 - Six respondents either suggested they were not qualified to answer, outside their specialism, not applicable, or did not understand the issue.
 - One respondent advised they have no preference
 - Three respondents used the question as an opportunity to object to new development, including the new settlement and the loss of greenfield land
 - Two respondents were unable to locate the consultation document
- 6.7 Of the objections received the over whelming concern related to the potential lack of clarity and uncertainty when a HIA Screening Statement would be required.
- 6.8 A summary of the comments received and officer responses are set out in Appendix E.

Considerations

- 6.9 The Planning Practice Guidance highlights the use of HIA as a tool to use when significant impacts are expected. The North West Leicestershire Health and Wellbeing Strategy 2018-2028 also supports the use of HIA through the planning process.
- 6.10 Having regard to this and the issues raised, it is considered appropriate to require a Health Impact Screening Statement in respect of certain developments. However, it is agreed that the policy needs to be clearer about those circumstances when a Health Impact Screening Statement should be undertaken and the thresholds used. Specifically for residential development, a threshold of 30 dwellings or more/ site area of 1 ha or more, has been identified in order to avoid unreasonable burden on the more small and medium size developments, consistent with government policy.
- 6.11 Amendments will be prepared for inclusion in the next round of consultation.
- 6.12 Only if the screening assessment indicates more significant health impacts would a more in-depth Health Impact Assessment be needed. The intention of the assessment process is to identify any positive opportunities for health from a proposal as well as highlighting potential negative impacts that need mitigation.
- 6.13 Furthermore, a bespoke platform – [Healthy Place Making](#) – has been developed for Leicestershire, Leicester and Rutland and includes the availability of a HIA Tool. It provides access to local authority data and includes a ‘smart form’ approach to completing an assessment, providing a methodology and prompts to consider a range of health impacts. The availability of this tool would support and facilitate of the application of this Local Plan policy.

7.0 RENEWABLES AND LOW CARBON

7.1 The consultation sought views on a range of matters related to the issue of how the Local Plan might address climate change. Each of these is considered below.

Wind Energy and Solar Energy

Background

7.2 The consultation sought views on the proposed approach to how the Local Plan should address the provision of wind and solar energy.

7.3 The following question was asked (Question 19) - Do you agree with the proposed renewable energy policy? If not, why not?

Summary of responses

7.4 There was a total of 67 responses to this question.

- 37 respondents support the proposed policy. 18 of which were a yes or agree response. 17 respondents agreed with the preferred policy approach and provided additional comments and two respondents support the preferred policy approach but request changes to the policy wording.
- Four respondents do not agree with the preferred policy approach.
- Seven respondents considered option 3 to be preferable in order to encourage renewable energy generation and to over-achieve on the delivery of renewable energy.
- 11 respondents made general comments about where solar and wind turbine developments should be located.
- Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
- Three respondents had no comment.

7.5 A summary of the comments received, and officer responses are set out in Appendix F.

Considerations

7.6 Part 5 of the proposed Renewable Energy policy requires all new developments to incorporate proposals for on-site electricity and heat production from solar, wind and other renewable technologies so as to maximise renewable energy production.

7.7 The proposed Reducing Carbon Emissions Policy part 1) c) also requires that heat and electricity be generated from renewable energy sources. There is, therefore, a degree of duplication in part 5 of the Renewable Energy Policy and part 1) c) of the Reducing Carbon Emissions policy.

7.8 Part 1 of the proposed Renewable Energy Policy supports renewable energy developments that are *appropriate to their setting*, which allows flexibility for the most appropriate means of renewable energy generation on a site-by-site basis.

7.9 Therefore, in order for the policy requirements to be clearer it is proposed that part 5) of the Renewable Energy Policy be deleted.

7.10 A number of other minor changes are suggested at Appendix F in order to provide clarification.

Energy Efficiency

Background

- 7.11 The consultation sought views on a proposed approach to energy efficiency.
- 7.12 The following question was asked (Question 20) - Do you agree with the proposed approach for energy efficiency? If not, why not?

Summary of responses

- 7.13 There was a total of 71 responses to this question.
- 33 respondents agreed with the preferred policy approach of which 21 were a yes or agree response. 10 respondents agreed and provided additional comments and two respondents supported the policy but suggested changes to the wording.
 - Four respondents agreed that option 3 – a higher target than 31% would be more appropriate.
 - 14 respondents stated that the policy is not necessary as it repeats requirements set out in Building Regulations.
 - Four respondents disagree with the policy with two generally sceptical of the green agenda and two respondents preferring option 2.
 - Nine respondents had general comments regarding energy efficiency.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Two respondents had no comment.
- 7.14 A summary of the comments received, and officer responses are set out in Appendix G.

Considerations

- 7.15 In terms of energy efficiency targets, the AECOM study commissioned to support the Local Plan states that the council should aim to set the highest standards for energy and CO2 performance that can reasonably and viably be implemented.
- 7.16 Since the preparation of the AECOM study and undertaking the consultation the subject of this report, there has been a change in circumstances as the Government has set out changes to the Building Regulation requirements as part of the Future Homes Standard (FHS) which came into effect in June 2022. The FHS will come in to force in 2025 and will, according to the Government, ensure that new homes built from 2025 produce 75-80% less carbon emissions.
- 7.17 The changes to the Building Regulations are an interim measure towards the FHS. As part of these changes, Part L of the Building Regulations now requires that CO2 emissions are reduced by 31% for dwellings (compared to the old regulations) and 27% for other buildings.
- 7.18 It is not appropriate for policies in local plans to repeat national policies and nor should it deal with matters that are dealt with through other legislation. It is considered, therefore, that the change in Building Regulation requirements and potential subsequent requirements of the FHS will be the most appropriate energy efficiency targets. It would not be appropriate to set an alternative target. This will be reflected in revised policy wording. Furthermore, any policies in the local plan can only be given full weight when the plan is adopted. This is currently estimated to be at about the same time that the FHS will come into effect and so there would be nothing to be gained from having an alternative target.

Reducing Carbon

Background

- 7.19 The consultation sought views on a possible policy approach in respect of the issue of Lifecycle Carbon Assessment as part of the Local Plan.
- 7.20 The following question was asked (Question 21) - Do you agree with the preferred policy approach for Lifecycle Carbon Assessment? If not, why not?

Summary of responses

- 7.21 There was a total of 60 responses to this question.
- 36 respondents agreed with the proposed policy, of which 26 were yes or agree responses. 10 agreed with the proposed policy wording and made additional comments.
 - Two respondents preferred option 2, to include a policy requirement for all developments (irrespective of size) to undertake a Lifecycle Carbon Assessment.
 - Seven respondents did not agree with the proposed policy.
 - Six responses were not relevant to the question with two respondents unable to find the consultation documents, one respondent was not familiar with Lifecycle Carbon Assessments and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents provided general comments on water and energy efficiency, how the policy would be regulated and updated and the removal of trees to make way for development.
 - Six respondents made no comment.
- 7.22 A summary of the comments received, and officer responses are set out in Appendix H.

Considerations

- 7.23 There are currently no national requirements for planning to assess the carbon impact of developments.
- 7.24 Whole Life-Cycle Carbon (WLC) assessments are a requirement of the London Plan 2021 and then they only apply to planning applications which are referable to the Mayor.
- 7.25 In considering how it can be demonstrated that proposed developments are addressing carbon emissions, it is necessary to strike a balance between ensuring that this issue is fully addressed whilst also not introducing a significant burden which could affect development viability as such an approach would be unlikely to be supported at Examination. In addition, it is important that they do not add significantly to the resource burden upon the Council. A review of, for example, the approach in London suggest that it would be resource intensive, both for the Council and applicants. Basically, any approach needs to be proportionate.
- 7.26 The Government has recognised that the issue of carbon assessments is problematical. As part of its consultation in respect of The Levelling Up and Regeneration Bill (considered elsewhere on this agenda) the Government notes (Chapter 7, paragraph 13) that they are investigating whether there are effective and proportionate ways of deploying a broad carbon assessment. This would ensure a consistent approach nationally.
- 7.27 The requirement for a lifecycle carbon assessment is considered to be too ambitious at this stage. Instead, a more appropriate approach would be to require proposals for new

developments to be accompanied by a checklist to ensure steps have been taken to minimise lifecycle carbon emissions. Officers are looking at some potential checklists to achieve this.

- 7.28 The NPPF consultation recognises that there is scope for some form of carbon assessment, and it may be something that we can be incorporated at a later date subject to the government's consideration of this issue.
- 7.30 In view of the above, changes will be reflected in revised policy wording to the proposed policy in respect of Reducing Carbon Emissions.

Overheating

Background

- 7.31 The consultation sought views on a possible policy approach in respect of the issue of overheating as part of the Local Plan.
- 7.32 The following question was asked (Question 22) - Do you agree with the preferred policy approach for overheating? If not, why not?

Summary of responses

- 7.33 There was a total of 63 responses to this question.
- 34 respondents agreed with the preferred policy approach of which 27 responses were yes or agree. Seven respondents agreed with the preferred policy approach and provided additional comments.
 - One respondent preferred option 2.
 - Nine respondents did not agree with the policy and considered that it was not necessary given the changes to Building Regulations.
 - One respondent considered that the requirements should apply to developments of all sizes.
 - Two respondents made general comments on the important role of green infrastructure and building design.
 - Eight responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Eight respondents had no comment.
- 7.34 A summary of the comments received, and officer responses are set out in Appendix I.

Considerations

- 7.35 Since the preparation of the consultation document the Government has set out changes to the Building Regulation requirements as part of the Future Homes Standard. These changes have introduced more stringent requirements.
- 7.36 In June 2022 a new Building Regulation: Part O (Overheating) came into force. The intention is that Part O limits excess solar gain in new and existing homes and removes excess heat. Compliance is based on the calculation of a large range of input data for each element, each calculation being bespoke to each property/building.
- 7.37 It is not appropriate for policies in local plans to repeat national policies and nor should it deal with matters that are dealt with through other legislation. It is considered, therefore, that with the change in Building Regulation requirements and potential subsequent requirements of the FHS and there is no need for the requirements to be repeated in

planning policy. The wording in respect of the proposed Reducing Carbon Emissions policy will be revised to reflect this.

Demonstrating that new development is addressing climate change

Background

- 7.38 The consultation sought views on a possible policy approach in respect of the issue of demonstrating how new development is addressing climate change as part of the Local Plan.
- 7.39 The following question was asked (Question 23) - Do you agree with the preferred policy approach for the climate change assessment of development? If not, why not?

Summary of responses

- 7.40 There was a total of 59 responses to this question.
- 31 respondents agreed with the preferred policy approach, of which, 17 were yes or agree responses. 14 respondents agreed with the policy approach and made additional comments.
 - Six respondents preferred option 2.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Nine respondents do not agree with the preferred policy approach.
 - Four respondents make general comments on climate change adaptation, that building more housing has adverse effects for climate change and generally the policy not being sufficient for real change.
 - Four respondents make no comment.
- 7.41 A summary of the comments received, and officer responses are set out in Appendix J.

Considerations

- 7.42 A number of respondents noted that the requirement of a Homes Quality Mark (HQM) assessment was not a requirement set out in the NPPF. Also that the use of additional HQM or Building Research Establishment Environmental Assessment Method (BREEAM) assessments and standards add an additional layer of bureaucracy to the planning process.
- 7.43 As noted previously, since the preparation of the consultation document changes to the Building Regulations have come into force in relation to energy efficiency, ventilation and overheating.
- 7.44 There is overlap between this issue and that of Lifecycle Carbon Assessments as addressed under question 21 which is partly reflected in some of the responses. Therefore, the considerations that are set out at paragraphs 7.23 – 7.30 also apply to the consideration of this matter. It is proposed that reference to the HQM assessments and BREEAM standards be removed from the policy as the checklist (as proposed in paragraph 7.27 of this report) will be used to demonstrate that new development is addressing climate change. These changes will be reflected in revised policy wording.

Reducing Carbon Emissions

Background

- 7.45 The consultation sought views on a possible policy regarding reducing carbon emissions as part of the Local Plan.
- 7.46 The following question was asked (Question 24) - Do you agree with the proposed policy for reducing carbon emissions? If not, why not?

Summary of responses

- 7.47 There was a total of 65 responses to this question.
- 39 respondents agree with preferred policy approach, of which 20 provided a yes or agree response. 12 provided additional comments and seven respondents support the preferred policy approach but request changes to the wording.
 - Nine respondents do not agree with the referred policy approach.
 - Nine respondents make general comments on the need for more to be done sooner, industry being accountable for its own pollution, and questioning the effectiveness of policies when there is an airport in the district.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents make no comment.
- 7.48 A summary of the comments received, and officer responses are set out in Appendix K.

Considerations

- 7.49 Other than the issue of carbon offsetting, the responses to this question raised no further significant issues in addition to those set out above in relation to the responses to questions 20 to 23.
- 7.50 The proposed policy referred to the “*Council’s carbon offset fund to enable residual carbon emissions to be offset by other local initiatives*”.
- 7.51 Some respondents referred to the potential of using other carbon offset funds rather than being restricted to one specific fund.
- 7.52 The use of an established carbon offset fund is attractive, not least because it removes the resource required to establish it in the first place. However, this needs to be balanced against other considerations, including the fact that under current Planning Obligation regulations there would need to be a clear link between a development and where any carbon offsetting was to take place. Furthermore, it would mean that there was not any local control over any fund or how it was use.
- 7.53 Officers will continue to explore the issue of carbon offsetting and report back to a future meeting of this committee. Any subsequent decisions will then be reflected in any revised wording.

Water Efficiency

Background

- 7.54 The consultation sought views on a possible policy regarding water efficiency standards as part of new development.
- 7.55 The following question was asked (Question 25) - Do you agree with the proposed policy for water efficiency? If not, why not?

Summary of responses

- 7.56 There was a total of 67 responses to this question.
- 41 respondents agree with the proposed policy, of which 34 provide a yes or agree response. Six respondents agree with the proposed policy and provide additional comments and one respondent supports the policy but suggest changes to the wording.
 - Nine respondents do not agree with the policy.
 - Seven respondents provide general comments on the need for viability and deliverability to be tested as well as suitable evidence and justification for the requirements set out in the policy. General comments also on the damage of wastewater from new developments on the water table and sewerage system and the potential for increased risk of flooding.
 - Two respondents consider that further evidence is needed to justify the standard set out in the policy.
 - Five responses were not relevant to the question with two respondents unable to find the consultation documents and three respondents objecting to development in general especially on greenfield sites.
 - Three respondents provide no specific comments.

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

Considerations

- 7.57 A number of respondents state that further evidence is needed to justify the standard set out in the policy and that the policy is not necessary as a requirement is set out in the Building Regulations.
- 7.58 The Environment Agency published a report (July 2021) on water stress areas. The report provides formal advice to the Secretary of State on which areas in England are areas of serious water stress. North West Leicestershire is located within the area covered by Severn Trent. This area has been classed as 'seriously water stressed' – the most significant classification.
- 7.59 On 1 September 2022, Steve Double MP wrote to all Local Authorities in England regarding water efficiency in new homes. The letter confirms that in areas of serious water stress that the letter can be used as evidence by Local Planning Authorities to set out Local Plan policies requiring new homes to meet the optional tighter standard of 110 l/p/d.
- 7.60 As such it is proposed that the new Local Plan utilises the letter dated 1 September 2022 as evidence to require new homes to meet a tighter water standard of 110 l/p/d.

8.0 OTHER MATTERS

Background

- 8.1 The consultation included a final, more general question in relation to the matters the subject of the consultation.

8.2 The following question was asked (Question 26) - What additional comments do you have about the Local Plan Review not covered by the preceding questions?

Summary of responses

8.3 There was a total of 111 responses to this question. This is in addition to the 233 responses objecting to the potential development of two SHELAA (2021) sites, Land at Isley Walton (IW1) for housing and Land to the north and east of Diseworth (EMP90) for employment.

- 8.4 The comments can be categorised as follows:
1. Consultation: arrangements and documents
 2. Additional issues not covered in the consultation document
 3. Responses from expert agencies
 4. Responses from district/borough councils
 5. Information about/support for a potential development site
 6. Objection to a potential development site
 7. Objection to development in general
 8. Other comments

8.5 A summary of the comments received and officer responses is set out in Appendix M.

Considerations

8.6 As this question asked about additional matters, the comments inevitably cover a range of different topics and opinions.

8.7 In a number of cases, respondents raised issues which were not covered in detail the consultation document, but which will be addressed at a later stage in the plan's preparation, for example transport, infrastructure and future biodiversity requirements.

8.8 The adequacy of the consultation arrangements was raised in a number of the comments. Respondents felt that the consultation period should have been longer, more widely publicised and the documents should have used more straightforward language. There was scepticism from a few that residents' comments would not be taken on board and/or that 'consultation fatigue' could set in.

8.9 In response to these criticisms, it is considered that the consultation arrangements were appropriate for the matters under consideration. It will be appreciated that it is necessary to strike a balance between devoting time and resources to consultation and to the other technical work needed for the Local Plan to progress. The views reported here, and previously at the July and September 2022 meetings of this committee, will be taken into account as the plan progresses.

Policies and other considerations, as appropriate	
Council Priorities:	Developing a clean and green district Local people live in high quality, affordable homes 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 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	Ian Nelson Planning Policy and Land Charges Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk

LOCAL PLAN REVIEW

DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS - JANUARY TO MARCH 2022

SUMMARY OF RESPONSES TO Q26

Q26 – What additional comments do you have about the Local Plan Review not covered by the preceding questions?

1. Consultation: arrangements and documents

Comments	NWL officer response
Even with the two-week extension the consultation period was not long enough.	The consultation period was originally planned for six weeks and a 2-week extension was agreed following a parish councils' request. The council's Statement of Community Involvement (SCI) confirms that the consultation period at this stage will be between 6 and 12 weeks. 6-8 weeks strikes a balance between allowing a reasonable time for people to respond to this initial document and maintaining progress with the overall Local Plan Review process. There will be at least one more Regulation 18 consultation before the more finalised 'publication'(Regulation 19) version is the subject of consultation.
The consultation needed greater publicity.	In line with the SCI, the letters, emails, press releases and the website were used to publicise the consultation in addition to social media posts. This is considered proportionate in view of the early-stage consultation and absence of specific site details at this stage.
There should be public meetings and other events in every parish.	Again, such events were not considered efficient and proportionate, particularly as this consultation did not provide detail on potential sites. Officers did attend a meeting arranged by Diseworth Parish Council prompted by the potential new settlement at Isley Walton.
The consultation document was difficult to access, understand and answer. As a result, the process was exclusionary. Local people need more assistance to understand what is being proposed.	There is a conflict between the level of technical detail demanded by development professionals and a more plain-English approach which includes less technical background. Writing for one audience can exclude the other. It is considered that what was published was appropriate and represented a balanced approach in view of the different audiences.
The local knowledge of residents and parish councils should be taken into	In coming to view on the Local Plan, the Council takes into account the views of local communities and also others with an interest

account in future decisions about the Local Plan Review.	in the development process such as statutory agencies, other local authorities and landowners and developers.
Responses to previous consultations have not been taken into account. There is a risk that the frequency of consultations and lack of resulting tangible benefits will lead residents to become disengaged and disillusioned with the entire process.	Previous responses have been reviewed and reported however the preparation of a Local Plan is an iterative process and each consultation stage may focus on different matters from the preceding stage. The risk of 'consultation fatigue' is something officers will take into account in the planning of future stages.

2. Additional issues not covered in the consultation document

Comments	NWL officer response
1 - Housing	
The Local Plan should be giving consideration to the components of housing supply such as an appropriate buffer coupled with rates of non-implementation across the District. Consideration should be given to reserve sites, particularly where there is heavy reliance on larger strategic sites. Future consultations should include a housing trajectory. Another respondent suggests that substitute plots could be identified as a fallback if developers fail to deliver units in a timely fashion.	Full details of planned housing supply, including the approach to reserve sites (if any) will be covered in a future consultation version of the new Local Plan. The inclusion of a 10% flexibility allowance was agreed at Local Plan Committee on 12 July 2022 .
The consultation document does not contain options around Gypsy and Traveller needs and how to address pitch supply issues.	Provision for Gypsies and Travellers will be addressed in a future consultation version of the new Local Plan.
There is a need to consider the implications of increased home/hybrid working and internet retail on the demand for office and retail premises and the consequent likely additional space available in town centres for residential use.	Agreed. Our Need for Employment Land study (2020) considers the implications of changes in working practices and the Retail Study Update (2020) identifies that online shopping is likely to grow faster than previously expected due to shifts in customer behaviour accelerated by the Covid-19 crisis. The Council will consider further what implications this has for the supply of housing land in the longer term.
More needs to be done to prevent medium and smaller developments from being below standard and missing opportunities to enhance their environment.	As a principle, it is agreed that small developments should not be exempt from high quality design and other standards. However, national policy makes some exemptions (for example affordable housing requirements do not apply to sites of fewer than 10 dwellings) which local policy cannot override. Also viability considerations can affect what can be achieved on smaller developments.

<p>The Local Plan should include a policy about meeting the housing needs of older people.</p> <ul style="list-style-type: none"> • Such policies should encourage the delivery of specialist forms of accommodation for older people and not be criteria led. • Developers should not be required to demonstrate need given the many benefits that such developments bring and • if a quantum is specified this should be regarded as a target and not a ceiling. • the viability of specialist older persons' housing should be robustly assessed in the Local Plan Viability Assessment 	<p>Noted. This is a matter to be considered as part of a future Housing Mix policy or similar.</p>
<p>2 - Transport</p>	
<p>Lack of policies relating to transport, sustainable travel and reducing the need to travel by car. Development should be located in places where cycling and walking, including links to nearby facilities, is an attractive option.</p>	<p>The agreed Development Strategy seeks to direct development to the most sustainable settlements. Sustainable transport measures will be further addressed future consultation version of the new Local Plan when potential site allocations have identified and transport modelling is undertaken.</p>
<p>Lack of any monitoring proposals to demonstrate how the Plan is achieving its objectives e.g. to reduce the need to travel.</p>	<p>Agreed. A monitoring framework will be included in future consultation version of the new Local Plan.</p>
<p>The plan should explain role and importance of East Midlands Airport and support its growth.</p>	<p>Policies for EMA will be included in future consultation version of the new Local Plan.</p>
<p>All new homes and industrial premises should include facilities to encourage cycling (parking; storage) and walking. Permeable membranes should be used in parking spaces.</p>	<p>Transport matters, including sustainable transport will be addressed at a later stage in the plan's preparation.</p>
<p>Concern about the level of traffic going to and from East Midlands Hub.</p>	<p>Noted. Following transport modelling, the measures needed to address the additional traffic generated by future development will be included in the Infrastructure Delivery plan and/or the Local Plan itself.</p>
<p>3 - Environmental issues</p>	
<p>Concern about levels of air pollution around Diseworth from EMA.</p>	<p>Noted. Air quality will be one of the matters considered when assessing development proposals .</p>
<p>Greater regard should be given to environmental issues when planning new development. With the proposed changes to greener living and travel why are thousands of houses being built with yesterday's technology?</p>	<p>Housing standards and design principles are amongst the matters which will be covered at a future consultation stage, recognising that some aspects are dealt with by Building Regulations rather than the Planning system.</p>

Can more be done to encourage eco villages / green home communities? Possibly sharing a heat source?	
Save the Green Wedge	Noted.
The replacement for Policy S3 (Countryside) must protect local green spaces, areas of separation and valued landscapes informed by up-to-date landscape character assessment.	Landscape sensitivity evidence will inform the site selection process and an assessment of the Area of Separation has also been published. Neighbourhood Plans are a good vehicle for designating areas which are more locally important, including Local Green Spaces.
The operation of exiting renewable energy schemes should not be compromised by new development.	This matter is more likely to be considered at the level of an individual planning application, rather than requiring a specific policy in the new Local Plan.
4 - Infrastructure	
Policies for developer contributions must ensure that the developer meets the obligations before the development is completed.	The trigger points for developer contributions in S106 agreements must be clear and robust and the timing justified, whether this be before, during or after the development is completed.
New infrastructure is paramount; a) new doctors to service all our communities; b) new schools to accommodate new families coming into the area; and c) sufficient road capacity.	Agreed. The details of the infrastructure improvements needed to service the new development proposed will be set out in the Infrastructure Delivery Plan and will be the subject of separate discussion with the specific infrastructure providers.
Coalville town centre needs to be regenerated.	Noted. Regenerating Coalville is a priority for the council. The council's website provides details of the improvements that are being planned.

3. responses from expert agencies

Comments	NWL officer response
Inland Waterways Association	
SHELAA site Oa7 includes the route of the Ashby Canal. Any site allocation boundary should either exclude the full original width of the canal, or it should be made clear that there should be no built development or services in the area and that the development will be expected to contribute financially (e.g. via S106 or CIL) to its restoration.	Noted. Proposed site allocations will be included in a future consultation.
Natural England	
The local plan policies should have regard for the River Mease SAC; the site, it's sensitivities, and actions which would improve its condition. The River Mease policy in the adopted local plan should be updated to reflect the current situation where DCS1/2 are no longer available, as well as any future plans for DCS3 or	Noted. The policy for the River Mease and the implications for future site allocations will be covered at a future consultation stage.

<p>alternative solutions. Whilst the pump out solution for the river is still anticipated, this will not cover the entirety of the catchment; alternative strategies for areas not benefitting from this should be explored. During the next steps in the Local Plan review, sites proposed for allocation should particularly consider the sensitivities of the River Mease.</p>	
<p>Biodiversity Net Gain will become mandatory in the coming years. We advise you to use the Biodiversity Metric 3.0 to implement development plan policies on biodiversity net gain. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain. The Chartered Institute of Ecology and Environmental Management has developed 'good practice principles' which can assist evidence gathering and developing policy.</p>	<p>Noted. The plan's approach to Biodiversity Net Gain will be covered at a future consultation stage.</p>
<p>National Highways</p>	
<p>The SA contains little detail regarding the extent to which forthcoming growth could be expected to impact upon the Strategic Road Network. NH supports the objectives in the SA that refer to increasing the use of public transport and other sustainable modes of transport.</p>	<p>Once the proposed site allocations have been selected, strategic transport modelling will be used to assess the impacts of future development on the strategic and local road networks and from there what mitigation will be required. This will also be subject to consultation with the respective highway authorities.</p>
<p>NHS East Leicestershire & Rutland CCG (now the Integrated Care Board)</p>	
<p>The CCG's submission includes detailed information on how the existing GP practices in the district might be impacted by housing growth and which currently have unsuitable premises or insufficient space.</p>	<p>The team continues to collaborate with the ICB to understand the implications of the growth being planned in new Local Plan for primary care services. Improvements needed as a result will be set out in the Infrastructure Delivery Plan.</p>
<p>Environment Agency</p>	
<p>The EA underlines that the planning system should provide for climate change adaption as well as mitigation. Matters the new Local Plan should address include flood risk, water resources and quality, nature-based solutions to climate change and the protection of controlled waters.</p>	<p>The consultation proposes policies that aim to mitigate the impacts of climate change. Policies relating to climate change adaptation including flood risk and sustainable drainage systems will be covered at a future consultation stage.</p>
<p>Leicestershire Police</p>	
<p>The Council is requested to work with Leicestershire Police by consulting with them on large-scale applications, firstly to gain their perspective from a design front and secondly to understand whether the</p>	<p>The team will collaborate with Leicestershire Police to understand the implications of the growth being planned in new Local Plan for local policing. Improvements needed as a result will be set out in the Infrastructure Delivery Plan.</p>

associated growth would produce a need for additional policing infrastructure.	
The Coal Authority	
Confirms that there are recorded coal mining features present at surface and shallow depth within the North West Leicestershire area as well as surface coal resource.	Noted
Canal & River Trust	
There are also active plans for the restoration of the Ashby Canal to extend it northwards towards its original terminus at Measham. To minimise the risk of future development prejudicing the restoration, the Plan should look to safeguard the route of the canal and existing Policy IF6 should be incorporated into the updated Local Plan.	Noted.

4. responses from district and borough councils

Comments	NWL officer response
Oadby & Wigston BC	
Welcomes references to the Strategic Growth Plan and to the Duty to Co-operate in the consultation document. Going forward, North West Leicestershire District Council must ensure that the evidence base is up to date, accurate and takes account of the latest strategic level evidence base, for example the Housing and Economic Needs Assessment.	Noted.
Blaby DC	
Support extending the plan period to 2039. This allows a 15-year time horizon and is consistent with other Local Planning Authorities' Local Plan reviews.	Noted

5. Information about/support for a potential development site

There were 35 submissions which included information about and/or support for a proposed development site. This information will be considered by officers when recommending proposed site allocations to a future meeting of the Local Plan Committee.

6. Objections to a potential development site

Seven responses objected to a specific SHELAA site or sites. Planning matters will be considered by officers when they recommend proposed site allocations to a future meeting of the Local Plan Committee.

A further 233 responses objected to potential development around Isley Walton (IW1) and to the north and east of Diseworth (EMP90) for the following reasons:

- a) Development of these sites would not comply with the NPPF.

- b) Development of these sites is in conflict with currently adopted Local Plan Policy and its objectives.
- c) The proposals would be out of character with the open countryside and farmland, detrimental to national food production and sustainable energy production.
- d) Would result in development in the countryside, outside of the defined Limits to Development.
- e) Development would not be in compliance with the settlement hierarchy of the Local Plan. Isley Walton is not even identified as a hamlet.
- f) An unsustainable location for development and brownfield sites should be used instead.
- g) Adverse impact on the quality of environment and residential amenity, adversely affecting people's quality of life, with adverse impacts such as light pollution, noise pollution, air pollution, loss of green space and loss of countryside views.
- h) Adverse impact on local ecology.
- i) Destruction of the character of Diseworth and its Conservation Area
- j) Adverse impact on the health and wellbeing of residents, undermining the rural setting of Diseworth and the loss of accessibility to the countryside.
- k) Proposals would not result in a high quality of design and layout given the scale and nature of developments proposed and the suggested provision of facilities such as a school, local centre and employment accommodation.
- l) Flooding issues are experienced in the area, and this would reduce the size of the developable area.
- m) Development in this location would increase the need to travel and the levels of commuting, particularly if the housing is to accommodate some of Leicester's housing need and given the lack of public transport infrastructure.
- n) Employment development will not generate sufficient demand to justify 4,700 homes leading to the creation of a dormitory town, and cars will have to be used to access services and facilities.
- o) Existing water management problems and flooding issues, including surface water run-off, will be exacerbated by such a large loss of open grassland and natural draining land being developed on.
- p) Loss of the area's local and distinctive character, and rural heritage, of rolling countryside and farmland.
- q) No protection or enhancement of the natural environment and its features, such as its species and wildlife and field's furrow features.
- r) Unacceptable location for new residential development due to the noise issues experienced in the locality, from existing land uses such as Donington Park Racing Circuit and the Airport, and also potentially from HS2 and the proposed employment use itself.
- s) Local road infrastructure, which already experiences high volumes of traffic, including freight, will not be able to cope with the additional traffic levels generated by the proposals. Consequential adverse impacts would include traffic congestion, higher road accident rates, unsuitable access off the A453 and rat running through Diseworth and Long Whatton.
- t) The locality has already experienced significant development (Rail Freight Interchange, Amazon, DHL Freight complex and the motorway services) and suffers the cumulative adverse environmental impacts alongside the loss of agricultural land eroding the character of the area and the intrinsic beauty of the countryside.
- u) Not sustainable to overbuild on much needed farmland. There is already a shortfall of agricultural land to fulfil national food and sustainable energy production. The war in

Ukraine has identified that we are overly dependent on imports of wheat from Russia and Ukraine.

- v) Unacceptable level of housing in one location when considered in the context of the level of housing that is needed across the whole of the district.
- w) There is no certainty that there will be demand for this number of houses, and the impact of covid may alter people's requirements in terms of property provision and design.
- x) Seeks reassurance that Diseworth will remain a Sustainable Village and its policy protection will not be diluted and that separation between the village and development would be provided.
- y) Site EMP90 does not satisfy Policy Ec2 as there is no evidence that there is an immediate need for additional employment land.
- z) Local facilities are already at capacity and cannot accommodate and increase in population.

7. Objections to development in general

Seven consultation responses objected to new development in general.

8. Other comments

Comments	NWL officer response
Agree with the 2039 end date to comply with NPPF.	Noted. Local Plan Committee has subsequently agreed to extend the plan period to 2040 to further ensure the new plan has a 15-year time horizon.
The existing Local Plan's policies are not being applied in Planning Committee decisions. Preparing a new Local Plan is a waste of money.	The preparation of a new Local Plan is necessary for a number of reasons, including a) planning law requires that planning applications must be determined in accordance with the relevant development plan policies unless material considerations indicate otherwise; and b) the National Planning Policy Framework emphasises that local plans should be kept up to date with reviews at least every 5 years.
When considering planning applications, the council should listen to local views and take note of possible issues instead of approving applications based on a precedent of bad decisions.	Issues raised local residents are one of a range of planning matters considered when an individual application is determined. Often a decision is a balanced one, weighing factors in favour or against the proposal, and this may or may not match local views.
Net Zero, in particular, is a myth. Without it, some sanity, reality and practicality could be brought to bear.	There is scientific consensus that climate change is occurring which makes measures such as Carbon Net Zero a necessity.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – TUESDAY, 21 FEBRUARY 2023



Title of Report	LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) – RESPONSE TO CONSULTATION	
Presented by	Ian Nelson Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk	
Background Papers	Levelling-up and Regeneration Bill: reforms to national planning policy	Public Report: Yes
	National Planning Policy Framework Freeport Housing Need Report FINAL.pdf (nwleics.gov.uk)	Key Decision: Yes
Financial Implications	At this stage it is considered that the financial implications of the proposals set out in the consultation would be likely to be neutral. Some aspects have the potential to result in costs savings, for example by minimising discussion at any Local Plan Examination. However, other aspects may require additional expenditure, for example commissioning consultants.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The NPPF is material consideration when preparing Local Plans and in determining planning applications and so any changes will influence future Council decisions.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified at this stage.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To outline proposals from government for further planning reforms by government and to agree a suggested response to go forward for consideration by Cabinet.	
Recommendations	THAT: (i) THIS COMMITTEE RECOMMENDS THAT CABINET RESPONDS TO THE CONSULTATION IN RESPECT OF THE LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) AS SET OUT IN SECTIONS 3 TO 15 OF THIS REPORT; AND	

	<p>(ii) FOR THE REASONS SET OUT IN SECTION 16 OF THIS REPORT THAT NO CHANGE BE MADE AT THIS TIME TO THE HOUSING REQUIREMENT AGREED AS PART OF THE NEW LOCAL PLAN, BUT THAT THE MATTER BE KEPT UNDER REVIEW</p>
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1 BACKGROUND

- 1.1 On 22 December 2022, the UK Government published a consultation document on the proposed reforms to National Planning Policy and a corresponding draft version of a new National Planning Policy Framework (NPPF) which sets out Government's planning policies for England. The consultation is open until 2 March 2023.
- 1.2 The consultation documents can be viewed at <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- 1.2 The purpose of this report is to consider the proposals and how the Council should respond to them. The consultation will be considered by Cabinet at its meeting on 28 February 2023. The recommendations above allow for this Committee's comments to be forwarded to Cabinet as part of its considerations.

2 THE CONSULTATION

- 2.1 The proposed reforms to National Planning Policy cover a wide-range of proposals both for immediate implementation and then for a fuller update of the NPPF later in 2023 and beyond.
- 2.2 Two separate documents have been published:
- A consultation document which sets out proposed changed wording to the NPPF to take effect immediately (subject to the outcome from consultation) and also highlights future potential additional changes, including more information regarding the introduction of National Development management Policies; and
 - An updated NPPF with the proposed wording changes highlighted
- 2.3 The consultation document is divided in to 15 separate chapters covering a range of issues and setting out some 58 questions.
- 2.4 The consultation covers a broad sweep of issues, but it is noticeable that the government has provided little detail for many of the issues and is instead seeking views on what changes might be appropriate. Further changes will not take place until after the Levelling -Up and Regeneration Bill has completed its passage through Parliament and gained Royal Assent, currently anticipated to be Spring 2023.
- 2.5 The following sections provide a brief summary of the various chapters along with a brief comment as necessary followed by the suggested response to the various questions.

3 CHAPTER 1 - INTRODUCTION

- 3.1 This section provides some background information to the NPPF and the Levelling - Up and Regeneration Bill (hereafter referred to as The Bill), including reasons for the proposed changes. In particular, it states the Government's view that *"Our proposed reforms create clear incentives for more local authorities to adopt [local] plans"*. This is because *"our analysis shows that having a sound plan in place means housing delivery increases compared to those local authorities with an out-of-date plan, or no plan at all"*.
- 3.2 There are no specific questions relating to this section.

4 CHAPTER 2 – POLICY OBJECTIVES

- 4.1 This notes the intention that the proposed changes will support the Government's wider objective to make *"the planning system work better for communities, delivering more homes through sustainable development, building pride in place and supporting levelling up more generally"*. It goes on to list the following objectives:
- Building beautiful and refusing ugliness
 - Securing the infrastructure needed to support development
 - More democratic engagement with communities on local plans
 - Better environmental outcomes
 - Empowering communities to shape their neighbourhoods
 - All this is needed to deliver more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy
- 4.2 There are no specific questions relating to this section.

Comment

- 4.3 The consultation refers to changes proposed as part of The Bill to include measures to capture uplifts in land value through a new Infrastructure Levy and the requirement for Infrastructure Delivery Strategies. The new Levy will be set locally, will largely replace the need for s106 agreements and, unlike the Community Infrastructure Levy, will be mandatory. These changes, the consultation suggest, *"will ensure that development delivers the infrastructure that communities need and expect, including at least as much affordable housing as at present"*.
- 4.4 Notwithstanding the laudable aims, the consultation document does not mention anywhere the issue of viability. If it is the government's intention to continue to require that developments are viable, then it is considered that these aims will be difficult to achieve. Furthermore, many of these changes will not take effect for some time but it is still necessary to ensure that development continues at a pace to meet identified needs. This will mean balancing infrastructure requirements (and costs) against viability at the point that planning applications are determined and, almost inevitably, will result in trade-offs.

5 CHAPTER 3 – PROVIDING CERTAINTY THROUGH LOCAL AND NEIGHBOURHOOD PLANS

- 5.1 This section starts with the premise that *"Every local authority should have a simple, clear local plan in place to plan for housing delivery in a sustainable way for years to*

come. However, only around 40% of local authorities have local plans adopted within the past five years”.

Reforming the five-year housing land supply (5YHLS)

5.2 The Bill will strengthen local plans by increasing the weight given to them. Alongside this, the consultation highlights the following additional changes which are proposed:

- where the housing requirement in a local plan is less than five years old then it would not be necessary to demonstrate a deliverable five-year supply of housing
- the current requirement to include a 5%, 10% or 20% buffer in five-year supply calculation (depending upon local circumstances) would no longer be applied
- where oversupply of homes early in the plan period has occurred then this can be taken in to account when calculating a five-year housing land supply

Comment

5.3 As the housing requirement in the adopted Local Plan is more than five years old then the benefits from the first bullet point will not be realised at this time.

Question 1

Do you agree that local planning authorities should not have to continually demonstrate a deliverable five-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

Suggested response

These proposed changes are to be welcomed and should provide some incentive to get plans in place. However, the NPPF is still proposed to retain those paragraphs that require authorities to identify a supply of specific deliverable sites for years one to five of the plan period and specific developable sites for years six to ten and where possible, eleven to fifteen. Therefore, this negates this provision to some degree.

Question 2

Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Suggested response

The Council would support the removal of the need for buffers as part of the 5YHLS as they merely inflate the requirement with no evidential basis provided for the various buffers. Furthermore, it potentially punishes authorities such as North West Leicestershire which have a good track record of over provision in recent years.

Question 3

Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

Suggested response

In terms of oversupply, this is something which has been taken into account in the Council's current five-year land supply assessment. However, this is an issue which has been treated differently at appeals depending upon the views of the particular Planning Inspector. A consistent approach which enables past over supply to be taken into account is to be welcomed.

Question 4

What should any planning guidance dealing with oversupply and undersupply say?

Suggested response

In respect of oversupply, as noted in response to question 3, this Council supports the explicit recognition that it should be appropriate to take into account oversupply.

In terms of undersupply, whilst the Council recognises that this should be taken into account, it is important that any guidance recognises that there may be occasions where an under supply of housing, whether in total or as part of a five-year land supply assessment, is appropriate. For example, larger developments are likely to require more infrastructure but equally they are more likely to be able to support such provision. One way to address some of these concerns as part of the local plan might be to push back those larger developments to later in the plan period. However, this will the raise issues in terms of maintaining a five-year housing land supply. It would be helpful if the NPPF made it clear that such an approach is appropriate as part of plan preparation, subject to a Planning Inspector being satisfied at Examination that the overall housing requirement will still be delivered. Where this is the case, then this should be acknowledged as a legitimate reason as to why a 5YHLS might not be demonstrable.

Boosting the status of Neighbourhood Plans

- 5.4 Existing NPPF paragraph 14 gives strong protection from speculative development to areas with a neighbourhood plan less than two years old that meets its housing requirement. It is proposed to extend this protection to neighbourhood plans up to five years old. In addition, it is also proposed to provide further protections by removing tests relating to demonstrating a minimum housing land supply and the Housing Delivery Test.

Question 5

Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Suggested response

The proposed changes in respect of neighbourhood plans are welcomed as it will help to protect local communities and avoid the cost and commitment of almost constant updates. However, there may be circumstances whereby a neighbourhood plan is less than five-years old, but a new local plan is adopted which uses a different housing requirement. Guidance needs to make clear how neighbourhood plans are to be considered in such circumstances.

6 CHAPTER 4 – PLANNING FOR HOUSING

- 6.1 The consultation notes that “*Ensuring that enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning*”. To this effect it is proposed to make changes to the opening chapters of the NPPF to emphasise the importance of planning for homes.

Question 6

Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Suggested response

The NPPF recognises the purpose of the planning system is to contribute to the achievement of sustainable development. Emphasising the importance of housing and other forms of development at the expense of other considerations, particularly environmental considerations, is at odds with this. It is considered that such an approach is inappropriate in the context of seeking to achieve sustainable development which needs to balance all considerations.

Local housing need and the standard method

- 6.2 It is proposed to retain the standard method for calculating an areas housing need, although it is to be an “*advisory starting point*”, rather than mandatory as at present. There is also a commitment to review the implications for the standard method when new household projections are published in 2024 based on the 2021 census. However, for now it is proposed to retain the use of the 2014-based household projections.

Comment

- 6.3 In terms of the current review of the Local Plan, the housing requirement is (via the Leicester and Leicestershire Statement of Common Ground) based on the 2014-based household projections. This ensures that it is consistent with the current Planning Practice Guidance.
- 6.4 The comment that the standard method is ‘mandatory’ is somewhat misleading. The Planning Practice Guidance states that “*No,[it is not mandatory] if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances*”. It will be noted that this also allows for using alternative methods to identify housing requirements in ‘exceptional circumstances’.
- 6.5 As such, the proposed ‘changes’ do not amount to a significant change.

Question 7

What are your views on the implications these changes may have on plan-making and housing supply?

Suggested response

Whilst welcoming the proposed wording, the Council notes that Planning Practice Guidance already notes that the standard method is not mandatory.

It would be helpful when the government has considered the implications of the 2021 census if guidance is issued as to how plans that are proceeding at that time should take in to account any changes, for example by including a transitional period.

Introducing new flexibilities to meeting housing needs

- 6.6 Notwithstanding the intention to retain the standard method to calculate housing requirements, the consultation proposes that from Spring 2023, alternative methods can be used to identify a housing requirement where there are exceptional circumstances. These will be outlined in new guidance. The examples given in the consultation document include circumstances where there is a high percentage of elderly resident's or students, but other examples are sought as part of the consultation.
- 6.7 The consultation makes clear that any alternative proposals in respect of housing requirements will need to be evidenced and that "*the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered*". It would also be possible to plan for more growth than the standard method for example to capitalise on economic development opportunities.

Comment

- 6.8 As noted above, the Planning Practice guidance already recognises that there may be exceptional circumstances which could justify the use of alternative methods. As such this is not a significant change. Further guidance is required to help understand what would constitute exceptional circumstances.
- 6.9 Members will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year, based on the Statement of Common Ground. This proposed change, if carried forward, may have implications for this requirement. This is considered further in section 16 of this report.

Question 8

Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Suggested response

The need to evidence any alternative methods is appropriate, but terms such as "exceptional circumstances" are open to interpretation which will almost certainly

result in prolonged discussion at Examinations from those seeking alternative figures (whether higher or lower). It is essential that any further guidance that is issued is clear and unambiguous as to what would constitute exceptional circumstances so as to minimise such a risk.

- 6.10 It is proposed to amend the NPPF so that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area this may be an adverse impact which could outweigh the benefits of meeting need in full. The consultation is seeking other examples which might justify an alternative approach.
- 6.11 In addition, it is proposed to allow authorities to take account of over delivery in the preceding plan period. This would enable authorities to deduct any surplus provision from the needs in a new plan. This would be separate to the proposals in respect of five-year land supply outlined earlier.
- 6.12 Other changes are also proposed in relation to housing and the Green Belt.

Comment

- 6.13 The proposal to be allowed to take account of over provision in the preceding plan period is potentially very significant for this Council. This is considered further at section 16 of this report.
- 6.14 Members will recall that the adopted Local Plan includes a housing requirement of 481 dwellings each year. For the period from 2011-2020 (the start date for the new local Plan) this equates to a requirement of 4,329 dwellings. The actual total provision was 5,490 dwellings or 610 each year. This is a difference of 1,161 dwellings.
- 6.15 If it were possible to take this account of the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40) then the overall requirement would decrease to 12,559 dwellings.
- 6.16 Allowing for completions and projected completions as well as an additional 10% flexibility allowance this leaves a residual requirement of 6,681 dwellings (as at April 2022). Deducting the over provision for 2011-20 (1,161) would reduce this to about 5,500 dwellings which is clearly a significant difference. Further clarification is required from government as to how it sees this matter operating, but potentially this could be of considerable significance for the new Local Plan. However, any clarification is required urgently in order to avoid delaying the new Local Plan or resulting in abortive work.
- 6.17 On the issue of densities, it is difficult to see how this issue could be applied to areas such as North West Leicestershire which are a mix of settlements of different size and character and large undeveloped, rural areas. This issue would seem to be more appropriate in larger urban areas but also seems at odds with the urban uplift applied as part of the standard method. For example, it might be possible for a large urban authority to argue that if it were to accommodate all of its needs then this would result in higher densities out of keeping with the local character. This could then be used to justify exporting unmet need to surrounding authorities contrary to other statements about such areas meeting their own needs.

Question 9

Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Suggested response

The recognition that there may be circumstances where an authority is not able to accommodate its growth is welcomed. However, it is not clear as to whether in the event that an authority is not able to meet its need, whether this unmet need will then need to be accommodated by other authorities as is currently the case under the proposed 'alignment policy' (see further consideration of this below).

In terms of other potential circumstances that could justify not being able to meet an area's needs, are environmental factors such as the impact of nutrient neutrality or where there are significant areas of importance for nature conservation purposes, such as Sites of Special Scientific Interest or Areas of Special Conservation (for example, the River Mease).

The Council welcomes the proposal to allow previous over provision to be factored in to assessing future requirements, but notes that clarification and further guidance is required urgently in order to avoid delaying the new Local Plan which the Council is preparing or resulting in abortive work.

Question 10

Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

Suggested response

No comment

- 6.18 It is proposed to simplify and amend the tests of 'soundness' through which plans are examined, so that they are no longer required to be 'justified'. Instead, the Examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable, subject to producing evidence to justify the proposed approach. It is proposed to introduce this change in Spring 2023. However, it is not proposed to apply to plans that reach pre-submission consultation (i.e. Regulation 19) within three months of the introduction of this change (or where a plan has been submitted).

Comment

- 6.19 The tests of soundness are currently that a plan must be:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other

authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

6.20 It is proposed to delete b). It is also proposed to amend a) to state:

“providing a strategy which seeks to meet the area’s objectively assessed needs so far as possible, taking into account the policies in this Framework”

6.21 Both of these proposed changes are highly significant and would reduce the burden upon local authorities in terms of the amount of evidence required (a stated aim of the government) and would potentially help to make evidence more proportionate, because at the present time there is a risk of challenge to plans at Examination or through the courts. On the face of it the inclusion of the words *“as a far as possible”* in a) would provide an authority to with greater flexibility, but presumably there would still be some expectation that an authority would be required to produce sufficient, robust evidence to support a plan which sought to meet less than an areas identified need and so its impact in terms of reducing any burden would be lessened to some degree. Again, clarification is required on this.

6.22 These changes would apply to the new Local Plan as it would not have proceeded as far as Regulation 19 by mid-2023.

6.23 It is likely that these proposals will be strongly resisted by the development sector and so may not survive in their current form. For now, preparation of the Local Plan will continue on the basis as currently set out in the NPPF.

Question 11

Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

Suggested response

The proposed change is welcomed. However, clarification is required in respect of what evidence an authority would need to provide in order to demonstrate that seeking to meet less than an areas identified need was appropriate. It would also help if government was to provide guidance on the evidence base which councils need to prepare for their local plans.

Question 12

Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Suggested response

No comments

Delivering the urban uplift

- 6.24 It is proposed to retain the urban uplift introduced in December 2021 which saw the Leicester City requirement increase by 35% and which then resulted in a Statement of Common Ground to address the issue of unmet need which was considered by this Council in September 2022. However, it is proposed to include a new paragraph in to the NPPF to state:

“The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations.”

- 6.25 As part of The Bill it is proposed to remove the Duty to Cooperate. It will be replaced with an “alignment policy” which will be the subject of guidance as part of further revisions at a future date to the NPPF (see comments at paragraph 11.3 in relation to question 45). The consultation notes that there is sometimes minimal distinction between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. The consultation is seeking views on how such authorities should consider their role in meeting the needs of an uplift authority.

Comment

- 6.26 The proposed wording of the NPPF reflects the wording in the Planning Practice Guidance which states *“This increase in the number of homes to be delivered in urban areas is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations”*. As such it does not represent a significant change.
- 6.27 The abolition of the Duty to Cooperate has been long heralded. Until further guidance is issued regarding the proposed “alignment policy”, it is difficult to comment how significant its abolition will be in reality. In any event, the government should be encouraged to publish such guidance as soon as possible.
- 6.28 The comments about the lack of distinction between those urban areas subject to the uplift (which includes Leicester City) suggests that it is the government’s intention that it is immediate neighbouring authorities that should meet any unmet need. Clarification on this is required as the Statement of Common Ground for Leicester and Leicestershire distributes the Leicester City unmet housing need across the whole of the Leicester and Leicestershire Housing Market Area. In doing so it has had regard to the functional relationship between each authority and Leicester City by looking at commuting and migration patterns. This demonstrated that in the case of North West Leicestershire there was a somewhat limited relationship. This is reflected in the initial uplift to this Council’s housing requirement (52 dwellings out of an overall increase of 314 dwellings). However, the Statement of Common Ground then went on to consider other aspects, including the relationship between housing and economic growth. It is this aspect that has driven the increased housing requirement in North West Leicestershire and would continue to be a factor in setting

any housing irrespective of the SoCG. This is considered further at section 16 of this report.

Question 13

Do you agree that we should make a change to the Framework on the application of the urban uplift?

Suggested response

The Council welcomes the proposed change which reflects the existing Planning Practice Guidance.

Question 14

What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Suggested response

More clarity is required regarding the government's expectations of where it intends that any unmet needs from large urban areas should be met. For example, should it be in those authorities that adjoin such areas and which are possibly part of a wider urban area or is it at the housing market area level?

Question 15

How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Suggested response

It is considered that government needs to be clear about how it sees the urban uplift issue being addressed. In Leicester and Leicestershire, the issue of unmet need from Leicester City has been addressed on a Housing Market Area basis. In doing so the authorities have had regard to economic growth across the HMA. This has resulted in a very significant increase in growth for North West Leicestershire, even though it does not share a common boundary with the City. This makes it difficult to explain to our communities as to why we are expected to take so much of the City's unmet need. If it is the government's intention that in the first instance it is those authorities that adjoin those areas subject to the uplift who should help address any unmet need, then this should be made clear.

Enabling communities with plans already in the system to benefit from changes

- 6.29 The government recognises that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. To reduce the risk of communities being exposed to speculative development, it is proposed that where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation AND which included both a policies map and proposed allocations towards meeting housing need, those

authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four-year supply of land for housing, instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the Framework take effect, since our objective to provide time for review while incentivising plan adoption.

Comment

- 6.30 Assuming that this change is agreed and is effective from Spring 2023 this would not apply to this Council because whilst Regulation 18 consultation has taken place, it has not included a policies map and allocations.

Question 16

Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

Suggested response

The Council supports the proposed approach, although notes that it would not apply to the Council.

Question 17

Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Suggested response

The Council supports anything that provides clarity and hence consistency of approach.

Taking account of permissions granted in the Housing Delivery Test (HDT)

- 6.31 The Housing Delivery Test (HDT) is an annual measurement of housing delivery used by the government. Under the HDT an authority is required to have completions that are equal to at least 95% of the authority's annual requirement over the preceding three years. Where this is not the case then an authority has to produce an action plan to show how it will address the shortfall.
- 6.32 The last figures for 2021 were published in January 2022 and the figure for North West Leicestershire was 227% (i.e. the number of homes required in the preceding three years was 954 dwellings but in actual fact some 2,169 dwellings were delivered).
- 6.33 Changes are proposed to the HDT in order that authorities are not penalised due to slow delivery as a result of developer behaviour. This would 'switch off' the application of 'the presumption in favour of sustainable development' in the NPPF as a consequence of under-delivery, where a local planning authority can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan. Sufficient permissions would be set at 115% of the housing

requirement. So, for example, if the housing requirement was 1,000 dwellings over the forthcoming five-years then an authority would need to show that there were sufficient deliverable permission totalling 1,150 dwellings.

- 6.34 The consultation document seeks views on what should count as a deliverable permission.

Comment

- 6.35 In principle this could be a positive change. However, the requirement to demonstrate the availability of deliverable permissions equal to 115% of the housing requirement in effect adds in a 15% buffer, but as noted at paragraph 5.2 as part of the reforms to the five-year housing land supply it is proposed to abolish the need for buffers. There is, therefore, an inconsistent approach.
- 6.36 If government decides to implement this proposal there needs to be clarity about what constitutes a deliverable permission. In this respect, the NPPF currently defines what a deliverable site is. It would seem reasonable to use this as the basis for any assessment. However, it would help if further guidance were published to address the issue of where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.
- 6.37 It should be noted that it is likely that developers will use the 115% figure to push for a flexibility allowance of 15% as part of local plans. This Committee has previously agreed a flexibility allowance of 10%, so there is a risk that this might need to be increased. A flexibility allowance of 15% would add an additional 602 dwellings to the residual requirement.

Question 18

Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Suggested response

In principle the Council supports this proposed change. However, for the reasons outlined in response to question 19 has concerns about the details of the proposal.

Question 19

Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

Suggested response

The Council considers that the requirement to demonstrate 115% of deliverable permissions is inappropriate. It is contradictory to proposals elsewhere in the consultation document to remove such buffers when assessing five-year land supply and simply increases the pressure to unnecessarily release additional land for development.

In the event that it is decided to implement the proposal, then whatever figure is used needs to be adequately justified. It is noted that the consultation document refers to work undertaken by the government, but it would be helpful if this data could be published in the interests of transparency.

Question 20

Do you have views on a robust method for counting deliverable homes permitted for these purposes?

Suggested response

It would seem sensible to use the definition of deliverable that is currently used in the NPPF. However, in order to ensure a consistent approach, further guidance is required to address, for example, issues such as where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.

- 6.38 The consultation is seeking views on whether the test's consequences should follow from the publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it.

Question 21

What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Suggested response

In order to avoid confusion whilst transitioning to the new approach, it is considered that results should either be frozen at 2021 or suspended.

7 CHAPTER 5 – A PLANNING SYSTEM FOR COMMUNITIES

- 7.1 The consultation highlights that it is important that the planning system delivers the right type of homes required by communities, not just the number. A number of proposals are put forward for effect from Spring 2023.

More homes for social rent

- 7.2 It is proposed to change the NPPF to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions.

More older people's housing

- 7.3 It is proposed to add an additional specific expectation in the NPPF that ensures that the needs of older people are met, with particular regard given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support an ageing population.

Comment

- 7.4 The Council's evidence demonstrates that the need for social rented properties is high. The available evidence also shows that the population of the district is ageing. The suggested changes are to be welcomed as it will be potentially easier to persuade applicants to include such provision. However, a key issue in terms of securing social rented properties is the impact upon site viability. The consultation is silent on the issue of viability and unless the current approach is changed it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

Question 22

Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Suggested response

The Council supports the proposed change as it will help to address issues relating to affordability. It will also help to offset the potential impact of First Homes to reduce the number of social rented properties that can be secured. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

Consideration should also be given to other means to ensure that sufficient Social Rented properties are delivered by Registered Providers, for example through a reduction in grant to Registered Providers who do not sufficiently prioritise the provision of social rented properties in new schemes.

It is noted that no changes are currently proposed to the NPPF in respect First Homes to reflect the Written Ministerial Statement. It would be helpful to do so.

Question 23

Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Suggested response

The Council supports the proposed change. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality. In addition, consideration should be given to other means of helping to meet the needs of older persons other than through the planning system. For example, the use of schemes such as Leasehold Scheme for the Elderly which supports downsizing and so releases larger properties on to the housing market which could benefit families.

More small sites for small builders

- 7.5 Paragraph 69 of the existing NPPF sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant

plan policies, that there are strong reasons why this 10% target cannot be achieved. In addition, the NPPF encourages the use of various tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward. However, government is of the view that more needs to be done and so is seeking views on how this could be achieved.

Comment

- 7.6 Offices have been looking at this issue as part of the Local Plan review and achieving a 10% figure is going to be very challenging. The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than 1 hectare. However, some of these are in unsustainable locations whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

Question 24

Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Suggested response

The current approach is a one-size-fits-all which does not provide sufficient flexibility to take account of local circumstances. For example, the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than one hectare. However, some of these are in unsustainable locations, whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

Question 25

How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Suggested response

As set out in responses to question 24, the government needs to recognise the challenges that exist in other aspects of government policy which restrict the supply of small sites. Consideration needs to be given to relaxing viability requirements on small sites. In addition, consideration should be given to relaxing the deliverability criteria on such sites, as this discourages local authorities from allocating such sites in view of the risk that such allocations are found to not satisfy the test of soundness at local plan examinations.

More community-led developments

- 7.7 The government want to encourage a greater role for community-led housing groups. Therefore, it is proposed to strengthen the NPPF to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes. It is proposed to amend the that the definition of affordable housing be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes.
- 7.8 The government is seeking views on whether the existing rural exceptions policy is acting as a barrier to community groups or if there are any broader changes required to the exceptions policy.

Question 26

Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Suggested response

Any change in the definition of affordable housing must be balanced against the need to ensure that the interests of tenants of such properties are not undermined by ensuring that any such providers are appropriate and accountable. Need to ensure that registration for smaller niche providers is straightforward. Any developments should be of a suitable quality.

Question 27

Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

Suggested response

A key barrier to community groups is likely to be the cost of acquiring land, rather than any policy issues. Consideration should be given to other means of providing financial assistance for such groups if they are to be successful.

Question 28

Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Suggested response

See response to question 27. In addition, community groups could be encouraged to work in partnership with Registered Providers who could then receive additional funding from Homes England in recognition of their support.

Question 29

Is there anything else national planning policy could do to support community-led developments?

Suggested response

No comments

7.9 The government recognises that the vast majority of developers and landowners abide by the rules of the planning system. However, there are instances where this is not the case. Therefore, government has set out two options to enable authorities to take account of past irresponsible behaviour in determining planning applications.

- Option 1 would make such behaviour a material consideration when determine planning applications.
- Option 2 would allow authorities to decline to determine applicants submitted by such developers.

7.10 Any change would require primary legislation and so would be sometime before it could be introduced.

Question 30

Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

Question 31

Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

Suggested response to Q30 and Q31

There would need to be very clear guidance as to what constitutes irresponsible behaviour, over what period of time would such behaviour have to of occurred and who determines whether such irresponsible behaviour has occurred.. If such guidance is not provided there is a high risk that whichever option was taken forward would result in legal challenges either from developers who have been deemed to acting irresponsibly or from those seeking to stop development.

More build out

7.11 The government wants sites to be built out as quickly as possible once permission is granted. To this end it is proposing a number of measures:

- Government data will be published on developers of sites over a certain size who fail to build out according to their commitments.
- Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (i.e., the rate at which homes are sold or occupied).
- Delivery will become a material consideration in planning applications.

Question 32

Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Suggested response

Whilst worthy aims and actions, it is difficult to see how these measures are likely to lead to an increase in provision. There will be a need for clarity on matters such as what constitutes a commitment by a developer. In respect of delivery being a material consideration, there will be a need for guidance from government as to what evidence would be required to support an authority wishing to cite this as a reason for refusal, otherwise it will be an issue debated at appeals and/or result in legal challenges. For example, a change in the economic climate could impact upon deliverability of sites, but this is a matter beyond the control of the developer (or local authority).

8 CHAPTER 6 – ASKING FOR BEAUTY

Ask for beauty

- 8.1 A number of changes are proposed to the NPPF in respect of ensuring that new development is beautiful, building on the work of the Building Better, Building Beautiful Commission. These changes include encouraging local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process. In addition, it is proposed to include reference to encouraging mansard roofs “*as an appropriate form of upward extension ... where appropriate*”.

Comment

- 8.2 These measures are part of an ongoing drive by the government to improve the quality of new developments, partly to make new development more acceptable. The reference to mansard roofs is considered to be too specific for what is national guidance.

Question 33

Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

Suggested response

The Council welcomes efforts to further improve the quality of new developments, something the Council has been pursuing successfully for a number of years. However, there needs to be a recognition that this is just one element when considering proposals for development and there are also other competing priorities, such as addressing climate change, which requires a balanced approach.

Question 34

Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Suggested response

No comments

Refuse ugliness

- 8.3 It is proposed to amend the NPPF to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.

Question 35

Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Suggested response

The Council supports efforts to improve clarity and already ensures that conditions refer to appropriate plans. It is important that Planning Inspectors are empowered to refuse poorly designed schemes if local aspirations are to be met.

Embracing gentle density

- 8.4 The government recognises that building upwards in a managed way can help to provide new homes. The government wants to encourage a well-designed upward extension, but cites the example of authorities refusing proposals for mansard roofs (i.e. where a mansard typically sits behind and parapet and is characterised by two slopes, the lower steep and the upper shallow).

Question 36

Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

Suggested response

The Council questions whether it is appropriate to include reference to something as specific as mansard roofs in national guidance.

9 CHAPTER 7 – PROTECTING THE ENVIRONMENT AND TACKLING CLIMATE CHANGE

Delivering biodiversity net gain and local nature recovery

- 9.1 This section outlines a number of provisions in the Environment Act 2021, including biodiversity net gain and local nature recovery strategies. The government recognises the concern that developers or landowners may game the system of biodiversity net gains and is looking at ways to ensure this does not happen. The government is also looking to identify ways in which policy can be strengthened and how small-scale changes can be made to support biodiversity and wildlife. More guidance on these is promised.

Question 37

How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

Suggested response

The NPPF currently says very little about the issue of biodiversity net gain. It would be beneficial to ensure that the NPPF reflects the Environment Act provisions and gives greater weight to the role of biodiversity in new developments, particularly onsite provision and the role of local nature recovery strategies as means to identify local priorities. The environmental objective at paragraph 8(c) of the NPPF could be strengthened through reference to net gain. However, the government needs to recognise that the need for net gain could impact site viability for smaller schemes and therefore, guidance is required to help authorities achieve an appropriate balance between deliverability and net gain.

Recognising the food production value of farmland

- 9.2 A change to the NPPF is proposed regarding the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land. It is proposed to amend footnote 67 to state:

“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”

Comment

- 9.3 The former Ministry of Agriculture, Fisheries and Food (MAFF) historically helped to provide agricultural land quality assessments which assisted in assessing the relative merits of sites. Unless it is proposed to do something similar then this proposed change is a cause for concern and there will be a need for government to provide greater clarity. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?), what is meant by availability and how are we expected to make a judgement. The latter point has the potential to add in a significant amount of work when comparing sites as part of the local plan process

and could result in delays, bearing in mind that a considerable amount of time and resource has already been expended assessing potential sites.

Question 38

Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

Suggested response

The Council is of the view that the proposed change adds a significant degree of complexity and also risk to the Local Plan process, particularly at a time when the Council has already expended a considerable amount of time and resource assessing potential sites. For example, it will be necessary to compare the relative agricultural merits of different pieces of land, something the Council is not best placed to do. Consideration should be given as to how government can assist local authorities undertake such assessments and what guidance can be made available. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?) and what is meant by availability.

Climate change mitigation: exploring a form of carbon assessment

- 9.4 The consultation is seeking views on whether effective and proportionate ways of deploying a broad carbon assessment exist, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.

Comment

- 9.5 An understanding of the impact of new development in terms of carbon emissions is a complex area which also has the potential to be resource intensive, particularly for smaller authorities such as North West Leicestershire. Therefore, any steps that can be taken to standardise the approach, both in policy making and ultimately decision making on planning applications, would be welcomed.

Question 39

What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

Suggested response

The Council supports any steps that can be taken to standardise the approach to carbon impact assessments, both in policy making and ultimately decision making on planning applications.

Climate adaptation and flood-risk management

- 9.6 This section outlines a number of initiatives that have been, or are being, undertaken by government, including changes to the Planning Practice Guidance. It also

highlights other possible aspects that could provide better climate change adaptation, including the provision of green infrastructure in new development.

Question 40

Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

Suggested response

Both the NPPF and the Planning Practice Guidance are currently silent on the issue of nature-based solutions, so some reference to them including examples would be helpful. In particular, such measures need to be integrated into the design of a development from the outset, rather than being seen as an add on or nice thing to do. If national policy reflected these principles it would assist local authorities when working with developers.

10 CHAPTER 8 – ONSHORE WIND AND ENERGY EFFICIENCY

Enabling the repowering of existing onshore wind turbines

- 10.1 It is proposed to amend paragraphs 155 and 158 of the NPPF to support proposals to repower existing onshore wind sites (i.e. replacing old turbines with more powerful and efficient turbines).

Question 41

Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Question 42

Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Suggested response

This change appears to be sensible, particularly at a time of an energy crisis and a need to move to more sustainable sources of energy.

Introducing more flexibility to plan for new onshore wind deployment

- 10.2 Current guidance stresses the need for local support for proposals for wind turbines. A change to the NPPF is proposed which would retain this principle. The consultation refers to footnote 54, but it appears to be footnote 63. Rather than any proposal having to “fully” address the planning impacts on a local community, the test would be amended to “satisfactorily” and the proposal would need “community support” rather than have “their backing”.
- 10.3 An additional footnote 62 is proposed to state:

Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community

Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

Question 43

Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

Suggested response

It is assumed that the reference to existing footnote 54, should be footnote 63. It is on this basis that the Council advises that it supports the suggested change, although it would be helpful to provide advice as to what constitutes Community Support and what is the difference between Community Backing and Community Support? The Council has no comments in respect of proposed footnote 62.

Barriers to energy efficiency

- 10.4 It is proposed to introduce a new paragraph to the NPPF which supports efforts to make energy efficiency improvements to buildings by requiring significant weight being given to improving energy performance. It also makes it clear that such proposals affecting conservation area or listed buildings should take account of other policies in the NPPF regarding heritage matters.

Question 44

Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

Suggested response

The Council supports the proposed change, particularly as it makes clear that proposals affecting a conservation area or listed building will also need to have regard to advice elsewhere in the NPPF on these matters.

11 CHAPTER 9 - PREPARING FOR THE NEW SYSTEM OF PLAN-MAKING

- 11.1 The Bill contains various measures which, the government believes, will enable plans to be produced more quickly, including requiring plans to be simpler. The consultation sets out a proposed timeline for moving to the new system. This is summarised at Appendix A of this report.

Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced

- 11.2 The government recognises that much of the new guidance will impact upon local plans that are currently in production. The consultation outlines proposals for the transition to the new system of plan making. Provision is made so that plans in production up to 30 June 2025 will be done under existing arrangements. It should be

noted that this means that the Duty to cooperate will still apply to the new Local Plan. The examination of plans will be required to be completed by 21 December 2026.

Comment

- 11.3 A firm timetable for the preparation of the new Local Plan has yet to be confirmed, although the intention is to aim to submit the plan in mid/late 2024, well in advance of the mid-2025 dates highlighted above.

Question 45

Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Suggested response

The Council is satisfied that the proposed timeline is appropriate.

Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system

- 11.4 Under the reformed system the Council will be required to start work on a new plan by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months. Other provisions are designed to protect authorities that have already commenced a review within the first 30 months of the new system, as a result on an Inspector's recommendation.

Question 46

Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

Neighbourhood Plans

- 11.5 It is proposed that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced.

Question 47

Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

Supplementary planning documents

- 11.6 As part of the reforms under The Bill it will no longer be permissible to prepare Supplementary Planning Documents (SPD). Instead, authorities will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan. It is proposed that when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period. For authorities working towards the 30 June 2025 deadline and they miss it, their SPDs will expire 30 months after that date i.e. at the end of December 2027.

Question 48

Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

Suggested response

Whilst noting it is a proposal in The Bill, the Council is of the view that no longer being able to produce Supplementary Planning Documents is a retrograde step which will limit the Council's ability to respond to changing circumstances quickly. Changes in national policy (for example the introduction of First Homes) sometimes means that councils have to produce additional guidance for the benefit of applicants and other interested parties. It is not clear as to how this would be addressed under the new system. Supplementary Planning Documents also allow for the provision of more guidance than is possible in a local plan and there is a risk that local plans will become even longer documents and hence slow down the process, contrary to the government's wishes.

12 CHAPTER 10 – NATIONAL DEVELOPMENT MANAGEMENT POLICIES

- 12.1 The Bill proposes to introduce National Development Management Policies (NDMP). This chapter justifies this approach and in particular notes that such policies "*would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk*".
- 12.2 The intention would be that "*They would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plans*". However, the Bill would preclude new plans from including policies which duplicate or are inconsistent with NDMP.
- 12.3 The Bill also provides that NDMP would take precedence where there is conflict between them and development plan policies when making a decision on a planning application.
- 12.4 The consultation identifies three broad categories of NDMP:

- Existing policies aimed at decision-making already provided within the National Planning Policy Framework,
- Selective new additions to reflect new national priorities
- Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).

12.5 Any NDMP would be subject to three guiding principles:

- Cover only matters that have a direct bearing on the determination of planning applications;
- Limited to key, nationally important issues commonly encountered in making decisions on planning applications; and
- solely addressing planning issues, in other words that concern the development and use of land (for example they would not consider matters covered by Building Regulations).

12.6 The consultation makes it clear that any draft NDMP will be subject to full public consultation.

12.7 The intention is to set out NDMP in a separate document to the NPPF, with the NPPF refocussed on principles for plan-making. Consultation on the NDMP will be undertaken once The Bill has completed its passage through Parliament.

12.8 The diagram at Appendix B of this report is taken from the consultation and illustrates how NDMP would work with other components of the development plan.

Comment

12.9 The introduction of NDMP does have the potential to save time and resources when preparing Local Plans as it will avoid the necessity to 'reinvent the wheel'. However, it is important that these do not impinge upon the need for local flexibility. It will be particularly important that government has regard to the fact that areas across the country differ greatly and what might be an issue in London (for example), may not be an issue elsewhere.

Question 49

Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Suggested response

The Council recognises that National Development Management Policies do have the potential to save time and resources. However, it is important that any National Development Management Policies do not inhibit local flexibility in those matters of most importance to our local communities.

Question 50

What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Suggested response

It is essential that any National Development Management Policies are clear and concise to avoid uncertainty for all concerned.

- 12.10 In terms of gaps, the consultation highlights a number of examples where NDMP might be appropriate. These are set out at Appendix C of this report.

Question 51

Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Suggested response

Further guidance is always welcomed, but it is essential that any such guidance is clear so as to avoid confusion rather than create uncertainty.

Question 52

Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Suggested response

No comments

13 CHAPTER 11 – ENABLING LEVELLING UP

- 13.1 This chapter sets out a number of areas where changes to national planning policy might be made in the future under as part of the government's ambitions set out the Levelling Up White Paper to drive economic growth and boost productivity, pay, jobs and living standards, especially in those places where they are lagging.
- 13.2 The White Paper sets out, amongst other things, 12 Missions to Level Up the UK. These are set out at Appendix D of this report.
- 13.2 To this end the consultation seeks any and all bold, innovative ideas through which the planning system can deliver these ambitions.

Comment

- 13.3 Many of the twelve missions are not matters which can be directly addressed through the planning system, but instead relate to matters such as government funding.

Question 53

What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Suggested response

No comments

Levelling up and boosting economic growth

13.3 It is proposed that future revisions to the NPPF will align more closely with the visions of Levelling Up White Paper and to help authorities to attract new business investment in their areas. This will include:

- Ensuring local plans support new business investment;
- Support sectors that will drive up productivity
- Spread financial capital and investment

Comment

13.4 The NPPF section on the economy is very short at only ten paragraphs split over two areas (Building a strong, competitive economy and Ensuring the vitality of town centres). This contrasts with twenty paragraphs on housing. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

Question 54

How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

Suggested response

At the present time the NPPF says relatively little about the economy, in contrast with say housing. However, economic growth is fundamental to securing a successful future for the country and communities. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

13.4 As part of the review of the NPPF the government wants to make sure that national planning policies are fully supportive of gentle densification of urban centres, especially outside London and the south east and are seeking suggestions for wider proposals for boosting existing planning policies on brownfield land.

Question 55

Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Suggested response

Any densification of new development needs to be balanced against the need to create attractive and beautiful places.

Levelling up and boosting pride in place

- 13.5 Chapter 8 of the existing NPPF sets out that, “*planning policies and decisions should aim to achieve healthy, inclusive and safe places*” and also “*planning policies and decisions should promote public safety and take into account wider security and defence requirements.*” The government is seeking views on whether if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions.

Comment

- 13.6 The current NPPF wording could be expanded to provide an indication as to the type of issues that policies might need to address to ensure that places are safe. However, issues such as whether streetlights are lit is not a planning matter.

Question 56

Do you think that the government should bring forward proposals to update the framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Suggested response

The NPPF currently says very little about safety. It is not totally clear what government has in mind in its suggestion, but as this Council is progressing the preparation of its new local plan, it is essential that any revised guidance is published as soon as possible to minimise disruption to the plan. It would be helpful if the NPPF provided an indication as to the type of issues that policies might need to address to ensure that places are safe. However, it needs to be recognised that some issues (such as whether streetlights should be lit) are not a consideration for planning.

14 CHAPTER 12 - WIDER CHANGES TO NATIONAL PLANNING POLICY IN THE FUTURE

- 14.1 This chapter sets out areas where changes to national planning policy are likely to be needed to reflect the Bill and other aspects of government policy.
- 14.2 There are no specific questions relating to this section.

15 CHAPTER 13 - PRACTICAL CHANGES AND NEXT STEPS

- 15.1 This chapter outlines the government’s ambitions to maximise the use of technology to improve accessibility. It also highlights that National Planning Policy for Waste and Planning Policy for Traveller Sites sit alongside the NPPF and so consideration will be given as to how these matters will set out in the future.

Question 57

Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Suggested response

The use of digital tools is supported, provided that this does not have cost implications for local authorities.

Question 58

We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Suggested response

No comments

16 WHAT DO THESE CHANGES MEAN FOR THE NEW LOCAL PLAN?

16.2 At this stage what the government has published are its proposals for change, some of which will take effect (subject to government decisions) in Spring 2023 whilst others are more long term. There is no guarantee that all the proposals will be taken forward.

16.3 Potentially the most significant changes are those that relate to the issue of housing requirements. These can be summarised as:

- Retention of the standard method as an “*advisory starting point*” for calculating housing requirements
- Potential use of alternative methods, where there are exceptional circumstances
- Retention of the urban uplift
- Ability to take into account past over delivery
- Changes to the test of soundness, including a plan no longer needing to be justified and meeting “*the area’s objectively assessed needs so far as possible*”.

16.4 The Committee will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year (13,720 dwellings over the plan period 2020-40), based on the Statement of Common Ground.

16.5 If the proposed changes were carried forward it would potentially be possible to use an alternative method where there are exceptional circumstances. Officers are of the view that such exceptional circumstances do not currently exist.

16.6 In fact, evidence commissioned from the same consultants (Iceni) who prepared the Housing and Economic Needs Assessment that informed the Statement of Common Ground supports the requirement of 686 dwellings. This evidence was commissioned to test whether there would be a need to increase the housing requirement over and above the Statement of Common Ground figure as a result of the Freeport proposals which would increase job provision in the district, in anticipation of such suggestions from objectors.

- 16.7 The study concluded that “*planning on the basis of 686 dpa. is sufficient to meet housing need and accommodate jobs growth associated with the Freeport. It would also provide the potential to improve the balance between housing and jobs within the District ...*”. A copy of the report can be viewed [here](#) .
- 16.8 Whilst the study was commissioned for a different purpose, its conclusions are equally applicable to considering whether there would be any justification to lower the housing requirement from that identified in the Statement of common Ground. There would not.
- 16.9 The other potential significant change relates to the possibility of taking in to account previous over provision in the current Local Plan.
- 16.10 For the period from 2011-2020 (the start date for the new Local Plan) the number of new dwellings which have been built is 5,490. This compares to a requirement of 4,329 dwellings. This is a an additional 1,161 dwellings.
- 16.11 If it were possible to take this into account when confirming the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40), then the overall requirement would decrease to 12,559 dwellings.
- 16.12 Allowing for completions and projected completions as well as an additional 10% flexibility allowance would reduce the residual requirement (as at April 2022) from 6,681 dwellings to about 5,500 dwellings. This is clearly a significant difference. However, further clarification is required from government as to how it sees this matter operating before any decision can be made in respect of this issue.
- 16.13 Having regard to the above, it is proposed that no change be made to the previously agreed housing requirement of 686 dwellings each year, but that the matter be kept under review as and when the government make any final decisions.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected.
Policy Considerations:	The proposals outlined in the consultation have the potential to have a fundamental impact upon the Council’s Local Plan, which is currently being reviewed.
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified

Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified
Environment and Climate Change:	No issues identified
Consultation/Community Engagement:	No issues identified
Risks:	<p>The proposals set out in the consultation have potential resource implications for the Council.</p> <p>Depending upon the timing of any changes, there could be an impact upon the Local Plan review in terms of its scope, content and look. If transition arrangements are not put in place or are not robust, there is a risk that current work on the review could be jeopardised or lost. This matter will need to be kept under review.</p>
Officer Contact	<p>Ian Nelson Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>

APPENDIX A

11 May 2022, Levelling Up and Regeneration Bill is introduced.

Spring 2023, Subject to Parliamentary approval, Levelling Up and Regeneration Bill receives Royal Assent.

November 2024, Expected earliest date when LPAs with a plan which is more than 5 years old must begin new plan-making process.

30 June 2025, Cut-off date for old-style plans to be submitted for examination. The consultation makes clear that these will be done under the existing legal framework , including the Duty To Cooperate

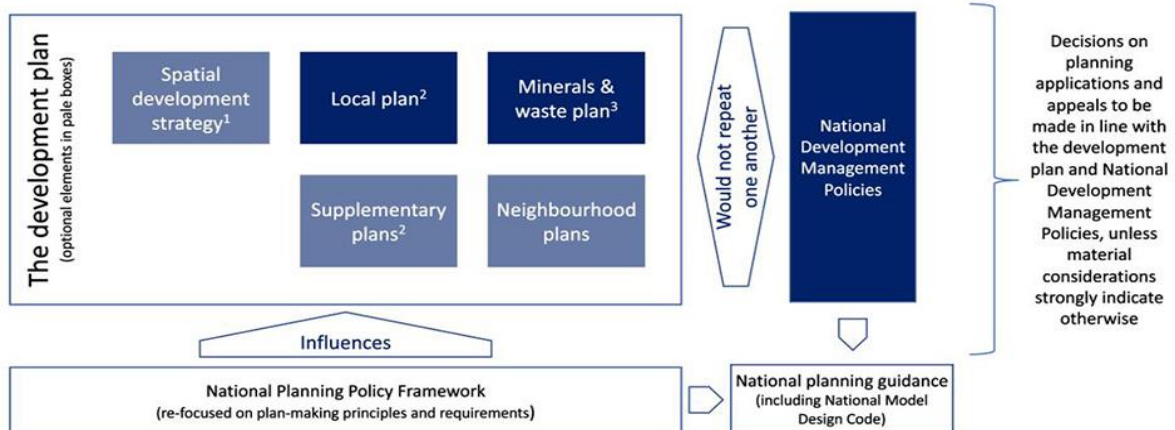
October 2026, Earliest date that the first new-style examinations commence.

31 December 2026, Latest date for any old-style local and minerals and waste plans to be adopted (or in the case of Strategic Development Strategies, published).

April 2027, First new-style plans are adopted.

31 December 2031, Latest date when LPAs must begin the new style plan-making process (if their previous plan was adopted on 31 December 2026).

The role of plans and national policy in the reformed system
 (elements with full statutory weight in decisions on applications shown in blue)



- 1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.
- 2 A **district-wide design code** must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an **Infrastructure Delivery Strategy**, to be produced by the local planning authority, and by any **Neighbourhood Priorities Statements** produced by neighbourhood planning groups in the area.
- 3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

APPENDIX C

Topic	Rationale for including
Carbon reduction in new developments	A national policy on carbon measurement and reduction could set a baseline whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, perhaps through an optional technical standard to allow for consistency and sound decision making. Chapter 7 of this prospectus outlines our thinking on how national policy could go further on the environment and climate change.
Allotments	A policy issue that has relevance across many authorities who seek to protect this land use against development. This may not require an individual National Development Management Policy but, instead, might be incorporated into a wider policy on protection of green spaces.
Housing in town centres and built-up areas	National policy does not currently contain a policy explicitly encouraging or supporting the development of housing in built-up areas that are accessible and connected by sustainable transport modes. Local plans frequently contain this sort of policy, so creating a National Development Management Policy for this could help standardise expectations across the country and deliver more housing in suitable areas. This could be included in a general policy about housing on brownfield land, space above shops, or town centres (potentially building upon the paragraph 86(f) of the existing National Planning Policy Framework).

APPENDIX D

The 12 Missions to Level Up the UK

- 1.** By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.
- 2.** By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
- 3.** By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
- 4.** By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
- 5.** By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
- 6.** By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
- 7.** By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
- 8.** By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
- 9.** By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
- 10.** By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
- 11.** By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.
- 12.** By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.

LOCAL PLAN COMMITTEE – TUESDAY, 21 FEBRUARY 2023

Title of Report	SUBMISSION DRAFT LEICESTER LOCAL PLAN 2020-2036 (REGULATION 19) - CONSULTATION	
Presented by	Ian Nelson Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk	
Background Papers	Submission Leicester Local Plan 2020-2036 (Regulation 19) (January 2023) Local Plan Committee - 10 December 2020 Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) Leicester & Leicestershire Authorities - Statement of Common Ground relating to Strategic Warehousing & Logistics Need (September 2021) National Planning Policy Framework (July 2021)	Public Report: Yes Key Decision: No
Financial Implications	None identified.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The District Council is a consultee. Any objections made by the Council will be considered as part of the subsequent Local Plan Examination.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	The purpose of this report is to advise members on the content of the Leicester Local Plan (Submission Plan) and to determine whether the Council should formally object to it.	
Recommendations	THAT THE COMMITTEE: (I) THANKS LEICESTER CITY COUNCIL FOR CONSULTING THIS COUNCIL ON THE SUBMISSION LOCAL PLAN; (II) OBJECTS ¹⁷¹ TO THE PLAN'S PROVISION FOR HOUSING, EMPLOYMENT AND GYPSY/TRAVELLER	

	<p style="text-align: center;">TRANSIT LAND, FOR THE REASONS SET OUT AT PARAGRAPHS 2.13, 2.19 AND 2.29 OF THIS REPORT AND THAT THESE OBJECTIONS FORM THE DISTRICT COUNCIL'S RESPONSE; AND</p> <p style="text-align: center;">(III) AGREES TO THE COMMENTS AT PARAGRAPHS 2.3, 2.20, 2.21 AND 2.28 ALSO BEING SUBMITTED AS PART OF THE DISTRICT COUNCIL'S RESPONSE.</p>
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1. BACKGROUND

- 1.1 The Leicester Local Plan (Submission Plan) was published for Regulation 19 consultation on 16 January 2023. The closing date for comments is 27 February 2023.
- 1.2 Regulation 18 consultation previously took place between October and December 2020. Comments were presented to the [North West Leicestershire Local Plan Committee on 10 December 2020](#); members resolved to agree the recommendations set out in the accompanying committee report and these were sent to Leicester City Council as the Council's formal response.
- 1.3 As with the 2020 Regulation 18 consultation, this committee report and officers' proposed response to this current consultation focuses upon issues which are of strategic (rather than local to Leicester) significance.
- 1.4 Officers have chosen not to refer to the current government consultation on planning reform and proposed changes to the National Planning Policy Framework (NPPF) (which are considered elsewhere on the agenda) as it is not confirmed as government policy.
- 1.5 The recommendations set out in the report fall in to two categories: **object** or **comment**. As this is a formal stage of the plan making process, this Council must decide whether it objects to a specific aspect of the plan. An **objection** is recommended where an aspect of the Submission Plan is considered to fail one of the tests of soundness and which impinges upon this Council's interests. The Council may be invited to discuss its objections at one of the examination hearings. Elsewhere, **comments** have been made where offices have concerns about an aspect of the Submission Plan, but these are not necessarily matters of principal whereby an objection could be sustained.

2. KEY MATTERS

Plan Period

- 2.1 It is proposed that the plan should cover the period 2020-2036.

Comment

- 2.2 At Regulation 18 stage, it was proposed that the plan period was 2019 to 2036. The end date has not changed. As highlighted previously, paragraph 22 of the National Planning Policy Framework (NPPF) states that "strategic policies should look ahead over a minimum 15-year period from adoption." The City Council's latest Local Development Scheme (adopted October 2022) anticipates adoption by March 2024. This would give the Local Plan a timeframe of 12 years from adoption. It is material to note that the Charnwood Local Plan (currently at examination) covers the period up to 2037 and the Local Plan Inspectors have raised the Local Plan timescales as a matter for discussion at the forthcoming examination hearings (due to resume in February 2023).

Recommendation

- 2.3 **Comment** that Leicester City Council be advised that: a) the timeframe for the Local Plan is not consistent with paragraph 22 of the NPPF; and b) this is likely to be raised as an issue by a Local Plan Inspector at examination stage.

Future development needs

Housing

- 2.4 Policy SL01 states that the city's housing need over the plan period is 39,424 dwellings. Over the plan period 2020-2036 (16 years) this equates to 2,464 dwellings per annum. This figure has been calculated using the government's 'standard method', uses the government's 2021 affordability ratios published in March 2022 and is generally consistent with national policy.
- 2.5 Chapter 5 of the Submission Plan provides more detail on how the need for new homes will be met. It concludes that the city plans to deliver 20,730 homes (1,296 per annum) in the city boundary. This leaves an 'unmet need' of 18,694 homes.
- 2.6 The table below has been adapted from Table 1 of the Submission Plan and summarises how the city anticipates meeting its housing requirement.

Component	Dwellings
Housing Need 2020-2036 (Standard Method 2021)	39,424 (2,464 dwellings per annum)
Completions 2020-22	1,892
Detailed and Outline Planning Permissions	9,410
Windfall Allowance	2,354 (214 dpa for 11 years)
Non-Strategic Allocations	1,230
Central Development Area Capacity Work	6,286
Strategic Sites	1,838
Total Supply (Anticipated supply + completions)	23,010
Local Plan Housing Target (2020-36) (Approximate 11% buffer)	20,730
Unmet Need	18,694

- 2.7 The anticipated supply includes the allocation of four strategic sites to deliver a total of 1,838 homes:
- Policy SL02: Former Western Park Golf Course (412 homes)
 - Policy SL02: Land to the east of Ashton Green (670 homes)
 - Policy SL04: Land north of the A46 Bypass (420 homes)
 - Policy SL05: Land west of Anstey Lane (336 homes)
- 2.8 A housing trajectory is included at Appendix 1 of the Submission Plan and is dated September 2022.

Comment

- 2.9 Leicester's unmet need figure has increased by almost 11,000 homes since the Regulation 18 consultation in 2020 (where it was 7,742 dwellings). This is because shortly after the Regulation 18 consultation ended in December 2020, the government changed its guidance and required the largest 20 cities and urban centres in England (which includes Leicester) to factor in a 35% uplift when calculating their housing need.

- 2.10 The unmet need figure of 18,694 dwellings correlates with the [Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs \(June 2022\)](#) which has previously been presented to this committee and was approved at the full Council meeting of 6 September 2022. The Statement of Common Ground includes the caveat that the figure of 18,700 dwellings is an agreed working assumption which requires testing through the Leicester Local Plan.
- 2.11 Whilst the total anticipated supply is identified as 23,010 dwellings, a buffer (or lapse rate) of between 10 and 11% has been factored in to produce a Local Plan housing target of 20,730 dwellings. This is an appropriate approach given not all sites that are allocated/have permission will come forward at the expected rate. A figure of 10% is commonly used by Councils and indeed that has previously been agreed for this Council's emerging Local Plan.
- 2.12 With regards to the other elements of the supply:
- **Windfall allowance** – this has increased from 150 dpa in the Regulation 18 consultation to 214 dpa and is based upon the average number of homes from windfall sites between 2015 and 2022 (seven years). The figure also accords with the Statement of Common Ground. The housing trajectory at Appendix 1 of the Submission Plan shows that windfall development is factored into the supply from 2025 onwards. This reduces the risk of 'double-counting', which was a concern the Council highlighted at Regulation 18 stage.
 - **Non-strategic allocations** – a supply of 1,240 is anticipated from sites identified at Appendix 6 of the Submission Plan. However, the trajectory does not provide a breakdown of when these sites are anticipated to come forward and the City's Strategic Housing and Economic Land Availability Assessment (SHELAA) provides limited information on these sites. As such it is not consistent with paragraph 68 of the NPPF, which requires Local Plans to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability, including specific, deliverable sites (emphasis added) for years one to five of the plan period and specific, developable sites or broad locations for growth for years 6-10 and where possible, for years 11-15 of the plan.
 - **Central Development Area Capacity Work** – the anticipated supply from this source has increased from 4,905 dwellings at the Regulation 18 stage to 6,286 dwellings. The latest figures are underpinned by the comprehensive Central Development Area (CDA) Capacity Study (2022) which assesses appropriate densities and heights in different areas of the city. What is not clear is the availability of 'known' sites in the study. The housing trajectory at Appendix 1 anticipates an average annual supply of 449 dwellings from this source. The comments made above with regard to NPPF paragraph 68 also apply to this source of the city's supply.
 - **Strategic sites** – the anticipated supply from these sites has reduced from 2,594 dwellings at Regulation 18 stage to 1,838 dwellings. As with the allocated sites above, information on the site's deliverability is limited and it is not clear which sites will come forward when.

Recommendation

- 2.13 **Object** to the plan on the basis that it is not consistent with paragraph 68 of the NPPF and fails to fully demonstrate how the Local Plan housing target in Policy SL01 will be delivered over the plan period. More evidence is required on the delivery rates of the specific site allocations (i.e. those sites making up the 'non-strategic allocations' and 'strategic sites' in Table 1 of the Local Plan). In addition, sites making up the Central Development Area supply should be specifically identified, and delivery rates supplied, otherwise this element of the supply is essentially another form of windfall development. Without such evidence, there is a concern that the level of unmet need in the City might increase further, which could potentially result in more pressure for development in North West Leicestershire. As

such, the plan is **not** considered to satisfy the tests of soundness, namely the requirements to be positively prepared, justified, effective and consistent with national policy.

Employment

- 2.14 Policy SL01 identifies the following employment land requirements for the period up to 2036:
- 46,000 sqm of offices (20,000 sqm of new offices are proposed at the railway Station and 20,000sqm of office floorspace in the Cultural Quarter at St George's. The other 6000sqm has consent in the Waterside character area).
 - 67ha for light/general industry and small scale storage and distribution uses.
- 2.15 The City Council is prioritising residential development in order to minimise unmet housing need. As a result, only around 44ha of employment land is proposed for allocation within the city's boundaries. The remaining 23 hectares will be provided outside the city boundary in Charnwood Borough as agreed in the Leicester & Leicestershire Statement of Common Ground on Housing & Employment Need (June 2022).
- 2.16 Table 8 (page 167) of the Submission Plan lists three strategic sites and three smaller sites which will provide 29.08ha of employment land. With the 23ha to be allocated in Charnwood Borough, this leaves a residual amount of some 14.92ha. The Plan states that "*the Council is undertaking Asset Reviews and considering the impact of the flexibility of the E Use class order, to monitor and make provision for the outstanding land*" (para 12.23) but provides no further information on how the shortfall will be addressed. The NPPF is explicit that strategic policies should make sufficient provision for employment (paragraph 20a) and set criteria, or identify strategic sites, to meet anticipated needs over the plan period (paragraph 82b). This omission needs to be addressed prior to submission as it is considered that it fails the tests of soundness with respect to being 'positively prepared' and/or 'consistent with national policy'.
- 2.17 In addition, in some places the plan states that the employment land requirement of 67Ha (to 2036) and in others the figure given is 65Ha. For clarity this should be corrected before submission and for the same reason the plan should specify the start date for the requirement.
- 2.18 Policy SL01 states that additional land for strategic distribution uses (over 9,000 sqm) will not be provided within the Local Plan area. Taking account of the city's tight boundaries and the sector's requirement for access to the Strategic Road Network, this is not an unreasonable position to take. It is noted that the City Council continue to work proactively with the other Leicestershire authorities on planning for this sector as confirmed in the [Leicester & Leicestershire Authorities - Statement of Common Ground relating to Strategic Warehousing & Logistics Need \(September 2021\)](#) . The City Council may additionally want to consider whether it would be appropriate to safeguard any existing sites specifically for strategic distribution. This may be justified to sustain the overall supply of premises for this sector.

Recommendation

- 2.19 **Object** to the plan's provision of employment land. The plan fails to demonstrate how the employment land requirement in Policy SL01 will be met in full. There appears to be a shortfall of some 15Ha (industrial and smaller warehousing) in the overall supply. The Submission Plan fails to anticipate how the city's employment needs would be met in full (a requirement of the NPPF) and this could potentially increase the pressure for more development in North West Leicestershire. As such, the Submission Plan is considered to fail the test of soundness as it is not 'positively prepared' and/or 'consistent with national policy'.

- 2.20 **Comment** that the plan should clarify the start date for the employment land requirement figure and confirm the exact amount which this Local Plan needs to meet.
- 2.21 **Comment** that the City Council should consider safeguarding existing strategic distribution sites to sustain the overall supply of premises for this sector.

Gypsies and Travellers

- 2.22 By way of background, a Leicester City Gypsy and Traveller Accommodation Assessment (GTAA) Addendum was prepared in September 2019. At the time of the Regulation 18 consultation, this did not appear to be available online.
- 2.23 As previously reported to this committee (Local Plan Committee, 8 December 2022) transit provision extends beyond being a local issue and tends to be considered at a county level. The GTAA Addendum is now available online and concludes it would still be appropriate to plan for 12 transit pitches (i.e. the same conclusion as the Leicester and Leicestershire GTAA prepared in 2017). This is consistent with the North West Leicestershire GTAA (2022), where it was concluded that Leicestershire as a whole should still continue to plan for its need of 36 transit pitches, and that the most immediate need is in the north west of the county.
- 2.24 The City Council's Regulation 18 Plan did not propose any provision for transit accommodation. However, the Submission Plan identifies two sites which the City Council says are both capable of accommodating 12 transit pitches; the strategic employment site at Beaumont Park (Policy SL06) and a smaller non-strategic site at Thurcaston Road/Hadrian Road open space (Policy E01).

Comment

- 2.25 The proposed provision of gypsy and traveller transit sites is welcomed. Policy SL06 states that the development at Beaumont Park will provide "[a] gypsy and traveller transit site that could accommodate 12 caravan spaces". Policy E01 for the Thurcaston Road/Hadrian Road site is less clear, stating that it "has been identified for a potential gypsy and traveller transit site."
- 2.26 Whilst officers welcome the proposed provision, the Plan fails to have full regard to the government's Planning Policy for Traveller Sites (2015), specifically Policy B (paragraph 10). As with housing, local planning authorities are required to identify a supply of specific deliverable sites for the first 5 years of the plan and a supply of specific developable sites for years 6-10 and possible 11-15. To assist with this national policy requirement, the following information would be of assistance:
- It is assumed that both sites, as existing open space, are in the ownership of the City Council and are therefore 'deliverable', but more information on this would be helpful.
 - When in the plan period is the transit provision anticipated to come forward?
 - Would both sites be developed for transit provision; if not, what is the mechanism by which the preferred site would be identified and developed?
 - Both sites are proposed as part of employment site allocations; has any thought been given on where in the site the transit provision would be best located?

Recommendation

- 2.27 **Comment** that the provision of at least 12 pitches would accord with the findings of the GTAA and that NWLDC supports the proposed provision of transit pitches in the city boundary.

2.28 **Object** to the limited information contained in the Plan on the deliverability of the two identified transit sites. Without this information, the Plan does not accord with paragraph 10 of the government's Planning Policy for Traveller Sites (2015). Furthermore, it is not effective or justified and so fails the test of soundness. The lack of such evidence could increase the pressure for more development in North West Leicestershire.

3 Next stages

2.29 According to the Leicester Local Development Scheme, the City Council anticipates that the Local Plan will be submitted to the Secretary of State in June 2023, with adoption of the plan by March 2024. Leicester's proposed housing supply and the resultant unmet need will be tested at the Local Plan examination.

Policies and other considerations, as appropriate	
Council Priorities:	None
Policy Considerations:	None
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified
Customer Impact:	No issues identified
Economic and Social Impact:	The District Council is working on a new Local Plan that includes a housing requirement which incorporates an element of meeting Leicester's unmet need.
Environment and Climate Change:	The District Council is working on a new Local Plan that includes a housing requirement which incorporates an element of meeting Leicester's unmet need.
Consultation/Community Engagement:	Portfolio Holder for Planning
Risks:	The District Council is a consultee on the City of Leicester Local Plan (Submission Plan). It is important that the District Council engage in the process to ensure that any concerns are raised to protect the Council's interests.
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